

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE MIAN SAQIB NISAR, HACJ.
MR. JUSTICE EJAZ AFZAL KHAN.

H. R. C. NO. 14158-G OF 2016 AND H.R.M.A. NO. 16 OF 2016 AND H.R.M.A. NO. 17 OF 2016 AND H.R.M.A. NO. 21 OF 2016.

(Alleged gross corruption in supply of Oxygen. Nitrogen gas and theft of medicine from hospital).

In attendance : Mr. Nayab Hassan Gardezi, Standing Counsel.
Mr. Shehryar Qazi, Addl. A. G. Sindh.
Mr. Umar Farooq Adam. A. G. KPK.
Mr. M. Ibrahim Memon, Dy. Secy. Health Sindh.
Mr. Bakhtiar Ali, S.O. (Health) KPK.
Mr. Mudassar Khalid Abbasi, AAG. Pb.
Dr. Yadallah, Dy. Secy., Primary Health Punjab.
Mr. Tayyab Fareed, Addl. Secy. Health Punjab.
Mr. M. Asif Iqbal, Sr. Law Officer Health Punjab.
Dr. Waqar Aftab Malik.
Dr. Arshad Rana.
Dr. Anjum Javed (PIMS)
Dr. Aftab Ali Malik.
Dr. Sartaj Ali.
Dr. Shaista Habibullah (NIRM)
Dr. Tahir, DHQ, ILD.
Dr. Iftikhar Naru.

Date of hearing: 12.08.2016

ORDER

On the last date of hearing we having discussed irregularities committed in the hospitals summed up as under:-

*"2. How are the life saving drugs dealt with and how are the pharmacies in the hospitals managed are some of the important aspects to be attended and inquired into. We would, thus, direct the law officer to collect data in this behalf of the hospitals at least in the capital and submit a detailed report before the next date of hearing. Dr. Muhammad Arshad, the mover of CMA. No. 16/2016 is also directed to provide the necessary details in the matter which is being pored over by this Court. Dr. Waqar is also eager to provide data in this behalf. He too is directed to submit a CMA setting out all the irregularities he happens to be posted with. CMA. No. 17 of 2016 may further be vouched and documented to lay bare the necessary details. We also direct the Advocates General of the Provinces to collect details from the Chief Executives of the hospitals as to the state of laboratories and the other equipments installed therein to show whether they are in functioning order or otherwise. The needful be done within two weeks. **Relist on 12.08.2016.**"*

2. Some data in compliance with the order mentioned above has been given but that appears to be deficient on many counts. Data has also been submitted about the equipments installed in the hospitals with the relevant details showing how many of them are in functioning order

and how many of them are inoperative. The picture painted in the CMAs appears to be rosier but the grave ground realities are to the contrary. Some of the facts and figures appear to be fudged. Total number of ventilators available in the Polyclinic Hospital Islamabad has been shown to be 22 out of which 6 are non-functional. This figure also appears to be exaggerated. Refilling of Nitrous oxide cylinder 16200 liters is had at the rate of 22000 in Polyclinic but no authentic figure has been provided so far by the private hospitals. The learned Standing Counsel for the Federation is directed to collect information from Medicsi, Quaid-e-Azam and Shifa International Hospitals in this behalf. Though one of the surgeons working in Shifa International Hospital stated that the refilling of Nitrous oxide cylinder is done at the rate of 3000/- per cylinder, which in any case has to be supported by documentary evidence. Dr. Arshad Rana and Dr. Sartaj have undertaken to provide the authentic data from the above mentioned hospitals and the pharmacies therein. How the medicines having proven efficacy are eliminated to force way for prescription of more expensive and less efficacious medicines is another sordid and seamy aspect of the controversy which too cannot be over-sighted. This shows that the right to life is overarched by the right of freedom of trade which in no case is unfettered, unrestricted and unqualified if considered in terms of Article 18 of the Constitution of the Islamic Republic of Pakistan. What is the state of laboratories in the hospitals in public sector and why are they out of order and in case they are in order why their results do not conform to those of reputed laboratories established in the private sector. Doctors like other professionals have a right to add to their riches but not at the cost of the ailing humanity. Statement of Dr. Shaista Habibullah representing National Institute of Rehabilitation Medicines (NIRM) that the equipments in the hospitals are enough to cater for the needs of the patients requiring long term management and that destitute are treated free of cost is indeed gladdening but why more than half of the equipments are out of order has to be accounted for. The state of healthcare is not only pathetic and

painful but in shambles despite the fact that the people manning and managing it are under Hippocratic Oath. Dr. Waqar Aftab Malik has undertaken to provide information over and above what can be beamed in from the internet as to what has been happening in the hospitals ever since their establishment with the connivance and complicity of the persons at the helm. Let him do so before the date fixed. The Advocates General of the Provinces are also directed to provide details about the machineries and other equipments in the DHQ Hospitals and their states of being operative and otherwise before the date fixed. **Relist on 18.08.2016.** Copy of this order be dispatched forthwith to all concerned including Advocates General of the Provinces for doing the needful.

ACJ

Judge

ISLAMABAD

12.08.2016.

M. Azhar Malik