

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-5620 of 2019
C.P. No.D-560 of 2020

Date	Order with signature of Judge
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29.01.2020

Mr.Tariq Mansoor, Advocate/Petitioner in person.
Mr.Jawad Dero, Additional Advocate General.
Ms.Azra Muqeem, Law Officer, K.M.C.
Ms. Maheen Ansari, Law Officer, KMC
Mr.Nisar Ahmed Memon, Additional Secretary, Health Department, Government of Sindh is present.
Mr.Khalil-ur-Rehman, Section Officer (Legal), Local Government, Government of Sindh.
Dr.Altaf Hussain Shaikh, Chief Technical Officer & Focal Person Litigation, Health Department.
Zahid Khamtio, Additional Secretary, Local Government Department, Government of Sindh.
Mirza Saleem Akhtar Baig advocate for DMC South, Karachi.
Mr. Munir Ahmed advocate for DMC, Korangi, Karachi
Mr. Afzal Saeed advocate for the DMC Central, Karachi.
Mr. Abdul Khalil advocate for the DMC Central, Karachi.
Mr.Ahmed Zamir, Advocate for DMC West Karachi
Mr. Sarwar Ali advocate for the DMC, Korangi.
Mr. Shaukat Ali Shaikh advocate for the DMC Malir, Karachi.
Mr. Salman Sabir advocate for the DMC East Karachi
Mr. Rafiq Ahmed advocate for the Cantonment Board Hyderabad.
Mr. Salman Mirza advocate for the Ayesha Chundrigar Foundation.
Mr.Muhammad Fahad Pirzada, Advocate for Cantonment Board Manora.
Mr. M.Asif Malik, Advocate for Cantonment Board Malir.
Ms. Rehmatunisa, Advocates for Cantonment Board Clifton, Faisal and Korangi.
Mr. Moeen Azhar Siddiqui advocate for the NICH, Karachi a/w Mr. Ahmed Turabi advocate.
Dr. Syed Ershad Hussain Kazmi, Medical Superintendent, Chandka Medical Hospital, Larkana.
Dr. Rabel Noonari, AMS, Chandka Medical Hospital, Larkana.
Dr. Saleem Ahmed, CMO, Chandka Medical Hospital, Larkana.
Ms. Isma Gheewala, Member of Task Force/Owner of Animal Care Center.

Dr. Ahsan Jamil, DGM, Clinical Affairs, Indus Hospital, Karachi.

Munawar Minhas, Safety Security Department, Indus Hospital, Karachi.

Dr. Jamal Raza, Executive Director, NICH, Karachi.

Barkatullah Memon, Municipal Commissioner, DMC, South, Karachi.

Muhammad Nasir, Director Sanitation, DMC South, Karachi.

Mr. Naseem-ul-Haq, Legal Assistant, Cantonment Board, Hyderabad.

Ashfaq Mallah, Municipal Commissioner, West, Karachi.

Khaliq ur Rehman, Section Officer, Local Government Department, Government of Sindh.

Sardar Ali Bughio, Municipal Commissioner, Malir, Karachi.

Muhammad Ali Chundrigar, Ayesha Chundrigar Foundation.

On last date of hearing, we had issued show cause notice to the Director, NICH to appear in person with the compliance report/record due to his absence on last date of hearing. Today Mr. Moeen Azhar Siddiqui advocate has filed vakalatnama for Dr. Jamal Raza, Executive Director, NICH and he has also submitted statement in which Executive Director, NICH has given reasons for his non appearance and also tendered apology. The statement is taken on record and show cause notice is discharged. In compliance of the order, the Executive Director, NICH has also submitted the compliance report with regard to the treatment of Hasnain Bughio son of Ghulam Hussain. He further submits that the child was shifted to NICH in very critical condition and immediately he was shifted to ventilator and he remained under treatment for 27 days in the hospital. They tried their level best to treat the child but he could not succumb to the wounds of dog bite. At the same time, Additional Secretary Health, Government of Sindh has also submitted the compliance report in which he stated that he directed, Medical Superintendent, Chandka Medical College Hospital, Larkana and also Executive Director, NICH to intimate the details of treatment extended to the patient Hasnain Bughio. The crux of the report filed by Additional

Secretary, health unequivocally shows that child was not properly handled and managed by the Administration of Chandka Medical Hospital and the element of negligence, carelessness and unprofessionalism cannot be ignored. On seeing the compliance report, we immediately asked the Additional Secretary Health that despite placing report, any action has been taken against the responsible of the Chanda Medical College Hospital. He responded that Inquiry Committee will be constituted under the Chairmanship of Director General, Health Services and they will submit the inquiry report in the court. The Secretary Health is directed to constitute Inquiry Committee and notify the names of Members within three days and also intimate the parents of deceased child Hasnain Bughio in writing. The Executive Director, NICH has also submitted the comprehensive report with regard to entire treatment record/documents. Executive Director, NICH is also directed to provide complete set of his report which he has submitted in court to the Additional Secretary Health, Government of Sindh within two days. This report will also be submitted to the Inquiry Committee and if required, the Inquiry Committee may also summon Executive Director, NICH to attend session and to provide his opinion and expertise. The Additional Secretary Health submits that inquiry proceedings will be completed within fifteen days but in order to comply with the directions in letter and spirit, we grant him three weeks' time to submit the report in court without any fail.

2. For last many dates it was being represented that the PC-I for the project "Fight against Rabies & Checking Population of Stray Dogs Programme Sindh" is under process and it will be finalized soon but despite giving reasonable time for approving, again today the Secretary Local Government through Additional Secretary, Local Government has submitted report that PC-I was submitted but it was returned back with some objections of the Planning and Development Department that PC-I was not prepared on proper format. It is very strange objection that PC.I was prepared by incompetent person who

even could not know what was the format of PC-I. It is nothing but according to us a delaying tactics and to gain time again and again. It was further submitted that input of Livestock was not taken. Again we have to observe here that such type of input was required to be taken before submitting PC-I. Next objection is that the cost was not rationalized, but in our view, the PC-I is complete document in which all components of funds are mentioned. All these objections are frivolous and raised only and only to gain more time and avoid directions of this court. This is a fit case in which office is directed to issue notice to the Chief Secretary, Sindh, Secretary Local Government, Chairman, Planning & Development Department to appear in person on the next date and explain why a matter of public importance is being delayed?

3. On last date we also issued notice to Special Secretary, Local Government who is Chairman of the Task Force but he is called absent. Issue show cause notice to Special Secretary, Local Government in the capacity of Chairman Task Force to appear in person and explain as to why he avoided court's directions for his personal appearance. In last order dated 14.01.2020 we reiterated the directions to come up whether helpline has been created but today a notification has been placed on record dated 20.01.2020 which was issued by Section Officer, Local Government & Housing Town Planning Department with certain terms of reference. Copy of this notification was marked at least eleven authorities but it is sorry state of affair that we directed to publicize the creation of this helpline for general public importance through print and electronic media but notification was not forwarded to the Press Information Department by the Section Officer which is another inefficiency and reckless attitude of the Local Government Department. Despite clear order neither it was publicized for the general public through print or electronic media nor it was forwarded to the Press Information Department, Government of Sindh for circulating the notification for the information of print and electronic media.

Issue show cause notice to the Secretary, Local Government as to why he failed to comply with the directions of this court.

4. Additional Secretary Health has also submitted the compliance report according to which 11335 anti rabies vaccines are available in 287 different hospitals/health centers in 29 districts of Sindh. He is directed to maintain proper inventory in all hospitals without any shortage. This compliance report is taken on record.

5. Learned counsel for the DMCs South, West, Malir, Korangi and Central have also submitted their compliance report that they are already performing their responsibilities to curb the dog biting incidents in their territorial limits and they undertake that they will continue to perform their duties vigilantly. So far as Cantonment jurisdiction is concerned, learned counsel for the Cantonment Board Manora submits that they have also constituted Special Dog Cell in their vicinity and they are performing their duties vigilantly to protect the general public from dog biting incidents. Learned counsel for the Cantonment Board Hyderabad is also present and he submits that they have also created Special Dog Cell and working on the issue diligently. Learned counsel for the Cantonment Board Korangi Creek, Clifton and Faisal has also submitted the progress report that they have started procedure for vaccination and she has also attached various photographs to show their performance. The report is taken on record.

6. In C.P. No.D-560 of 2020 (old C.P. No.D-1757 of 2019), it appears from the file that one Badaruddin Malik is petitioner in that C.P. who is called absent. Office is directed to issue intimation to the petitioner to cause his appearance on the next date.

Adjourned to 19.02.2020 at 11:00 a.m. Office is directed to place copy of this order in C.P. No.D-560 of 2020.

JUDGE

JUDGE

