

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:
Mr. Justice Gulzar Ahmed
Mr. Justice Munib Akhtar

Human Rights Case No.62837-S/2018

In the matter regarding death
of Amal Umer due to
irresponsible firing by Sindh
Police and for want of
emergency medical)

In Attendance : Mr. Faisal Siddiqui, ASC
(Parents of Amal Umer)
Barrister Ghulam Shabbir Shah,
Addl. A.G. Sindh
Mr. Amir Sheikh, Addl. I.G.P. Sindh
Mr. I.D. Mangi, AIG Police Legal
Mr. Tariq Dharejo, SSP Investigation
South, Karachi
Miss Nargis Gillu, Chairperson, Sindh
H.C.C.

Mr. Mansoor Usman Anwar, ASC
Mr. Muhammad Sharif Janjua, AOR
(For NMC)

Mr. Zulfiqar Ahmad Bhutta, ASC
(For Dr. Shamil)

Date of hearing : 17.10.2019

ORDER

Gulzar Ahmed, J.- We have heard Mr. Faisal Siddiqui, ASC, learned Additional Advocate General Sindh, the Chairperson of the Sindh Healthcare Commission and Mr. Amir Sheikh, Additional I.G.P, Sindh. It appears that report of the Committee constituted by this Court is already available on the file, wherein certain observations have been made regarding provision of emergency healthcare by the hospitals and Government's responsibility in this respect. It has also dealt with the manner

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long

in which the police officials have committed themselves in the incident.

2. The Chairperson, Healthcare Commission states that Sindh Healthcare Commission Act, 2013 (Sindh Act No.VII of 2014) is being implemented in its letter and spirit and the Healthcare Service Providers and the Healthcare Establishments are being registered and licenses are also being issued to them after they have fulfilled the requirements of the Act, Rules and Regulations. It was noted that in the very definition of Healthcare Establishment there is a requirement of a declaration being issued by the Government and published in the Official Gazette. Learned Addl. A.G. states that he was not aware whether any such declaration has been issued by the Government and would like to obtain instructions on such aspect of the matter. He also states that if the requisite declarations have not been issued, he shall ensure that required declarations are issued by the Government and published in the official gazette as also in print and electronic media, informing the public of such declaration. The question now appears to be dealt with, is about the conduct of the National Medical Centre ('NMC') and to see as to whether they have provided emergency healthcare facility as per the law and if such is not done by it or found lacking in providing of emergency healthcare facility, what sort of action or liability is to be imposed upon them.

3. The next question is about the compensation to be paid to the parents of the deceased Amal and whether NMC will be a party in making of payment of compensation or not, this issue shall be dealt with by the Chairperson, Sindh Healthcare Commission and appropriate report in this regard shall be filed to be placed before the Court. Such be done after hearing all the relevant parties and proper inspection of the health facilities available at NMC. The report in this regard shall be filed by the Chairperson within a period of one month. At the same time we also expect that the Government of Sindh shall also come forward to offer the compensation to the parents of deceased Amal for that the cause of death of the deceased apparently is on account of negligence of the Government and its officials,



more particularly, the police officials and in this regard the officials should be made responsible for their acts of omission and commission. The Government, on the other hand, shall be free to take action against the responsible officers and recover from them the amount of compensation that it has to pay. Learned Additional A.G. states that a statement in this regard shall be made before the next date of hearing.

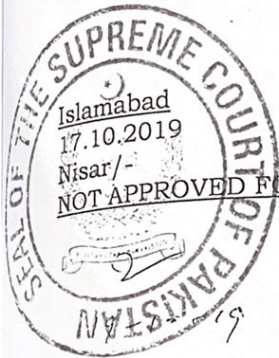
Adjourned to a date after one month.

4.

Mr. Justice Gulzar Ahmed
Mr. Justice Munib Akhtar

Certified to be True Copy

S. Q. Nisar 19-10-19.
Sr. Court Associate
Supreme Court of Pakistan
Islamabad



NOT APPROVED FOR REPORTING