

## HIGH COURT OF SINDH AT KARACHI

C.P. No.D-4819 of 2018.

Date	Order with signature of Judge
	For hearing of main case.
	Report of Distt. & Sessions Judge Umerkot filed in part file.
	Report of Distt. & Sessions Judge Matiari filed in part file. Report of Distt. & Sessions Judge Jacobabad filed in part file. Report of Distt. & Sessions Judge Malir Karachi dated 08.05.2019 filed in part file.
	Report of Distt. & Sessions Judge Malir Karachi dated 28.05.2019 filed in part file.
	Report of Distt. & Sessions Judge Shahdadkot Kamber dated 06.05.2019 filed in part file.
	Report of Distt. & Sessions Judge Shahdadkot Kamber dated 16.05.2019 filed in part file.
	Report of Distt. & Sessions Judge Shikarpur filed in part file.
	Report of Distt. & Sessions Judge Mirpur Khas dated 08.05.2019 filed in part file.
	Report of Distt. & Sessions Judge Mirpur Khas dated 16.05.2019 filed in part file.
	Report of Distt. & Sessions Judge Kandhkot filed in part file.
	Report of Distt. & Sessions Judge N/Feroz filed in part file. Report of Distt. & Sessions Judge Tharparkar filed in part file.

**30.5.2019.**

Ms. Saba, Advocate for the petitioner.  
 Mr. Hakim Ali Shaikh, Additional Advocate General.  
 Mr. Nadeem Khan, Assistant Attorney General.  
 Mr. Hakim Ali Zardari, Focal Person Home Department.  
 Mr. Asghar Ali Memon, Additional Secretary (Health).  
 Mr. Muhammad Ibrahim Memon, DS Health Department.  
 Dr. Altaf Hussain Shaikh, OSD Health Department.  
 Mr. Muhammad Younus, SO (Litigation) Health Department.  
 Dr. Khadim Hussain Qureshi, M.S. Civil Hospital, Karachi.  
 Dr. Abdul Saeed, DSM (Legal) Dr. Ruth K.M. Pfau, Civil Hospital.  
 Mr. Shakeel Ahmed, D.S. Finance Department.  
 Mr. M. Saleem, S.O. Finance Department.  
 Dr. Sumair Noor Channa, SP Investigation-II South.  
 PI Iftikhar Hussain, SIO Eidgah

**ORDER****Mohammad Karim Khan Agha-J:****Missing Baby:**

1. Investigation officer (IO) has submitted his report which is taken on record. I.O. of the case submits that he has issued letters to the Director Information Sindh for advertisement of information of the missing child Noman aged about 03 years in the electronic and print



media. Investigation officer further submits that he had written letters to all Divisional DIGP's of Sindh to seek help for the recovery of missing child. It is **ordered** that all possible efforts shall be made by the investigation officer to trace out the missing child. Keeping in view the sensitivity of the matter, I.G. Police Sindh, Karachi is **directed** to look into the matter personally and ensure that a progress report is submitted on the next date of hearing.

**With regard to Civil Hospital and other Government Hospitals in Sindh:**

2. In response to our order dated 09.05.2019 report of Special Secretary (Admn) on behalf of Secretary Health is taken on record. Pursuant to aforesaid order, the Secretary Health was directed to ensure that all deficiencies were rectified prior to today in respect of following equipment:-

- (a) CT Scan is out of order,
- (b) 04 Ventilators require repair,
- (c) Both Cardio Cath labs are out of order,
- (d) Repair and maintenance to casualty department was needed which will be completed by June, 2019.
- (e) A warehouse needs to be constructed,
- (f) Some encroachments not covered by Supreme Court Stay Orders still need to be removed.

3. It appears from the report that none of the deficiencies have been fully rectified and that most of the equipment remains in a state of disrepair. Once again the Secretary Health is **directed** to ensure that all the above equipment is either replaced or repaired so that all such equipment are in good working order and that the warehouse is constructed and that all encroachments are removed prior to the next date of hearing.



4. It also appears from the report that the Health Department, Government of Sindh has constituted a Committee with the following terms of reference (TOR's):-

**TERMS OF REFERENCE TORs**

- To study observations of learned District & Session Judges and recommend way forward for repair and maintenance/procurement of new machinery and equipment/availability of medicine for disbursing free of cost to patients.
- To submit report on the enclosed proforma latest by 22<sup>nd</sup> May 2019.

5. A report on the implementation of the TORs was **not** submitted by 22<sup>nd</sup> May by the Committee. Be that as it may, we find it difficult to understand the purpose of the Committee having such terms of reference. The reports received by the District & Sessions Judges, for each public hospital in their respective district in the province of Sindh both clearly and adequately set out the maintenance and repair works needed to be carried out at such hospital, what equipment and machinery is required and what staff is required and what other actions are necessary to ensure that such public hospitals were in a position to adequately treat free of cost all members of the public. Prime-facie such TORs seem to be a delaying tactic in implementing the requirements of each public hospital as already set out by the District and Sessions Judges in their respective reports.

6. Just by way of one example to show the terrible conditions of the public Hospitals in Sindh which the general public including men, women and children have no choice but to endure if they fall sick we set out the salient features of the report of the District and Sessions Judge South in respect of **Lyari General Hospital** Karachi which in material part reads as under;



"SUB: INSPECTION REPORT OF LYARI GENERAL HOSPITAL  
SITUATED IN DISTRICT SOUTH KARACHI.

REF: (1) ORDER DATED 11.04.2019.

In compliance of order passed in the above-mentioned petition, the undersigned has called detail report from the Medical Superintendent of the concerned hospital and the team of judges have also physically inspected the hospital just to ascertain the position. The detail reports on the given points are as under:-

A. WHAT CONDITION THE HOSPITAL BUILDING IS IN?  
E.G. IS IN IT GOOD STATE OF REPAIR AND IF NOT  
WHAT MAINTENANCE IS REQUIRED;

**The main building of Lyari General Hospital is not in good condition. It has seepage & sanitation problem, there was seepage from water tank constructed on the roof of the building & water was flowing from every corners which needs immediate repair & maintenance. The hospital authority has given assurance regarding its repair in short space of time. (Photos of building are attached herewith & marked as Annexure A, A-1 to A-4).**

**Similarly, electrical system installed in the building was appearing to be un-just & un-safe and there are chances of spreading fire (photographs are enclosed and marked as Annexure B, B-1 to B-2). There are two elevators, one is working while one is out of order and one stair case having no ramp which certainly inconvenient and creates difficulty to disabled patients. There was no proper mechanism for shifting of patients to upper floors.**

**The Kitchen used for the patients was in unsatisfactory condition. The sewerage water was available inside the kitchen. Out of two one Refrigerator was functional which was stuffed with poor quality material which needs immediate arrangements and action by the competent authority (Photographs are enclosed and marked as Annexure C).**

B. WHETHER THE HOSPITAL HAS SUFFICIENT DOCTORS  
AND OTHER MEDICAL STAFF ON DUTY TO TREAT THE  
PATIENTS FOR ANY AILMENT WHICH THEY MAY BE  
SUFFERING FROM.

**There was shortage of doctors and para-medical staff. As per hospital management the duty doctors have extra burden and discharging extra duties in all shifts, which affect their standard of services to the patients. The health department has been requested to fill-up the vacancies and the issue of the appointment is pending. There are approximately 375 vacancies.**



- C. TO CONFIRM THAT THE HOSPITAL HAS SUFFICIENT WORKING EQUIPMENT IN ORDER TO ADEQUATELY TREAT ITS PATIENTS FOR ANY AILMENTS WHICH THEY MAY BE SUFFERING FROM.

*There are four operation theaters, out of which two were found dis-functional. O.T. (1) is in worst condition. Whereas, the patients are being operated in O.T. (2) without facility of air-condition. The duty doctors and staff of the operation theater have disclosed that most of the medical-equipment used in the Operation are out of service and no any instrument has been purchased in past years. They also raised the issue of non-availability of the electricity in load-shedding hours and alternate arrangement. The available one generator was reported to be out of order and non-functional due to non-supply of fuel. There was no bio-medical engineer in the hospital to ascertain the condition of available old medical-equipment. (Photographs of OTs are enclosed and marked as Annexure D, D-1).*

*There was no adequate staff to deal with large number of patients. The emergency trolleys, ventilators machines, Suction machines portable X-rays, dressing sets were not available in the hospital.*

- D. WHETHER FURTHER EQUIPMENT IS REQUIRED AND LSIT THAT EQUIPMENT.

*As per management a great deal of additional equipment is required for the hospital in the following Departments (as detailed in the Report):-*

1. DEPARTMENT OF RADIOLOGY.
2. DEPARTMENT OF PATHOLOGY.
3. BLOOD BANK.
4. DEPARTMENT OF CARDIOLOGY.
5. DEPARTMENT OF GYNAE AND OBS. O.T. AND LABOR ROOM.
6. DEPARTMENT OF PAEDS/ NICU/ NURSERY
7. DEPARTMENT OF UROLOGY.
8. DEPARTMENT OF ENT.
9. DEPARTMENT OF EYE.
10. DEPARTMENT OF ORTHOPEDIC.
11. DEPARTMENT OF SURGERY.
12. DEPARTMENT OF SKIN/ DERMATOLOGY.
13. DEPARTMENT OF NEPHROLOGY.
14. ALL OT'S/ ANESTHESIA DEPARTMENT.
15. SURGICAL ICU.
16. MEDICAL I & II.
17. LIVER CLINIC.
18. EMERGENCY.
19. OPD.
20. MISCELLANEOUS.
21. STERILIZATION UNIT.
22. LAUNDRY UNIT.



**E. TO PROVIDE A LIST OF ALL EQUIPMENT IN GOOD REPAIR AND ALL EQUIPMENT WHICH IS OUT OF ORDER;**

***During visit a great deal of equipment was found out of order in the following departments as detailed in the report:-***

1. DEPARTMENT OF RADIOLOGY.
2. DEPARTMENT OF PATHOLOGY.
3. DEPARTMENT OF GYNAE & OBS. O.T. & LABOR ROOM.
4. DEPARTMENT OF PAEDS/NICU/NURSERY.
5. DEPARTMENT OF DENTAL.
6. DEPARTMENT OF UROLOGY.
7. DEPARTMENT OF ENT.
8. DEPARTMENT OF EYE.
9. DEPARTMENT OF PAEDS/NICU/NURSERY.
10. DEPARTMENT OF DENTAL.
11. DEPARTMENT OF UROLOGY.
12. DEPARTMENT OF EYE.
13. DEPARTMENT OF ORTHOPEDIC.
14. DEPARTMENT OF SURGERY.
15. DEPARTMENT NEPHROLOGY.
16. ALL O.T'S.
17. SURGICAL ICU.
18. MEDICAL I & II.
19. LIVER CLINIC.
20. EMERGENCY.
21. DEPARTMENT OF PHYSIOTHERAPY.
22. STERILIZATION UNIT.
23. LAUNDRY UNIT.

**F. TO REPORT OF THE HYGIENE AND SANITATION OF THE HOSPITAL.**

***Hygienic and Sanitation Condition of the hospital was quite un-desired Sewerage water was seen in the kitchen. Meat lying in the refrigerator was found un-hygienic condition, wash-rooms were un-clean. Portable drinking water was not available at the building for the patients. Bed sheets, mattress and pillows for patients were dirty and un-clean No proper sterilization system of medical equipment was available. There is need of installation of hand wash sanitizers water coolers and air condition system to improve sanitation of the hospital.***

**G. TO CONFIRM THAT THE HOSPITAL HAVE ADEQUATE SECURITY ARRANGEMENTS;**

***The hospital has neither CCTV Cameras system or police picket has been established over there. The hospital management has raised the issue of security and demanded installation of the CCTV Cameras and so also proper police post for the hospital.***

4



H. TO CONFIRM THAT THE HOSPITAL IS PROVIDING  
MEDICINE FREE OF CHARGE TO ALL THE PATIENTS;

*Patients were randomly enquired regarding the supply of required medicine and there was no complaint, even in some cases the fact of supply of the costly medicine was confirmed up-to the level of end user. **However, no software was available to monitor the availability and distribution of the medicines etc. The hospital authority was directed to arrange the method of software as installed in the Civil Hospital. There was cooling issue in store. Electrical wires are very faulty and invite and mis-hape. The roof of store is crumbling.***

I. TO CONFIRM THAT THERE ARE SUFFICIENT DOCTORS  
AND OTHER MEDICAL STAFF HAVING REQUIRED SKILL  
TO OPERATE ALL THE EQUIPMENT AT THE HOSPITAL.

***There is acute shortage of qualified doctors as well as trained medical staff to attend large number of patient coming from all over the country.** The detail has already been pointed supra.  
Report is submitted accordingly.*

Sd/-  
(IMDAD HUSSAIN KHOSO)  
District & Sessions Judge, Karachi South.

7. Accordingly, the Secretary Health is **directed** to ensure that all the aspects pointed out in the reports of the District & Sessions Judges in respect of the public hospitals in their respective district are rectified/acted upon including repair, maintenance, provision of equipment and staff etc. prior to the next date of hearing.

8. In this respect the Secretary Health shall file a report which shall clearly state what works/repairs/maintenance the respective District & Sessions Judges in their reports required to be carried out/what equipment was needed, how many staff and at what level etc. were needed in respect of each public hospital **and confirmation** that all such work has been undertaken, all such equipment and staff provided as set out in the reports of the District & Sessions Judges.

3

9. We **direct** the Secretary Finance to ensure that sufficient budget is made available for the aforesaid purposes since citizen's right to adequate health care is a part of the right to life which is a fundamental right guaranteed under the constitution which the Government of Sindh is obliged to ensure.

10. On the next date of hearing Secretary Health and Finance, MS Civil hospital and Director Anti Encroachment GOS shall all be in attendance. A copy of this order shall be sent by fax to them for compliance and also to the Chief Secretary Government of Sindh for information

To come up on Wednesday August 7, 2019.

Arif