

Order Sheet
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No.D-2016 of 2024

Date of hearing	Order with signature of Judge.
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Hearing of Case
1.For orders on office objections.
2.For hearing of main case.

30-10-2025

Petitioner, Mst. Bakhtiar Khatoon present in person.
Mr. Ali Raza Baloch, Additional Advocate General Sindh.
Syed Naveed Ahmed Shah, Deputy Attorney General.
Naheed Ahmed Mirani, ADC-I, Sukkur, Abdul Qudoos Memon, Regional Director, Department of Empowerment of Persons with Disabilities, Sukkur and Dr. Ali Gul, DHO, Sukkur are present.

The petitioner, present in person, submits that her three disabled children are under medical treatment by **Dr. Chaman Lal**; however, the medicines prescribed by the said doctor are not being provided to her. Instead, medicines of local pharmaceutical companies with different drug names are being supplied to her. Upon being confronted, the District Health Officer (DHO), Sukkur, submits that whenever the petitioner approaches his office, the medicines prescribed by the concerned doctor(s), as well as pampers (diapers) of standard quality, shall be provided to her in sufficient quantity in accordance with the original prescription(s), without any alteration in the drug name or pharmaceutical company.

2. The petitioner further submits that all her **three completely disabled and bedridden children** have developed **bedsores** and require **physiotherapy** for their proper care at home. Record further reveals that on 21.01.2025, the Regional Director, DEPD, Sukkur, filed his statement. Along with the said statement, he annexed a letter dated 09.12.2024 addressed to the Director Health Services, Sukkur, and the Medical Superintendent, GMMMC, Sukkur, requesting medical investigations and necessary assistance for the differently-abled children of the petitioner, as well as to designate a physiotherapist and a nurse for their healthcare, to provide services at their doorstep in

view of their serious mobility issues. However, no response has been received from the Health Department. Under such circumstances, the **Director Health Services, Sukkur, and the Medical Superintendent, GMMMC, Sukkur, are directed to remain in attendance and explain their position as to what steps have been taken pursuant to the letter dated 09.12.2024** issued by the Regional Director, DEPD, Sukkur. They are further strictly directed to **depute a qualified physiotherapist and a nurse to visit the residence of the petitioner for providing physiotherapy to her three disabled children**, as and when required, along with all necessary medical facilities and equipment, as the said children are not in a position to move from one place to another. They are further directed to furnish their compliance reports, along with photographs, to this Court on the next date of hearing.

3. Insofar as compliance of this Court's orders dated 10.04.2025 and 24.04.2025 regarding the accommodating the educated daughter of the petitioner is concerned, the Deputy Commissioner, Sukkur, in his compliance report, submits that presently no post of Differently Abled Person (DAP) is available. However, he states that vacancy positions from BPS-01 to BPS-04 in various Government Departments will be called, and the recruitment process against the 5% reserved quota for DAPs will be initiated, wherein the case of the petitioner's daughter shall be placed before the District Recruitment Committee (DRC), Sukkur, for consideration. The said report is found unsatisfactory, as on 24.04.2025 the Deputy Commissioner, Sukkur, had undertaken to make personal efforts to accommodate the petitioner's family, even in private institutions. He is, therefore, directed to abide by his earlier statement dated 24.04.2025 and ensure that the family of the petitioner is suitably accommodated in accordance with his commitment.

4. Record further reflects that on 21.01.2025, the Regional Director, DEPD, Sukkur Region, appeared and filed a statement submitting that, pursuant to the directions issued by the Services, General Administration & Coordination Department vide letter dated

08.01.2025, the DEPD, initiated a summary for the Chief Minister on 14.01.2025. Through the said summary, it was proposed that a one-time Grant-in-Aid amounting to Rs.2.00 million be sanctioned and invested in a savings certificate in the name of the petitioner through the Deputy Commissioner, Sukkur, so that the petitioner’s family may receive a regular monthly income to meet their day-to-day expenses. Upon being confronted, learned AAG submitted that the summary has been moved before the Chief Minister, Sindh, for necessary approval and seeks time for compliance. Time is allowed. It is, however, expected that the summary shall be approved within the shortest possible time.

5. We have also perused **Section 26(2) of The Sindh Empowerment of Persons with Disabilities Act, 2018, ('Act, 2018')** which reflects that the Provincial Advisory Council for Empowerment of 'Persons with Disabilities' shall consist of a Chairperson, Vice Chairperson, and members; however, as informed by Regional Director, DEPD, Sukkur, the tenure of the said Council expired in April, 2024. When confronted, the Regional Director, DEPD, Sukkur submits that he has written a letter to the **Secretary, Provincial Advisory Council, DEPD** for playing its role for the welfare of the family of the petitioner. It has been noticed that since April, 2024, there has been no progress toward constituting the said Advisory Council.

6. **Section 12 of the Act, 2018**, provides for an adequate standard of living and social protection to persons with disabilities to enable them to live independently or within the community. Subsection (3) of the said section provides as under:

- (a) Shelter/safe houses with good living conditions in terms of safety, sanitation, health care, and counselling for 'Persons with Disabilities' who have no place to live.
- (b) -----
- (c) -----
- (d) -----
- (e) -----

(f) Unemployment allowance to 'Persons with Disabilities' registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

(g) Care-giver allowance to 'Persons with Disabilities' with high support needs.

(h) -----

7. We have observed that the Government of Sindh, DEPD, is not functioning effectively in accordance with the mandate of the **Act, 2018**; as a result, a large number of deserving persons with disabilities including the petitioner's family have been deprived of their lawful rights. We have also noticed that several orders were passed by this Court and even directions issued to the concerned; however same have not yet been complied with letter and spirit. Even the Department of Empowerment of Persons with Disabilities has not coordinated with the Petitioner nor the Petitioner has been benefited under the **Act, 2018** and the **Rules framed in 2021**. In such circumstances, we direct the Chief Secretary, Sindh, **to mobilize and activate the concerned Department to perform its functions in the letter and spirit of the Act, 2018**. He is further directed to **explain as to why the mandate of the Act, 2018, and the Rules framed thereunder in 2021, have not been implemented**, and to furnish a compliance report to this Court through the Focal Person on the next date of hearing. The **Secretary, Department of Empowerment of Persons with Disabilities, Government of Sindh shall also be in attendance and explain his position in this regard**. He is also directed to **place on record the details of the funds received by the Department and its distribution / utilization**. The **Deputy Commissioner, Sukkur is also directed to furnish the details of the CSR funds received in his office and the mechanism for its distribution**.

8. The present case, though it appears to concern only one petitioner, actually highlights a larger problem in how welfare laws—especially the **Act, 2018**—are being implemented. The record shows a clear gap between what the law intends to achieve and how the authorities are carrying it out. Repeated disregard of this Court's

earlier directions is not just a sign of negligence; it shows an ongoing failure to put the law into proper action for the people it was meant to help. This situation reflects weak administration and a lack of accountability, which prevents the true purpose of such welfare legislation from being realised. The matter, therefore, goes beyond one person's grievance and points to a systemic failure that needs the Court's attention and corrective action.

9. In **Dr. Shahnamaz Mumani & Others v. Federation of Pakistan (2020 SCMR 1713)** the Court observed that implementation of laws for persons with disabilities must not remain aspirational but be vigorously executed; the State must also attend to dignity and terminology in its institutional culture.

10. Today, medicines of different generics have been produced by the DHO, Sukkur, which, upon perusal, reveal that the pharmaceutical companies are based in other provinces, and the said medicines do not bear the official stamp of **"Government of Sindh Property – Prohibited for Sale"**. It has come to the notice of this Court that the medicines in question are being manufactured by an entity known as '*Inventor Pharma*', a pharmaceutical company based in Karachi, which has reportedly been engaged in production since the year 2017. However, the quality and standard of the pharmaceutical products produced by the said company remain uncertain and unverified. This Court expresses its concern and disapproval over the conduct of the Health Department, which, despite having access to a substantial public budget, has chosen to procure medicines from relatively lesser-known or untested manufacturers rather than from reputed multinational pharmaceutical companies that are internationally recognised for their quality assurance and manufacturing standards. Such a course of action demonstrates a regrettable tendency on the part of the Department to prioritise financial considerations and lower price quotations over the more critical aspects of quality, safety, and efficacy in the provision of healthcare. The approach adopted by the Department not only undermines the integrity of the procurement process but also compromises the standard of medical treatment afforded to the public,

thereby defeating the very objective of ensuring the citizens' right to health as enshrined under the constitutional and legal framework.

11. Upon being confronted, the DHO submits that the names of pharmaceutical companies and the procurement rates are determined by the Health Department, Government of Sindh, through the Central Procurement Committee, and that hospitals subsequently purchase the same from the approved companies at the rates fixed by the office of the Secretary, Health Department. We have, however, observed that most of the **medicines are neither manufactured by multinational companies nor of standard quality, and appear to be locally produced, substandard products** belonging to Khyber Pakhtunkhwa and other provinces. Therefore, **we direct that an inquiry be conducted through a competent investigating agency, after obtaining a detailed report from the Health Department, Government of Sindh, if deemed necessary. Under the circumstances, Secretary to Government of Sindh, Health Department and Incharge, PM & I CELL, Government of Sindh, Health Department are directed to be in attendance before this Court on the next date of hearing to explain the above position.**

To come up on **05.11.2025 at 11:00 am**. Let a copy of this order be communicated by FAX and other usual modes to the Chief Secretary, Sindh, Secretary, Government of Sindh, DEPD, Secretary to Government of Sindh, Health Department and Incharge, PM & I CELL, Government of Sindh, Health Department and all concerned as well as learned AAG for compliance.

JUDGE

JUDGE

Ahmad