

**IN THE SUPREME COURT OF PAKISTAN**

**(Original Jurisdiction)**

To,

1. The Registrar, Supreme Court of Pakistan, Islamabad
2. The Director General, Human Rights, Supreme Court of Pakistan, Islamabad

**SUBJECT: HUMAN RIGHTS CASE NO.17205 OF 2018.**

Application by: Muhammad Habib Qureshi, Advocate  
Member Executive Supreme Court Bar Association

In continuation of this office letter dated 27-04-2018 on the above cited subject and to enclose a copy of the revised report submitted by Hospital Director, Lady Reading Hospital MTI Peshawar vide letter no. 950/HD/LRH, Dated 27-04-2018 the operative/last Para of which is reproduced below **(Annex-I)**:

***“Opening the Asamai gate would certainly increase the security risk in the prevalent highly volatile law and order and the BoGs LRH and administration of LRH is duly empowered and bound under the Khyber Pakhtunkhwa Sensitive and Vulnerable Establishment and Places (Security) Act-2015 to provide for the safety and security of its patients and staff. Reopening the Asamai gate is not in the best interests of the Hospital or the public at large, nor will it in any way improve patient convenience; it may only provide monetary benefits to the shopkeepers and chemists and druggists directly opposite the gate, and it would result in decreased security, patient inconvenience, and disruption of hospital functions and adversely affect the morale of the hospital workers.”***

2. In compliance with the directions of the Chief Secretary, Khyber Pakhtunkhwa the Deputy Commissioner Peshawar has reported that the Old Emergency Gate of Lady Reading Hospital has been cleared from the said obstructions **Annex-II**.
3. It is therefore stated that orders of the honourable Chief Justice of Pakistan have been complied with, please.

Yours Faithfully,



(Muhammad Abid Majeed)

Secretary Health, Khyber Pakhtunkhwa

Copy to:

1. PSO to Chief Secretary, Khyber Pakhtunkhwa



Secretary Health, Khyber Pakhtunkhwa



## **OFFICE OF THE HOSPITAL DIRECTOR**

Lady Reading Hospital, Medical Teaching Institution, Peshawar

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No. 950 /HD/LRH

Date: 27 / 04 / 2018

### **CORRIGENDUM**

To

The Secretary Health  
Khyber Pakhtunkhwa.

**Subject** REPORT ON CLOSURE OF EASTERN GATE / ASAMAI GATE LRH

Respected Sir,

Lady Reading Hospital (LRH) is the biggest hospital in Khyber Pakhtunkhwa province, with 1589 beds; on a daily basis, approx. 5000 patients visit the Outpatient Department and 2000 patients visit the Emergency Department. Thus the Hospital sees an average of 7000 patients daily, excluding the 1500 inpatients. There are 26 Specialized Departments, where 3382 Medical and Paramedical staff provides health care to poor patients.

It is the duty of the Hospital to provide a safe and effective environment to its patients and staff to carry out their duties. At the time of the promulgation of the KP Medical Teaching Institutions Act 2015, there were 11 gates that remained open through which there was unrestrained entry into the hospital premises by all and sundry, patients and non-patients alike. The general public was free to walk into any ward or area of the hospital.

This put the security and safety of the patients and staff at risk and also interfered greatly with the provision of health care to our patients. Furthermore, the government promulgated the Khyber Pakhtunkhwa Sensitive and Vulnerable Establishments and Places (Security) Act, 2015 wherein it was emphasized that it was the hospital administration's duty to take security measures to provide safety to its employees and public inside the premises. The

The situation was carefully studied from the point of view of patient safety and convenience and reviewed in detail and a decision was taken by the administration for the Hospital to have three main entrances open for patients and staff, taking into account patient convenience, accessibility of hospital facilities and the requirements of security and control. This decision was ratified by the Board of Governors on 12/06/2015. The hospital could then focus and control entry to the Hospital with a strong security presence to ensure that unauthorized entry into the hospital premises did not occur. Since the most convenient entry point was at the main gate on Hakeem Ullah Jan road, and this gate is in closest proximity to the outpatients and emergency departments, as well as to the Obstetrics and Gynecology departments, this was chosen as the main entry point for patients and staff. Furthermore, since this gate is less than 80 yards from the Asamai gate, it was decided that the Asamai gate would be closed.

It is worth mentioning here that the Asamai gate, because of its location is vulnerable to terrorist attack, and was subject to a suicide attack in 2013. This gate in particular was used as a thoroughfare for the general public as a shortcut to walk from Hakeemullah Jan road to Soekarno road on the other side of the hospital. When the Asamai gate was originally opened it was near the old emergency and casualty departments as well as the outpatient departments; however with expansion and new building over the years, this gate does not allow easy access to either of these facilities. There has been absolutely no complaint from any patient about the closure of this gate.

The only people complaints have come from the owners of the chemists shops opposite the Asamai gate whose only concern was that their businesses might be adversely affected, even though the new main gate is a mere 80 yards from the Asamai gate. They therefore presented two writ petitions before the Honorable Peshawar High Court, bearing Nos. 4498-p/2015 and No.2502-P/2015.

The Honorable High Court directed the worthy Advocate General KP to make a personal visit and submit a comprehensive report. The Advocate General KP visited the spot in the presence of the petitioners, hospital staff and experts and submitted a detailed report, affirming the stance of the Hospital administration and vulnerability of the gate in question. The Honorable Peshawar High Court graciously dismissed both writ petitions, holding that "The

report clearly indicates that measures have rightly been taken by the respondents to curb the terrorism which is the primary duty of the hospital management under the provisions of “Khyber Pakhtunkhwa Sensitive and Vulnerable Establishment & Places (Security) Act, 2015”. Hence, this writ petition is dismissed along with C.M. No.2095-P/16, COC No.424-P/2016 and Review Petition No.40-P/16.

However, as recommended by the Worthy Advocate General Khyber Pakhtunkhwa, the management shall positively consider the rights of the patients when the law and order with respect to terrorism is improved”.(Copies of visit of Secretary Health K.P, BOG LRH 2<sup>nd</sup> meeting minutes, order and judgment at 22/02/2018 in W.P # 5502-p/2015 & No.4498-p / 2015 are annexed herewith along with hospital map)

Opening the Asamai gate would certainly increase the security risk in the prevalent highly volatile law and order situation and the BoGs LRH and administration of LRH is duly empowered and bound under the Khyber Pakhtunkhwa Sensitive and Vulnerable Establishment and Places (Security) Act-2015 to provide for the safety and security of its patients and staff. Reopening the Asamai gate is not in the best interests of the Hospital or the public at large, nor will it in any way improve patient convenience; it may only provide monetary benefit to the shopkeepers and chemists and druggists directly opposite the gate, and it would result in decreased security, patient inconvenience, and disruption of hospital functions and adversely affect the morale of the hospital workers.

  
**HOSPITAL DIRECTOR,**  
Lady Reading Hospital, MTI Peshawar