

IN THE HONOURABLE HIGH COURT OF SINDH AT KARACHI
(CONSTITUTIONAL JURISDICTION)

Constitution Petition No. _____ of 2019

1. Dr. Kausar Saeed Khan
Daughter of Saeed Khan Rehmani,
Resident of
Apartment GF3 , Building 8,
Seaview Township, D.H.A,
Karachi
2. Dr. Syed Haroon Ahmed
Through his lawfully appointed Attorney,
Dr. Aneel Kumar
Son of (Late) Reloo Mal,
Hindu, Adult,
Resident of Flat No. E 1301,
Parsa City,
Garden Road, Saddar, Karachi
3. Sameer Shakoor Khan
a.k.a Aradhiya Khan
Child of Shakoor Muhammad Khan,
Muslim, Adult,
Resident of
Flat No A1/23 2th Floor,
Sunny Pride Block 20,
Gulistan-e-Jauhar,
Rashid Minhas Road,
Karachi
4. Shaheen Suleman
Wife of Dr. Muhammed Suleman,
Muslim, Adult,
Resident/office at Patients Aid Foundation,
Jinnah Postgraduate Medical Centre,
Rafiqui Shaheed Road,
Karachi, Sindh, Pakistan
5. Dr. Tipu Sultan
Son of Syed Abu Zafar,
Muslim, Adult,
Resident of
M79/1, Khayaban e Ittehad,
Phase VII, D.H.A, Karachi
6. Dr. Qaiser Sajjad
Son of M. Sajjad Ahmed,
Muslim, Adult,
Resident of
1-C, 16th Commercial Street,
D.H.A Phase II Ext., Karachi
7. Karamat Ali
Son of (Late) Amanat Ali,
Muslim, Adult,
Resident/office at 143-A, Sector X-5,
Gulshan-e-Maymar, Karachi

8. Pakistan Institute of Labour Education & Research
Registered as an Association under Section 42,
Companies Ordinance, 1984,
Through its authorized person,
Having its registered office at PILER Centre,
ST-001, Sector X, Sub-Sector V,
Gulshan-e-Maymar,
Karachi
9. War Against Rape
Registered as a Society under the Societies Registration Act, 1860,
Through its authorized person,
Having its registered office at Office No.102 Pearl Crest, 18-C,
4th Commercial Lane,
Zamzama Boulevard, Phase V,
D.H.A, Karachi
10. Pakistan Association for Mental Health
Registered under Voluntary Social Welfare Agencies Ordinance, 196,1
Through its authorized person,
Having its office at Room 13,
Hilal-e-Ahmer House , Clifton,
Karachi.Petitioners

Versus

1. Federation of Pakistan
Through Ministry of National Health Services,
Regulations and Coordination,
Having its Office at Local Government and Rural Development Complex,
G-5, Islamabad
2. Province of Sindh
Through Chief Secretary,
Having its Office at Sindh Secretariat,
Saddar, Karachi
3. Province of Sindh
Through Secretary of Health,
Having its Office at Sindh Secretariat,
Saddar, Karachi
4. Province of Sindh
Through Home Secretary,
Having its Office at Sindh Secretariat,
Saddar, Karachi
5. Inspector General Sindh
Sindh Police,
Police Head Office,
I.I Chundrigar Road,

Saddar, Karachi

6. Sindh Health Care Commission
Through its Chief Executive Officer,
Having its Office at
2nd Floor, Block C,
Finance Trade Centre (FTC),
Shahrah-e-Faisal Road,
Karachi
7. Bureau of Statistics Planning &
Development Department
Through its Director General,
Having its Office at
Sindh Bureau of Statistics Complex,
ST-13, Chaudhry Khaliq-u-Zaman Road,
Block-8, Clifton, Karachi
8. PEMRA
Through its Chairman,
Having its office at PEMRA Headquarters,
G-10 Mauve Area G 8/1 G-8,
Islamabad.....Respondents

**CONSTITUTION PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

It is most respectfully and most humbly submitted on behalf of the above-named Petitioners as under:

1. That the subject-matter of the present Petition is in relation to the series of events contributing to the outbreak of Human Immunodeficiency Virus (HIV) which causes Acquired Immunodeficiency Syndrome (AIDS) [hereinafter referred to as ‘HIV/AIDS’] in Sindh in general, and Larkana in specific, in large part due to the negligence, and actions/inactions of the Department of Health, Government of Sindh, in relation to the implementation of Sindh HIV and AIDS Control Treatment and Protection Act, 2013 [hereinafter referred to as the ‘Act, 2013’]. Through the present Petition, the Petitioners seek, inter alia, an immediate response to the present health emergency, including but not limited to, the enforcement of the Act, 2013, by the Respondents, such that a Sindh AIDS Commission [hereinafter referred to as ‘Commission’] be established in accordance with Section 4 of the Act, 2013. The Petitioners seek enforcement of their fundamental rights and other citizens of Sindh, as guaranteed under the Constitution, 1973.
2. That the Petitioners are concerned citizens of Pakistan and known activists who are involved in various struggles for the enforcement of constitutional and human rights of the people of Pakistan who apprehend themselves and the population of Pakistan at large, to

be at a fatal health risk caused by the present outbreak of the HIV/AIDS epidemic. In their individual capacities as well as through informal and formal forums, organizations and activists' groups, they work for the causes that uphold human rights, social justice and regularly fight for the fundamental rights of the underprivileged and the marginalized individuals of our society. The Petitioner No. 1 is an expert in the field of Community Health and is the Lead Author of the NCHR Report titled 'Right to Health in Pakistan' which was inaugurated on 4th May, 2019, in the presence of the Honourable President of Pakistan, Dr. Arif Alvi. She has taught undergraduate and graduate medical students for numerous years and is presently employed at Agha Khan University Hospital and Indus Health Network. The Petitioner No. 2 in his personal capacity as well as in his capacity as the President of Pakistan Association for Mental Health, i.e. Petitioner No. 10, has always strived to raise awareness and improve access to mental healthcare in Pakistan. He is Professor Emeritus at Jinnah Postgraduate Medical Center (JPMC) Karachi. He is a Fellow of Royal College of Psychiatry, United Kingdom, and has a Doctor of Medicine (MD) from the University of Karachi. He has also helped draft the Sindh Mental Health Act, 2013, and apprehends grave psycho-social trauma to accompany the present HIV/AIDS outbreak. The Petitioner No. 3 is a trans rights activist and identifies as a transwoman. She is currently leading the project of Akhuwat Islamic Microfinance, titled: Akhuwat Khwajasira Support Program, in Karachi. She is also on the Board of Directors of the PECHRA (a non-profit organization for transgender rights) and has also worked with Sindh Transgender Welfare Network as their Area Coordinator and with Sub Rang Society as Community Mobiliser and has volunteered with several trans rights organizations and for several trans rights events throughout. She believes the trans community stands at greater risk in view of the present HIV/AIDS outbreak, as has also been identified in "Most at Risk Populations" in the Act, 2013. The Petitioner No. 4 is the founding member and Honorary General Secretary of Patients' Aid Foundation (PAF), which is a non-profit organization, initiated to provide quality and free healthcare to the patients. She is also on the Board for Legal Aid Foundation for Victims of Rape and Sexual Assault. She apprehends the present HIV/AIDS outbreak to be a grave threat to communities served by the organizations she is affiliated with. The Petitioner No. 5 is an acclaimed doctor who has held several important posts during the span of his career. He is the Chancellor of Malir University and has formerly served as the President of the Pakistan Medical Association (PMA) and as Principal for the Bahria Medical and Dental College. The Petitioner No. 6 is an eminent

ENT surgeon who has served as an excellent health professional during the span of his career. He is the Secretary of the Pakistan Medical Association (PMA) and also the Secretary for the Health Committee of the Arts Council of Pakistan, Karachi. Both Petitioner No. 5 and 6 apprehend a grave crisis unfolding as a result of the present HIV/AIDS epidemic.

Copies of the Curriculum Vitae, news articles and/or Professional Profiles of Petitioners No. 1 to Petitioner No. 6 are attached herewith as Annexure 'A' to 'A-5'.

3. That the Petitioner No. 7 in his personal capacity as well as in his capacity as the Executive Director of Pakistan Institute of Labor Education and Research (PILER) i.e. the Petitioner No.8 has always fought for the rights of labourers' and workers including, but not limited to, the victims of, inter alia, 2012 Baldia Factory Fire tragedy and had filed CP No.3318 of 2012 ['PILER and Others Versus Federation of Pakistan and Others'] and CP No.295 of 2013 ['PILER and Others Versus SBCA and Others'] before this Honorable Court in relation to the above tragedy. The Petitioner No.8 is a Non-Government Organization founded in the year, 1982, dedicated to promoting a democratic and effective labour movement for the overall advancement of a socially just and equitable society where the fundamental rights of people are respected and guaranteed. It apprehends the present HIV/AIDS outbreak to be a grave threat to the vitality of labor force of Pakistan. The Petitioner No. 9 is a Non-Profit Organization registered under the Societies Registration Act, 1860, committed to work towards creating a rape free society. Petitioner No. 9 believes that the present outbreak puts the group they serve at graver risk, i.e. victims and survivors of rape and sexual assault. Petitioner No. 10 is a non-profit organization, duly registered in 1970 as per the Voluntary Social Welfare Agencies Ordinance, 1961, and works to promote mental health across Pakistan. It has also advised and assisted the Government of Sindh at various junctures, including the drafting of the Sindh Mental Health Act, 2013.

Copies of the Profile, Certificates of Incorporation and/or Registration and Board Resolutions of Petitioner No. 7 to 10 are attached herewith as Annexure 'B' to 'B-6'.

4. That it is most humbly and most respectfully submitted that the Acquired Immunodeficiency Syndrome (AIDS) is a chronic, life-threatening condition caused by the Human Immunodeficiency Virus (HIV) ['HIV/AIDS'] and it has threatened the societal

fabric, health systems and socio-economic progress of many populations across the globe. It has particularly devastated the developing and under-developed countries, specifically Africa and India. HIV/AIDS is an autoimmune disease that threatens a large portion of the global population. It is noted that the World Health Organization [hereinafter referred to as 'WHO'] recognized the scale and gravity of this epidemic as early as in the year, 1988. It is submitted that according to the latest WHO figures, 36.9 million persons, including 1.8 million children, are HIV positive while 25% are not aware of their diagnosis. It is noted that HIV/AIDS spreads through sexual intercourse, through sharing intravenous injection needles, through blood transfusion, by penetrative contact with infected blood, or from mother to child during pregnancy, childbirth or breast-feeding. The children born to HIV positive mothers may have to confront HIV since birth. It is important to note that there is no permanent cure for HIV/AIDS, however, since the introduction of Antiretroviral drugs in the year, 1996, HIV can be prevented from turning into AIDS. However, if untreated, HIV turns into AIDS in about 10 years. Moreover, when AIDS occurs, the immune system is severely damaged, and the disease slowly eats away the affected person's body. Moreover, HIV positive persons are many times more susceptible to develop opportunistic co-infections and/or opportunistic cancers, including but not limited to Tuberculosis (TB), Hepatitis B and C, Cytomegalovirus, Candidiasis, Cryptococcal meningitis, Toxoplasmosis, Cryptosporidiosis, Kaposi's Sarcoma, Lymphoma, Wasting Syndrome, Kidney Disease and neurological complications. Therefore, HIV/AIDS is a ticking time bomb for the entire health system, the social fabric and the economy of Sindh, in specific, and Pakistan, in general. According to the WHO, only 15% of the HIV positive persons in Pakistan are aware of their diagnosis, and only 8% of these HIV positive persons have access to Antiretroviral drugs. It is submitted that if the present outbreak is not curtailed and treated, it will not only be disastrous due to the pressure it will exert on the health system, it will also result in the complete breakdown of the social fabric as the disease takes hold on the workforce, rendering numerous persons unable to work and strained to cover costs of medical expenditures, either as the HIV develops into AIDS or due to the contraction of contagious co-infections and diseased. Moreover, it will also result in grave law and order problems when diseased persons go untreated, young children, women and the elderly go uncared for and breadless, as a result of the economic and psycho-social strains brought on by the disease.

*A copy of the WHO HIV/AIDS Timeline, WHO Advice on the use of multi-disease testing for HIV, WHO Country Profile on Pakistan, Current global statistics published by AVERT, Co-infections factsheets are annexed herewith as **Annexure 'C' to 'C-5'**.*

5. That it is most humbly and most respectfully submitted that the Government of Sindh has taken partial cognizance of the threat of HIV/AIDS. The Governor of Sindh passed the Sindh HIV and AIDS Control Treatment and Protection Ordinance, 2013, on 22nd of May, 2013, due to the urgency of the threat. This Ordinance was put to the Sindh Assembly and it was passed as an Act of the Sindh Assembly on the 30th of October, 2013. The aforementioned Act, 2013, was promulgated in an effort to control HIV/ AIDS and to undertake measures for the treatment, care and support of persons living with HIV/ AIDS, and to provide for matters ancillary thereto in the Province of Sindh. Moreover, under Section 4(1) of the Act, 2013, the Government of Sindh, was supposed to establish the Sindh AIDS Commission, by notification in the Official Gazette, within 15 days from the date of promulgation of the aforementioned Act, 2013. However, despite the lapse of six years, the Government of Sindh, has failed to establish a Sindh Aids Commission till date. Furthermore, under Section 6 of the Act, 2013, various functions of the Commission have been laid down which gives Commission the powers to meet the objectives of the Act, 2013. However, despite various empty claims and several news reports over the course of the past six years, the Commission has yet to be established and made functional.

*Copies of the news articles alleging that the Commission would soon be made, are annexed herewith as **Annexure 'D' to 'D-2'**.*

6. That it is most respectfully and most humbly submitted that the outbreak of HIV/AIDS was recently reported in Larkana on 25.04.2019, which is a district which has also previously experienced repeated outbreaks of the HIV/AIDS. It is pertinent to note that in the last 18 years, Larkana has experienced at least three outbreaks, firstly, in the year, 2003, the virus was detected among one hundred prison inmates, then 3 years ago in the year, 2016, amongst dialysis patients at Chandka Medical Hospital, Larkana, and most alarming, is the present outbreak, detected in April, 2019, wherein 707 cases of HIV have been reported to have been detected. It is also important to mention here that in the recent outbreak in Larkana, more than 80% of those infected are children less than 15 years old. In a joint press conference, dated: 26.05.2019, i.e. a month after the outbreak was first reported, Chairman of Pakistan People's Party, Mr. Bilawal Bhutto-Zardari, Chief Minister of

Sindh, Health Minister for Sindh, and other important personnel, announced that an endowment fund will be set up to provide free healthcare for the lifetime of HIV/AIDS affected persons. However, this endowment fund is already the statutory obligation of the Government of Sindh under Section 5(7) of the Act, 2013. Nevertheless, such an endowment fund has neither materialized nor has any progress been reported in the matter. Despite repeated outbreaks of HIV/AIDS epidemic, which is chronic, contagious and life-threatening, and despite the promulgation of the aforementioned Act, 2013, the Respondent No. 2 and 3 have miserably failed to act. The only partially functional mechanism in place at the time is the Sindh AIDS Control Program conducted directly by Respondent No. 3, which is ineffective as is obvious from the facts, and the same is running without any oversight by the Commission, in violation of the Act, 2013. Respondent No. 1, 2 and 3 have even failed to meet their basic statutory obligations and promulgate the Rules governing the Act, 2013, and have failed to constitute a Commission in order to control the transmission of HIV/AIDS and to fulfill the objectives of the Act, 2013, till date. It is also important to note that the electronic news reporting of the present outbreak has repeatedly violated the privacy and dignity of affected and allegedly culpable persons without facing any known consequences from Respondent No. 8.

*Copies of the news articles reporting the present HIV/AIDS outbreak, the announcement of an endowment fund, the International Principles of Professional Ethics in Journalism, and a GBC report on HIV/AIDS workplace policies are annexed herewith as **Annexure 'E' to 'E-7'**.*

7. That it is most humbly and most respectfully submitted that the Government of Pakistan also took partial cognizance of the threat of HIV/AIDS. The Federal Government promulgated the HIV/AIDS Prevention and Treatment Act, 2006, [hereinafter referred to as Act, 2006] however, it failed to implement the Act and till date, there exists no National AIDS Commission, as mandated by the Act, 2006. Moreover, none of the provinces have functional AIDS Commissions. The HIV/AIDS epidemic is also spreading to the adjacent province of Balochistan where 300 cases were detected in May, 2019, however, the number of cases detected show that the threat is gravest in Sindh. Therefore, it is imperative to control and treat the HIV/AIDS epidemic in Sindh in order to curtail the threat of this disease spreading to other parts of Pakistan.

*A copy of the new report regarding the detection of HIV/AIDS in Balochistan is attached herewith as **Annexure 'F'**.*

8. That the present Petition has been instituted on behalf of the Petitioner No. 2, through his lawfully appointed Attorney, duly appointed vide Power of Attorney Dated: 18.06.2019, on behalf of the Petitioner No.8 through its Authorized Person, duly authorized vide Board Resolution dated: 10.09.2016 [**Annex 'B-2'**], on behalf of the Petitioner No.9 through its Authorized Person, duly authorized vide Board Resolution dated: 15.06.2019 [**Annex 'B-4'**], and on behalf of the Petitioner No.10 through its Authorized Person, duly authorized vide Board Resolution dated: 15.06.2019 [**Annex 'B-6'**].

*A copy of the Power of Attorney dated: 18.06.2019 is annexed and marked as **Annex 'G'***

9. That being aggrieved by the above mentioned actions/inactions of the Respondents, the Petitioners have no alternative efficacious remedy except to invoke the Constitutional Jurisdiction of this Honourable High Court on the, inter-alia, facts and grounds stated herein.

GROUND

- A) That it is most humbly and most respectfully submitted that the present outbreak of HIV/AIDS is a grave threat to the Health System, the social fabric, the economy and, law and order. This outbreak, particularly at this scale, would not have been caused but for the lack of the will to take action, malafides and illegal non-compliance of the statutory and constitutional obligations. It is submitted that the Respondent No. 2 and 3 have failed to promulgate rules and failed to effectively constitute the Commission mandated under Section 3(1)(a) and Section 4 of the Act, 2013. Therefore, they have failed to activate the Act, 2013 which is specifically passed to prevent and control the present epidemic. As a result, numerous lives have been put at risk and several more continue to be endangered. Therefore, this inaction by Respondent No. 2 and 3 is malafide and illegal and this is a clear and blatant violation of Articles 9 and 14 of the Constitution, 1973, which guarantee life, and human dignity. This is a further violation of Article 4 of the Constitution, 1973, which guarantees that each person shall be dealt with in accordance with the law.

B) That it is most humbly and most respectfully submitted that if this Public Health Emergency is not curtailed, an entire generation may be wiped out in Larkana and grave problems will arise for the province of Sindh and the entire country. However, Respondent No. 2 has even failed to identify the present HIV/AIDS outbreak as a Public Health Emergency. According to Section 3, 4 and 5 of the Public Health Emergency Ordinance, 1944, Respondent No. 2 is at liberty to declare an emergency, hire additional staff and take necessary measure to address the threat. The inaction of Respondent No. 2 is in clear violation of the International Health Regulations, 2005, of the World Health Organization, which clearly lays out the identification and procedure for Public Health Emergencies. Instead the Respondent No. 2 has chosen not to take proportionate action and has therefore, further endangered the lives of people in the province of Sindh, which is a clear and blatant violation of Articles 4, 9, 14 and 38 of the Constitution, 1973, which guarantee that each person shall be dealt with in accordance with the law, life, human dignity and social and economic wellbeing of the people of Pakistan.

C) That it is most humbly and most respectfully submitted that the HIV/AIDS epidemic is a chronic, contagious and life-threatening disease whose control and prevention is sensitive and complex. Therefore, it is imperative that the Act, 2013 be made fully functional through promulgation of Rules as mandated by Section 3(1)(a) of the Act, 2013. Moreover, it is imperative that the Sindh AIDS Commission be set up as mandated by Section 4 of the Act, 2013, and that such Commission has the mandated representation of relevant experts and representatives from “Most at Risk Populations” as defined under Section 2 (q) of the Act, 2013. Moreover, Section 6(1) requires that the Commission must serve as a watchdog and monitor the progress of the Sindh AIDS Control Program, it must create protocols and rules, it must create awareness programs, it must introduce HIV/AIDS and reproductive health awareness in secondary school curriculum, it must monitor the overall implementation of the Act, 2013. However, without the presence of a functional Commission, all these functions envisaged by the Act, 2013, are completely obliterated. Therefore, through the criminal inaction of Respondents No. 2 and 3, the entire purpose of the Act, 2013, has been frustrated. Moreover, the illegal and malafide actions of Respondents No. 2 and 3 have disproportionately affected the “Most at Risk Populations” and are therefore discriminatory in nature which is a complete violation of Section 8 of the Act, 2013, as the Respondents No. 2 and 3 have malafidely and illegally failed to prevent

any present or future discrimination, as mandated by law and have clearly and blatantly violated Articles 9, 14, 25, 26 and 38 of the Constitution, 1973, which guarantee life, human dignity, equality, equal access to public places and the social and economic wellbeing of the people of Pakistan.

D) That it is most humbly and most respectfully submitted that there is no clear statistical data which would enable Respondents No. 1, 2 and 3 to determine the extent to which the HIV/AIDS epidemic has spread across the province of Sindh and beyond the provincial borders. It is submitted that the Respondents No. 1, 2 and 3 have failed to engage Respondent No. 7, in accordance with Section 4(2)(c) of the General Statistics (Reorganization) Act, 2011, to carry out Multiple Indicator Cluster Surveys (MICS), throughout the Province of Sindh, in order to assist in policy making that reflects the situation on ground. There is also no mechanism in place to trace and tabulate the infection rate, the death toll and/or the concurrent contractions of opportunistic co-infections, opportunistic diseases and cancers. The Respondents No. 2 and 3 have continued to respond to the HIV/AIDS epidemic in an ad hoc and sporadic manner and have failed to even comprehensively assess the situation on ground and formulate an adequate policy response. Therefore, until a comprehensive survey is conducted, this clear and blatant violation of Articles 9, 14, 19-A and 38 of the Constitution, which guarantee that each person shall be dealt with in accordance with the law, life, human dignity, the right to information, and the social and economic wellbeing of the people of Pakistan, will continue to persist and their lives will continue to be endangered.

E) That it is most humbly and most respectfully submitted that it is clear and obvious from the facts before this Honourable Court that Respondents No. 1, 2 and 3 have failed to carry out their constitutional and statutory obligations as a result of which the population of Sindh has been deprived of its fundamental constitutional rights to life, liberty and equality, and the population of Pakistan, at large, has been put at risk. Till date, there has been no comprehensive inquiry report into the source and sudden spread of the HIV/AIDS epidemic. According to Section 4(2)(e) of the Sindh Health Care Commission Act, 2013, Respondent No. 6 is mandated to investigate matters of malpractice and maladministration. It is also clear and obvious from the facts that Respondents No. 2 and 3 have engaged in criminal negligence and therefore Respondents No. 4 and 5 are also obligated to investigate

the present HIV/AIDS outbreak. This grave threat cannot be tackled without a clear picture of the source, penetration, depth and implications of the present HIV/AIDS outbreak. Despite this, Respondents No. 2 to 6 have failed to investigate and assign responsibility and punishment to culpable persons. Therefore, the lack of an inquiry initiated by the Respondent No. 2 to 6 shows a callous attitude towards the lives endangered by the HIV/AIDS outbreak and shows obvious malafides and is, therefore, in clear and blatant violation of Articles 4, 9, 14, 19-A, of the Constitution, 1973, which guarantee that each person shall be dealt with in accordance with the law, life, human dignity and the right to information of the people of Pakistan.

F) That it is most humbly and most respectfully submitted that news media have printed and broadcasted pictures of persons who have been screened and/or tested positive for HIV/AIDS, including children. This is a blatant violation of their dignity, privacy and security. Moreover, they may suffer discrimination as a result of this exposure. News houses have also engaged in media trials of possible culprits behind the spread of the present HIV/AIDS epidemic. This is a violation of the letter and/or spirit of Principle VI and VII of UNESCO International Principles of Professional Ethics in Journalism, 1983 and of Sections 3(4), 4(5), 4(7)(d), 8(4), 8(6), 8(7), 11, 12, 14(5), 17, 19 [fact or opinion], 24 of the PEMRA Code of Conduct, 2015. However, Respondent No. 8 has completely failed to take the necessary action against such news outlets. Therefore, in view of the abovementioned facts, this inaction of the Respondents is malafide, illegal and is in clear violation of Articles 9, 14, 25 and 26 of the Constitution, 1973, which guarantee life, dignity and privacy, equality, and equal access to public spaces.

PRAYERS

- a) Declare that the Respondents No.1, 2 and 3, have completely failed in their legal obligation to fully and effectively implement Sindh HIV and AIDS Control Treatment and Protection Act, 2013;
- b) Direct the Respondents No. 2 and 3, to fully and effectively implement the Sindh HIV and AIDS Control Treatment and Protection Act, 2013, within the timeframe specified by this

Honourable Court and to submit monthly reports before this Honourable Court regarding its implementation. This includes but is not limited to the following statutory obligations under Sindh HIV and AIDS Control Treatment and Protection Act, 2013:

- i. Direct the Respondents No. 2 and 3, to establish, and make functional, the Sindh AIDS Commission under Section 4, Sindh HIV and AIDS Control Treatment and Protection Act, 2013, and further direct the Sindh AIDS Commission to become fully functional by exercising all essential powers under Sindh HIV and AIDS Control Treatment and Protection Act, 2013, and to submit a compliance report regarding this to this Honourable Court within three months of the disposal of this Petition;
 - ii. Direct the Respondent No. 2, to promulgate such rules as are necessary or proper for the implementation of the Sindh HIV and AIDS Control Treatment and Protection Act, 2013, and the accomplishment of its proposed objective, under Section 3(1)(a), Sindh HIV and AIDS Control Treatment and Protection Act, 2013, within the time frame specified by this Honourable Court and to submit a compliance report regarding this to this Honourable Court within three months of the disposal of this Petition;
 - iii. Direct the Respondent No. 2 and 3 to take all measures in order to ensure that there is no discrimination against the people affected by HIV/AIDS whether in the field of health care services, education, employment, provision of general, utility or any other form of services and or in relation to accommodation, whether in respect of accommodation for lease, rent, to let or hire and or for purchase as stated in Section 8 of the Sindh HIV and AIDS Control Treatment and Protection Act, 2013;
- c) Direct the Respondent No. 7 to carry out a Survey through the household survey initiative which utilizes the Multiple Indicator Cluster Surveys (MICS), throughout the Province of Sindh, including but not limited to hospitals, prisons, detention centres to document and verify the number of persons suffering from HIV/AIDS throughout the Province of Sindh, within the timeframe as specified by this Honourable Court and to submit a compliance report regarding this before this Honourable Court within four months of the disposal of this Petition;

- d) Direct the Respondent No. 4, 5 and 6 to conduct a joint inquiry into the present outbreak of the HIV/AIDS epidemic in Larkana and submit a comprehensive report to this Honourable Court within a period as specified by this Honourable Court;
- e) Direct the Respondent No. 8 to ensure the implementation of the Code of Conduct as enacted under Section 39 of the PEMRA (Amendment) Act, 2007 and Rule 2(1)(f) and 15(1) of PEMRA Rules, 2009, including but not limited to ensuring that the identity of persons affected by the HIV/AIDS virus are not disclosed by the licensees of the Respondent No.8 and no misinformation leading to hysteria regarding the HIV/AIDS epidemic is spread;
- f) Declare that persons or patients suffering/effected by HIV/AIDS virus are entitled to free health care for the treatment of HIV/AIDS from the Respondents No.1, 2 and 3 and to direct the Respondents No. 1, 2 and 3 to ensure that persons or patients suffering/effected by HIV/AIDS are provided free healthcare for the treatment of HIV/AIDS. To fulfil this declaration and mandatory injunction, the Respondents may be directed to submit periodic compliance reports before this Honourable Court within the time specified by this Honourable Court.
- g) Grant such further, additional or alternative relief, as this Honorable Court may deem fit and proper.

PETITIONER NO.1

PETITIONER NO.2

Through his lawfully appointed Attorney

PETITIONER NO.3

PETITIONER NO.4

PETITIONER NO.5

PETITIONER NO.6

PETITIONER NO.7

PETITIONER NO.8

Through the Authorized Person

PETITIONER NO.9

Through the Authorized Person

PETITIONER NO.10

Through the Authorized Person

ADVOCATE FOR THE PETITIONERS

Karachi;

Dated: _____, 2019

DOCUMENTS FILED: As shown in the Petition

DOCUMENTS RELIED UPON: The abovementioned documents e.t.c.

ADDRESS OF PETITIONER: As per in title of the petition

ADDRESS OF PETITIONER COUNSEL: Faisal Siddiqi
Advocate
14-C, 4th floor, 21st Street
Khayaban-e-Sehr,
Phase V, DHA,
Karachi.

DRAWN BY ME

ADVOCATE