

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**CP.No.3721 of 2024**

| Date | Order with signature(s) of Judge(s) |
|------|-------------------------------------|
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**Before:**

**Salahuddin Panhwar &  
Amjad Ali Sahito, JJ**

**03<sup>rd</sup> October 2024**

Mr. Arshad Tayabaly, advocate for petitioner.

M/s. Waleed Khanzada and Qamar Abbas Abbasi advocates for KW&SC.

Mr. Rajesh Kumar advocate for Sindh Authority alongwith Dr. S.M. Ghufraan Saeed, Associate Professor, Dept. of Food, Mr. Muzammil Hussain Halipot, D.G. Sindh Food Authority.

Mr. Muhammad Vawda & Dr. Shahab Imam advocates/amicus.

Mr. Shaheryar Mehar, AAG.

Mr. Suhail Ahmed Qureshi, Secretary Health, Government of Sindh.

Mr. Muhammad Qasim, DAG.

Mr. Abdul Sattar Pathan, Law Officer, Law Department, Govt. of Sindh.

Mr. M. Ashraf, Director CA, (PSQCA), Sajid Mian, Deputy Director and Ijlal Hussain, Field Officer.

Mr. M. Abbas Laghari and Abdul Hafeez Abbasi, S.O. Finance Department.

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**Salahuddin Panhwar, J:-** Mr. Zain A. Soomro, advocate files vakalatnama on behalf of respondent No.4, which is taken on record.

2. By order dated 2<sup>nd</sup> September 2024, in paragraphs No. 3 & 4 it was observed as under:-

“3. It has come on record that the Petitioner is registered with Sindh Food Authority. Chairman and Director General, Sindh Food Authority are present and contend that food is provisional subject and potable water also falls in the category of food. They have taken action against various companies, including foreign companies and they have found such water, (claimed as mineral water), not fit for human consumption. Further, they undertake that they will launch campaign against all the companies in the whole of province and will ensure that in the name of mineral water, the companies shall not be permitted to breach the trust of consumers and shall provide purified potable water; they shall also examine the standard of plastic bottles provided by companies and in case same are substandard and regulation shall be cancelled with coercive action[s].

4. The Director General, Sindh Food Authority, contends that around four hundred bottled / mineral water companies are registered with the authority. Whereas, it has also come on record that around eight hundred companies are registered with the federal government's concerned department. Volume of the companies registered by the Province of Sindh and Federation

shows smoke on the screen and same is not appealable to a prudent mind that hundred companies can be checked by two laboratories."

In compliance thereof, Director General of Sindh Food Authority has submitted a report. Being relevant paragraphs Nos. 4, 5, 6, 7, 9 & 10 are that:-

"4. In compliance, SFA expedited its ongoing campaign and inspected up to 463 food business units/RO plants across the province, producing/supplying bottled and filtered water products to the public.

5. These inspections firstly started with covering all the units that had been registered with SFA as per available record. Out of the available list, up to 233 units had either closed or shifted from their recorded addresses. Later, 58 new plants were also visited by the SFA teams to ensure maximum coverage of this campaign.

6. At the outset, SFA teams across the province found that 43 plants were compliant with Pakistan standards and 19 with WHO standards. Out of the total units visited, 13 food business units/plants were found working in unsafe and unhygienic environments. The prevent health risks to public at large, production of these units was suspended immediately.

7. Overall, 238 units were issued improvement notices to address safety and quality issues identified by SFA teams. These food units have been given 14 days' time to rectify problems identified by the SFA teams. The same units will be rechecked as and when the stipulated time is reached.

9. So far, sample results of 82 plants have been found satisfactory and "fit for human consumption." Whereas, results of 62 samples revealed that these were "unfit for human consumption". Subsequently, production of all such units has been suspended and legal action has been taken.

10. Previously, under the same campaign, SFA had issued a recall order dated 31.07.2024 (Annex-A) to recall 23 bottled water products, found and reported "unfit for human consumption" by PCRWR. Moreover, SFA also suspended production and recalled products of 2 units, after samples of these bottled water manufacturing units were found "unfit for human consumption" by the SFA lab (Annex-B). These previous visits included the inspection of large units like NESTLE and AQUAFINA. Results of samples drawn from these units have been found satisfactory by the SFA lab."

3. Perusal of the compliance report, filed by the Sindh Food Authority reflects that the Authority, without inspection at the site, issued licenses to drinking water companies and found 62 samples unfit for human consumption. Further, 23 bottled water products were found unfit for human consumption by the PCRWR. *Accordingly*, it is admitted that companies with low standards, operating under the license of the Sindh Food Authority, are providing/selling sub-standard water within the province of Sindh. **Hence, the Director General of the Food Authority**

**shall continue the campaign against these companies, including taking criminal action and cancelling their licenses accordingly. The DG of the Food Authority shall also submit the progress report on the next date of hearing.**

4. Furthermore, paragraph No. 6 of the report reflects that under the existing laws *at both provincial & federal levels*, arsenic and fluoride are optional and not mandatory for companies operating in the country, even multinational companies are not required to treat and remove these chemicals, which can cause cancer and other serious ailments. **Therefore, the Federation and Province of Sindh are hereby directed to legislate laws in accordance with WHO standards, preferably within three months and submit a comprehensive report.** These directions were already highlighted by this Court in paragraph No.7 of the referred order.

5. Report of Assistant Director (Legal) Pakistan Standards & Quality Control Authority (**PSQCA-Karachi**) reflects that:-

"The Director General, PSQCA constituted/Notified the Special Committee regarding physical visit of the licensee brand to check the quality of Bottled Drinking Water (B.D.W) in accordance with relevant Pakistan Standards Specification (PS 4639).

PSQCA teams visited **743 brands** of Bottled Drinking Water (B.D.W) and collected 144 samples and the same were tested in the laboratory. According to test results, 100 samples were found confirmed (OK) and **44 samples were found non-confirmed.** During this process, 375 numbers of brands were found closed. The process for cancellation of the licence has been initiated for those brands.

Furthermore, **156 brands** have already requested for cancellation of their licence due to closure of business/change of location."

**Accordingly, the concerned authority (PSQCA) shall proceed in the matter, as reflected in the report, in accordance with the law and submit the progress report on the next date of hearing.** Besides, the concerned authority is also directed to conduct visits to licensee brands/plants of Bottled Drinking Water all over Sindh on a quarterly basis in accordance with the rules & regulations, *as clause 24 (6) of Pakistan Conformity Assessment Rules 2011* gives the ample power to the concerned authority. In this regard, the reports shall be placed in the chambers for further orders, *if any* through learned Additional MIT-II.

6. **Regarding SNEs of laboratories and dialysis machines**, a report is submitted by the Secretary Health, Government of Sindh, though such report is not appended with the notifications and relevant documents to ascertain whether SNEs with regard to dialysis centres were approved within the stipulated period.

*However*, the Secretary Health contends that there is a need for legislation and that the Service Rules are to be amended, *as at present*, **there is not a single Nephrologist in public sector (Health Department) in tertiary hospitals as well as Taluka and district Hospitals in province of Sindh** who can run the affairs of dialysis units and issue related to Kidney Stones.

7. *In recent times*, the prevalence of kidney-related illnesses has been steadily rising, largely due to unhealthy lifestyles and the consumption of unhygienic foods and mineral water. In addition to infectious diseases, kidney & urinary tract infections have become some of the most common health issues in Pakistan. Diabetes, particularly when long-standing, significantly contributes to kidney damage and Pakistan has also one of the highest rates of diabetes in the world. Given this alarming situation, it is imperative that every Taluka District Headquarters (DHQ) Hospital(s) and Tertiary Hospital(s) be equipped not only with a *Nephrologist* but also with a fully established Nephrology department to ensure proper facilities and treatment for these critical conditions.

8. *Secretary Health's* report reflects that a summary has been floated to the Worthy Chief Minister Sindh with regard to the creation of sub-specialties posts in various sub-specialties, including a *Nephrologist*, for all Tertiary/Teaching Hospitals all over the Province of Sindh. *However*, regarding the creation of the post of *Nephrologist* in other THQ/DHQ Hospitals, the Health Department would approach the Finance Department for approval of the SNE in the current financial year through a new SNE. *Accordingly*, the Secretary Health shall float the summary with regard to new SNEs having other technical staff including a *Nephrologist* at Taluka and District Headquarters Hospitals without delay. The Finance Secretary shall ensure the approval of the same without loss of time, as health subjects cannot be compromised. The Chief Secretary Sindh shall ensure the approval of the summaries within one month. *Meanwhile*, a progress report regarding the matter as discussed shall be submitted on the next date of hearing by all relevant offices.

9. *In the second stage*, the Secretary Health should take steps toward the **establishment of Nephro-Urology Departments** in all DHQ Hospitals in Sindh, ensuring comprehensive care and treatment for patients suffering from kidney & urinary tract diseases. **It is alarming that having a two hundred plus billion budget of the Health Department, there is no post of Nephrologist in public health hospitals, even in tertiary hospitals;** hence, this subject, *as discussed above*, shall be treated and dealt with on a war basis by the Secretary Health and Chief

Secretary Sindh and a compliance/progress report thereof shall be submitted on next date of hearing.

10. Reverting to Paragraph No.5 of Health Secretary report, which *divulges* that:-

“5. It is further submitted that a dialysis unit consisting of 1 to 10 dialysis machines for which the following staff is required;

- a) Nephrologist (1)
- b) Haemo Technician (2)
- c) Dialysis Technician (2)
- d) Nurse (2)
- e) Ward boy (2)

The required time for dialysis is 4 to 5 hours. Each dialysis unit at DHQ and THQ level works on a 24/7 basis in three shifts (each shift of 8 hours).

6. The Health Department has requested the SGA&CD for approval of draft recruitment rules for the post of Nephrologist (BS-18) by placing the same before the Recruitment Rules Committee-I.”

*Accordingly*, the Chief Secretary Sindh shall ensure that the draft recruitment Rules as submitted to the Recruitment Rules Committee are approved and SNEs for all taluka, District and Tertiary hospitals on a 24-hour basis, as explained in para-5, are approved/sanctioned through the summary moved by the Health Secretary. This exercise shall be completed within one month. An interim report shall be placed in chambers for further orders, *if any*, through **learned Additional MIT-II**.

11. Details of SNEs have been submitted by the Secretary, Public Health Engineering & Rural Development Department, Government of Sindh with regard to Water Testing Laboratories alongwith types of equipment, hence, the Public Health Department shall ensure recruitment and functionality thereof within three months.

12. The learned Additional MIT-II shall ensure compliance with the order in letter & spirit.

Being a part heard, adjourned. To be fixed after eight (08) weeks.

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