

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

Constitution Petition No. D-4167 of 2019

Presented on 20/06/19

Additional Registrar (Wri)

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,
Rafiquei Shaheed Road,
Karachi, Sindh, Pakistan
5. 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



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
PIER 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, 1961
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

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,
1.1 Chundrigar Road,

3

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**



ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. D 4167 of 2019

Order with signature of Judge

1. For orders on Misc. 18365 of 2019
2. For orders on Misc. 18366 of 2019
3. For orders on Misc. 19592 of 2019
4. For orders on Misc. 19593 of 2019
5. For hearing of main case

07.08.2019

Mr. Muhammad Wavda, Advocate for the Petitioner.

Mr. Kafeel Ahmed Abbasi, Deputy Attorney General.

Mr. Muhammad Jawad Dero, Additional Advocate General Sindh.

Ms. Saadia Qureshi, Law Officer, Sindh Health Care Commission.

Mohammad Ali Khoso, Director General, Bureau of Statistics Planning and Development Department.

Dr. Minhaj Kidwai, CEO, Sindh Health Care Commission.

Rafiq Ahmed Junejo, SO, Home Department.

Moazzam Ali Rind, Statistics Officer, (Legal) BOS.

Basically the petitioner has approached this Court for the implementation of Sindh HIV and AIDS Control Treatment and Protection Act, 2013. Under Section 3 of this Act it is responsibility of the Sindh Government to implement and enforce this Act with certain powers given under the same section, whereas under Section 4 it is further provided that the Government shall within fifteen days from the promulgation of the Act, by notification, establish a Commission for prevention, control, care, support and treatment of HIV and AIDS in the Province of Sindh. Learned counsel argued that despite promulgation of the Law in 2013 no Commission has been made so far to effectually implement the Act. The learned AAG is directed to submit the comments and he will also intimate this



Court as to when the Commission will be constituted. He will also submit the data with regard to HIV and AIDS patients in Sindh that can be collected by him from Health Department. Counsel for the Petitioner is directed to supply copy of the petition to the learned AAG during course of the day. Learned AAG will also call the Additional Health Secretary, Government of Sindh as well as responsible officer of the Commission on the next date. The respondent No.7/Director General Bureau of Statistics has submitted comments in compliance of the order dated 10.07.2019, copy has been supplied to the counsel for the petitioner. Dr. Minhaj Qidwai, CEO, Sindh Health Care Commission is present and he categorically stated that the entire data of the HIV patients is available with the Health Department and Health Care Commission has nothing to do with the data. Since we have already directed learned AAG to do the needful, therefore, presence of the Chief Executive Officer of Sindh Health Care Commission is not required till further orders. Adjourned to 27.08.2019 at 11:00 a.m.



sd/- Muhammad Ali Mazhar
Judge

sd/- Agha Faisal
JUDGE