



6 June 2016

Press Release

High Court issues Direction on Ministries of Health and Transport and DG of Health Directorate for Failure to Submit Compliance Reports on Emergency Health Services

Today, the High Court Division of the Supreme Court issued a show cause notice on the Secretary of the Ministry of Health and Family Welfare, the Secretary of the Ministry of Transport and Bridges and the Director-General of the Health Directorate (respondents to a public interest petition filed on 10 February 2016) for failure to comply with its directions.

The said Government bodies were due to file their reports on 19 May 2016. However on the said date, and also on a subsequent date (30 May 2016), the Deputy Attorney General concerned sought adjournments, which the Court granted. As the reports were not filed within the extended time, the Hon'ble Court today (6 June 2016) passed an order against the respondents *inter alia* issuing a Direction upon them to show cause as to why they should not be proceeded against for contempt of Court. The rule was issued by a Division Bench comprising of Justice Mr. Moyeenul Islam Chowdhury and Mr. Justice Iqbal Kabir.

Background:

Following the failure of several hospitals to admit a man for emergency treatment who was severely injured in a road crash, the Hon'ble High Court had issued a Rule Nisi on the Health Ministry and others in a writ petition filed by BLAST and Mr. Saifuddin Kamal in February 2016. The Rule was issued by a Division Bench comprising of Mr. Justice Moyeenul Islam Chowdhury and Mr. Justice Iqbal Kabir.

The Court on 10 February 2016 had ordered the respondents to submit report(s) on the progress made in providing emergency medical treatment in all hospitals and health centers according to the National Road Safety Strategic Action Plan 2014-2016. The Court had also ordered the Secretary, Ministry of Health and Family Planning, the Secretary, Ministry of Transport and Bridges and the Director General of the Health Directorate to propose guidelines for managing emergency medical services, including running an emergency reporting number, for creating public awareness of such services through print and electronic media and to issue necessary guidelines for protection of 'Good Samaritans' for hospitals, police and others. The petitioners had challenged violations of Articles 27, 31 and 32 of the Constitution, Sections 8 and 11 of the Medical Practice and Private Clinics and Laboratory (Regulation) Ordinance, 1982 and Section 5(A) of Bangladesh Medical and Dental Council Act, 1980.

The petition was filed by Mr. Syed Saifuddin Kamal and BLAST, after Mr. Kamal on 21 January 2016, attempted to assist a bus helper named Arafat who sustained severe injuries upon being hit by a bus. Nearby hospitals had refused to treat Arafat. With the help of the Sub-Inspector of Gulshan Police Station, Arafat was later admitted to Kurmitola General Hospital, where he was declared deceased by the duty doctor. The case was conducted by Sara Hossain with Barrister Anita Ghazi Rahman, Barrister Rashna Imam, Advocate S M Rezaul Karim and Advocate Sharmin Akhtar on behalf of the petitioners. Advocate Motahar Hussain Shaju, DAG represented the respondent Ministries.



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