

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-2984 of 2026
(Tariq Mansoor versus Province of Sindh & others)

Date	Order with signature of Judge
------	-------------------------------

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and decision: 11.8.2026

Mr. Tariq Mansoor, petitioner in person
Barrister Zohaib Zulfiqar Sarki, Additional AG
Mr. Mohsin Qadir Shahwani, advocate for the Respondent- SESSI along with
Mr. Azain Memon, advocate for the SESSI
Mr. Ghulam Asghar Pathan, Advocate for the SESSI
Mr. Sarfaraz Ali Metlo, advocate for respondent No. 7, along with
Mr. Faiz Ali Sheeraz Metlo, Mr. Zeeshan Ali Haidery Metlo and Mr. Farooq Ali, advocates
DSP Sajid Gujjar on behalf of AIGP (Legal)
DSP Ayaz Rajpar on behalf of AIGP (Legal-II)

ORDER

Adnan-ul-Karim Memon, J. Petitioner Tariq Mansoor has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 with the following prayer (s): -

1. *To may direct the Respondents No.3, 1,2, 11, 9 and 10 to immediately register a complaint and FIR U/S 3, 4, 5, 6, 7 of the Sindh Regulation and Control of Disposable Syringes Act, 2010 and U/S 34,109, etc., of the P.P.C., of the said tragic incident and to prosecute and bring to justice via a transparent, impartial and speedy investigation and prosecution against all culprits without any exception so found to be involved either directly or indirectly in each instance of the victim separately in any manner treated and affected due to HIV Aids Outbreak at Kalsum Bai Valika Social Security, Hospital, Site, Karachi.*
2. *To may direct: Respondents-1, 3, 4 and Respondents-5, 6 to register and for complete screening, quarantine and "Treatment for life" of all of the those innocent little children victims, so affected and those treated since last two years and also from October 2025 till date at KBV SESSI Hospital Site, Karachi so affected to effectively control the further spread of such HIV Aids disease among pubic and their immediate family members, and to get the victims/affectedes, A level treatment at Top of the line Tertiary Care Hospital in Pakistan incl. Aga Khan Hospital, Liaquat National Hospital and abroad incl. UK, USA, at the complete expenses of M/s. SESSI, Govt. of Sindh to be deducted/reimbursed from SESSI, Employees Social Security Fund U/S 29 of the SESS Act, 2016, for each of the victims and his/her parents accordingly.*
3. *To may direct: the Respondents Nos.1, 2, 3, 4, 5 to initiate an high powered Independent, Impartial and Transparent, time bound domestic inquiry under Respondent-1, Chief Secretary of Sindh, for "misconduct" and "criminal professional medical negligence at workplace" against the Medical Advisor of SESSI, MS of Kalsum Bai Valika SESSI Hospital Site, Karachi, the on duty Medical Duty*

Officers and paramedical staff (so deputed at relevant time of the incident as per record) and to take necessary strict disciplinary action in accordance with law including termination against all those officials and persons so found to be involved in the happening of the said tragic and inhuman incident at KBV SESSI Hospital Site, Karachi and to make the report Public as mandated U/A 19 A of the Constitution of the Islamic Republic of Pakistan, 1973.

4. *To declare: that each of the victims / including deceased victims (via their parents/guardian) so treated and got infected affected due to prima facie gross Criminal Professional Negligence and Misconduct of Officials of M/s. KBV SESSI Hospital Site Karachi, and are legally and constitutionally entitled to claim damages/compensation in accordance with law for their loss of life/health and wellbeing for the rest of their life from M/s. SESSI, as Respondents 4, 5 to be deducted from its Consolidated Employees Social Security Fund U/S 29 of the Sindh Employee Social Security Act, 2016 in lieu of its Staff "vicarious liability".*
5. *To may direct: the Respondents No.1, 3, 5, 8 and 11 to immediately enforce in its letter and spirit without any exception across the board under Sections 3, 4, 5 and 6 of the subject act and prohibits manufacture, sale, marketing and re-use of disposable syringes (except auto lock, auto destruct, or auto break for injection) for drawing of blood and other purposes in any manner whatsoever in 32 x Districts of Sindh, inel, and specially in 07 x Districts of Karachi Division and its 413 plus Public Hospitals, DHQs, THQs, under Govt. of Sindh as well as hundreds of Private Hospitals, Dispensaries, Diagnostic Labs, Clinics, Maternity Centers, and Teria Care Hospital(s).*
6. *To direct: Respondents No.1 and 3 to immediately frame and notify via Sindh Govt. Gazette, the mandatory Rules of enforcement U/S 10 of the Sindh Regulation and Control of Disposable Syringes Act, 2010, within a period of 30 calendar days.*
7. *To may kindly direct: any other order incl. the above, as this Court may deem fit and proper following the principles of natural justice to meet the ends of justice in "the larger Public Interest" of approx. 200 plus innocent little children victims of Workmen and their families, citizens and prospective patients (for the enforcement of their right to life, dignity, fair trial and due process of law) residing in the Province of Sindh accordingly.*

2. The petitioner, who appears in person, submits that the instant Constitutional Petition has been filed under Article 199 of the Constitution like Public Interest Litigation for enforcement of the fundamental rights guaranteed under Articles 4, 9, 10-A, 14, 19-A, 25, 37 and 38 of the Constitution. The petition arises out of the reported HIV outbreak at Kalsum Bai Valika SESSI Hospital, SITE, Karachi (KBV) caused by the reuse of contaminated disposable syringes and gross medical negligence, resulting in the infection of approximately 84 to over 200 children, with several reported fatalities. It is submitted that KBV SESSI Hospital is a public hospital functioning under the Sindh Employees Social Security Institution (SESSI), established under the Sindh Employees Social Security Act, 2016, and is responsible for providing medical facilities to insured workers and their dependents. He adds that the hospital caters to a large number of patients daily and owes a statutory duty to provide safe and adequate medical

treatment. Petitioner contends that despite repeated reports in the national media regarding the HIV outbreak, no transparent, independent or time-bound inquiry has been conducted to fix responsibility upon the officials and medical staff allegedly involved. Although the petitioner served a legal notice upon the concerned authorities demanding an independent inquiry, registration of criminal proceedings, disclosure of the inquiry report, screening and treatment of affected children, and compensation to the victims, no effective action has been taken except for a communication by the Provincial Secretary, Labour and Human Resources Department, seeking a report from SESSI. It is further submitted that the alleged reuse of disposable syringes constitutes a blatant violation of the Sindh Regulation and Control of Disposable Syringes Act, 2010, besides amounting to criminal negligence punishable under the Pakistan Penal Code. Petitioner also submits that a preliminary list of the children allegedly affected by HIV due to the reported reuse of contaminated syringes at Kalsum Bai Valika SESSI Hospital, SITE, Karachi, has been placed on record along with their particulars. It is further submitted that the actual number of affected children is reported to exceed 200. He further adds that the seriousness of the incident has also received international attention, including a documentary prepared by the BBC featuring interviews with the affected families. He next submitted that the continued failure of the respondents to enforce the statutory provisions regulating disposable syringes has endangered public health and violated the constitutional guarantee of the right to life and human dignity. He submits that the State is constitutionally obligated to protect the lives and health of citizens and to ensure effective enforcement of public health laws. Reliance is placed upon the principles laid down by the Honourable Supreme Court in Shehla Zia D. WAPDA (PLD 1994 SC 693), Benazir Bhutto v. Federation of Pakistan (PLD 1988 SC 416), and other judgments recognizing the expansive scope of the right to life and the maintainability of public interest litigation for enforcement of fundamental rights. It is contended that the respondents have failed to discharge their statutory and constitutional obligations by not conducting an independent inquiry, not registering criminal cases against those responsible, not ensuring comprehensive screening and treatment of affected patients, and not framing the rules contemplated under Section 10 of the Sindh Regulation and Control of Disposable Syringes Act, 2010. Such inaction, according to learned counsel, amounts to arbitrary exercise of authority and infringes the fundamental rights of the affected children, their families and the public at large. He lastly prays that this Court to conduct an independent and transparent inquiry, register criminal proceedings against all responsible persons, ensure lifelong medical treatment and appropriate compensation for the affected children, enforce the provisions of the Sindh Regulation and Control of Disposable Syringes Act, 2010 throughout the

Province of Sindh, frame the requisite rules under the Act, and grant such other relief as may be deemed just and proper in the circumstances.

3. This Court vide order dated 02.7.2026 issued notice to all concerned to put in appearance and submit their point of view. In compliance with the Court's order, learned AAG submitted the report of the Secretary, Health Department, Government of Sindh. It was stated that KVSS Hospital is under the administrative control of Sindh Employees' Social Security Institution (SESSI), Labour & Human Resources Department, whereas the Health Department, through its Communicable Disease Control (CDC-I) HIV/AIDS Programme, undertook immediate public health measures after receiving reports of HIV-positive pediatric cases. It is averred that a Rapid Response Team was deputed, an ART Centre was established at the hospital on 27.10.2025, and over 10,000 persons were screened, out of whom 120 HIV-positive cases were detected and provided free treatment, counselling and follow-up care. It was further submitted that the Sindh Healthcare Commission (SHCC) conducted inspections of the hospital and identified deficiencies in Infection Prevention and Control (IPC) practices and administration, while recommending Corrective measures. The report also mentioned that auto-lock syringes were being used at the hospital. The Health Department maintained that it had fulfilled its statutory responsibilities regarding disease surveillance, treatment and prevention, whereas matters relating to hospital administration, IPC compliance and corrective actions fell within the domain of SESSI and the Labour Department.

4. This Court was also informed that, pursuant to recommendations of an inquiry committee constituted under the directions of the Provincial Ombudsman, the Labour Department had suspended 37 officials, issued show-cause notices and initiated departmental proceedings under section 6 of the Efficiency and Discipline Rules, 1973. The compliance report further referred to the Sindh Regulation and Control of Disposable Syringes Act, 2010, stating that the law prohibits the use of disposable syringes other than auto-lock, auto-destruct or auto-break syringes. It was submitted that after completion of departmental proceedings, action against responsible persons under the said Act and other applicable laws would be taken, including filing of a complaint before the competent Court in terms of Section 7 of the Act.

5. I.G. Police Sindh also submitted report with the narration that the inquiry report, apart from the recommendation, no such evidence came to the surface in the shape of inquiry or statement which could disclose the commission of a cognizable offence; however, in case of any medical negligence on the part of medical staff, the aggrieved can approach the Healthcare Commission under the law.

6. At this stage, learned counsel for Respondent No.7 candidly conceded that the allegations raised by the petitioner involve a matter of paramount public importance and, therefore, cannot be fairly or independently inquired into by Respondent No.7 himself, particularly where the allegations concern acts or omissions attributable to the said respondent or officers under his control. In the interest of judicial propriety and transparency, it is suggested that the Chief Secretary, Government of Sindh, shall constitute and head an independent committee, comprising two senior officers of Grade-20, to examine the allegations, record statements of the aggrieved persons, determine the responsibility of the delinquent officials, and submit its findings and recommendations to the Government of Sindh for appropriate action. In case any medical negligence or criminal cognizable offence is disclosed, the matter may also be referred to the Sindh Healthcare Commission and the competent law-enforcement agency in accordance with law. If departmental misconduct or negligence is established, disciplinary proceedings shall be initiated against all delinquent officers under Section 6 of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, strictly in accordance with law.

7. Learned counsel for Respondent Nos. 4 and 5 (SESSI) submitted that the instant Constitutional Petition has substantially served its purpose and has become infructuous, as the reliefs sought by the Petitioners have largely been complied with. He contended that the allegation that SESSI remained inactive after detection of HIV-positive cases at Kulsoombai Valika Hospital was misconceived and contrary to the record. He submitted that immediately upon detection of the cases, SESSI, pursuant to the directions of the competent authorities, constituted an Inquiry Committee to ascertain the circumstances, identify deficiencies, fix responsibility and recommend remedial and disciplinary measures. SESSI also fully cooperated with the proceedings before the Provincial Ombudsman, and various corrective measures were taken, including strengthening infection-control mechanisms, establishing an Anti-Retroviral Therapy (ART) Centre, constituting a second inquiry committee and initiating disciplinary proceedings against officers and officials found prima facie responsible. Learned counsel further submitted that SESSI had not attempted to shield any person from accountability and had simultaneously undertaken institutional reforms to prevent recurrence of such incidents. He stated that the ART Centre is operational, specialist consultants have been engaged for treatment of the affected children, infection-prevention protocols have been reinforced, and an Endowment Fund of Rs.2 billion has been established by SESSI for the continued treatment, medical care and welfare of the affected children. He therefore maintained that the allegations against the Respondents were unfounded and prayed that, in view of the measures already

taken and substantial compliance with the relief sought, the Petition be treated as having become infructuous.

8. We have heard the petitioner, who appears in person, learned counsel for the respondents and learned Additional Advocate General, and having perused the material placed on record, including the compliance report submitted pursuant to the order dated 02.07.2026.

9. This Court is of the considered view that the matter involves issues of exceptional circumstances concerning the protection of the rights to life, health, dignity and fair treatment, particularly in view of the reported transmission of HIV among children receiving treatment at a public-sector hospital. The material available, including the screening of a substantial number of persons, identification of HIV-positive pediatric cases, reported deficiencies in infection-control practices, departmental proceedings against officials, and allegations regarding the use or reuse of disposable syringes, warrants an independent, transparent and evidence-based inquiry. The matter cannot be treated merely as an administrative issue, as the constitutional obligation to protect life under Article 9 extends to ensuring effective discharge of public-health and medical-safety responsibilities, particularly towards vulnerable patients. However, allegations or departmental proceedings cannot by themselves establish individual culpability, which must be determined based on evidence and after due opportunity of hearing. Accordingly, the existing departmental proceedings and reports being insufficient to determine the number of affected persons, the source and circumstances of transmission, compliance with infection-control protocols and the Sindh Regulation and Control of Disposable Syringes Act, 2010, as well as the supervisory and individual responsibility of the concerned officials, this Court considers it necessary, in the interest of justice, transparency and public confidence, that an independent fact-finding mechanism be constituted by the competent authority, without expressing any final opinion regarding the guilt or innocence of any individual.

10. Accordingly, the matter is referred to a Committee to be constituted by the Government of Sindh through the Chief Secretary, who shall take pains to head the Committee, and shall co-opt two senior officers not below the rank of BS-20, preferably having no direct administrative involvement in the affairs of the hospital or the proceedings under inquiry. The Committee shall conduct an independent, impartial and comprehensive inquiry into the entire matter in terms of the prayer clauses of the petitioner and shall ascertain the factual position with particular reference to:

- (i) the actual number and particulars of children and other patients who were found HIV-positive and who received treatment at the hospital during the relevant period;
- (ii) the source, circumstances and possible mode of transmission of HIV infection, based on available medical and scientific evidence;
- (iii) whether any disposable syringe or other medical equipment was reused, improperly disposed of, inadequately sterilized or otherwise used in violation of the applicable law, rules, protocols or standard medical practice;
- (iv) the existence and implementation of infection-prevention and control protocols at the hospital;
- (v) the procurement, supply, storage, distribution and use of auto-lock, auto-destruct or auto-break syringes and the relevant record thereof;
- (vi) the role and responsibility of the medical, nursing, technical, administrative and supervisory officials concerned;
- (vii) whether any officer or official, by act or omission, failed to discharge a statutory, administrative or supervisory duty;
- (viii) the status and legality of the departmental proceedings already initiated against the 37 officials and whether such proceedings adequately address the actual responsibility of the persons concerned;
- (ix) whether any provision of the Sindh Regulation and Control of Disposable Syringes Act, 2010, or any other applicable law has been violated and, if so, the persons prima facie responsible; and
- (x) the measures required for preventing recurrence of any such incident in the future.

11. The Committee shall be empowered to examine all relevant records, including medical and laboratory reports, screening data, procurement and stock registers, syringe records, duty rosters, infection-control and inspection reports, inquiry proceedings, CCTV footage where such incidents occurred in Sindh and other material necessary for an objective determination, while affording a fair opportunity of hearing to any person against whom an adverse finding is proposed. The Committee shall submit its comprehensive report to the competent authority and place the same before this Court through MIT-II within two months of its constitution, identifying the factual position and, where supported by evidence, fixing responsibility and recommending appropriate departmental, statutory or criminal action pursuant to Section 7 of the Sindh Regulation and Control of Disposable Syringes Act, 2010. Pending the inquiry, the Chief Secretary, Government of Sindh, shall ensure through the concerned departments/SESSI that all affected HIV-positive children and other identified patients receive comprehensive, uninterrupted and appropriate medical treatment, including medicines, investigations, counselling and follow-up care, entirely free of cost, at any institution of higher standard as medically appropriate. All such

expenses shall be borne by the Government/SESSI and shall not be recovered from the affected patients or their families, and the arrangement shall continue for as long as medically required as submitted by learned counsel appearing for SESSI.

12. In view of the extraordinary circumstances of the case and the vulnerability of the affected children, the Chief Secretary shall also determine and process the entitlement of each affected child/family to compensation, financial assistance or other lawful relief, strictly in accordance with the applicable statutory framework and government policy, and shall ensure that the process is completed expeditiously and without unnecessary hardship to the affected families.

13. The competent authorities shall also ensure that no affected child or family is discriminated against, stigmatized or denied medical, social or other lawful assistance on account of HIV status. The identity and medical information of affected children shall be dealt with strictly in accordance with applicable law and accepted medical standards relating to confidentiality.

14. The Chief Secretary Sindh and the Secretary Health Department shall ensure immediate preventive and corrective measures at the hospital to eliminate any further avoidable risk to patients and strict compliance with the Sindh Regulation and Control of Disposable Syringes Act, 2010, infection-prevention protocols and other applicable health regulations, and, where necessary, ensure framing of requisite rules in accordance with law. The constitution of the Committee and these directions shall not be construed as a finding of guilt against any person; rather, the Committee shall ascertain the truth, determine institutional or individual responsibility based on evidence, protect affected persons, and ensure that any person found responsible is proceeded against strictly in accordance with law after providing hearing to them under the Rules 1973.

15. Before parting with this order, we may observe that during the hearing, the Petitioner, Tariq Mansoor, advocate appearing in person, raised his voice and, instigated the private persons accompanying him, prima facie to attract the media and allowed the private persons to record videos in Court which is contemptuous act on their part and disrupted the Court proceedings and seriously disturbed the decorum and dignity of the Court. The unruly conduct of the Petitioner and the persons in the shape of a mob present in court compelled this Court to retire to chambers to complete the order, although the almost entire order had already been dictated in open Court. Prima facie, the Petitioner, being dissatisfied with the conclusion of the matter, attempted to obstruct the Court from proceeding further in accordance with law. This incident also exposes a serious security lapse on the part of the Court Security In-charge, including the DSP and SSP concerned, who

were also called upon to explain the position, they sought time to hold inquiry, prima facie they are directly responsible for maintaining order and security within the Court premises. Their apparent negligence and failure to discharge their duties enabled a mob brought by the petitioner for his convenience to enter the courtroom, indulge in hooliganism, and flagrantly disregard the authority and decorum of this Court. Such conduct amounts to an unacceptable interference with the administration of justice, for which the Petitioner and the persons acting with him must be held responsible in accordance with law.

16. In view of the foregoing, Mr. Tariq Mansoor, Advocate of this Court, is required to be issued show cause why, in light of the material as discussed supra, he may not be proceeded against for criminal and judicial contempt under the Contempt of Court Ordinance, 2003, read with Article 204 of the Constitution. Office to issue show cause notice to him accordingly and prepare a separate file. He is directed to submit his written reply before the next date of hearing in separate contempt proceedings, either personally or through counsel, and to continue appearing in person on each date unless such appearance is dispensed with by this Court. The representatives of the High Court Bar Association and the Sindh Bar Council were also called upon to intervene in the matter, who also sought time to call upon the petitioner for such misconduct and are also directed to be in attendance in the proceedings. The learned Additional Advocate Generals also appeared and expressed their dismay over such misconduct on the part of the petitioner and private persons. In such circumstances, the office shall place this matter before the Honorable Chief Justice on the subject issue for appropriate orders as his lordship deems fit and proper.

17. The High Court Bar Association and the Sindh Bar Council are therefore called upon to take immediate and appropriate remedial measures in accordance with law, including coercive measures against the apparent misconduct on his part. Meanwhile, the Court Security officials shall identify the private persons involved in the incident and initiate appropriate proceedings against all those responsible. The Registrar of this Court is also directed forthwith to preserve and secure the CCTV/video recordings of the areas inside and outside the courtroom so that the persons involved may be identified and appropriate action may be taken strictly in accordance with law to secure and preserve the dignity of the Court.

18. For the foregoing reasons, the Constitutional Petition is disposed of with the above directions, while the proceedings relating to compliance with these directions shall remain subject to the report of the Committee. The Chief Secretary shall ensure that the report is submitted before this Court within two

months, and the matter shall thereafter be placed before the Court for consideration of the report and such further orders as may be necessary in the interest of justice.

JUDGE

JUDGE

Zahid/*
>>