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Press Release

High Court issues order upon Ministries of Health and Road Transport (the respondent no.s 1 and 2) and DG Health Services (respondent no. 3) to revise the draft guidelines on Emergency Medical Services filed by the respondents earlier, in light of the recommendations made by two expert consultations organized by BLAST as well as good practices and guidelines pertaining to protection of Good Samaritans

On the direction of the High Court Division, SCB the Ministry of Health had prepared and filed a draft guideline namely ‘সড়ক দুর্ঘটনায় আহত ব্যক্তির জরুরী স্বাস্থ্যসেবা নীতিমালা-২০১৭’. The petitioners subsequently filed in court a set of recommendations, which is the outcome of two expert consultations organized by the petitioner no. 2, BLAST in August and September.

Upon hearing the petition, the court ordered the Ministries of Health and Road Transport and DG Health Services to revise the draft guidelines on Emergency Medical Services in light of the recommendations made by the two expert consultations organized by BLAST as well as good practices and guidelines pertaining to protection of Good Samaritans, particularly in India. The Ministry of Health was also ordered to revert to the court with its considered views on this matter by 9.11.17.

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 Mr. Justice Moyeenul Islam Chowdhury and Mr. Justice Iqbal Kabir.

The Court on 10 February 2016 ordered the respondents:

- (i) to submit a report 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;
- (ii) 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
- (iii) 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 petitioners are represented by Barrister Sara Hossain, Barrister Anita Ghazi Rahman, Barrister Rashna Imam and Advocate Sharmin Akhtar. The Health ministry is represented by Advocate Zahir Hossain Ripon, AAG and the Road Transport Ministry is represented by Barrister Khaled Hamid Chowdhury and Barrister Asif Bin Anwar.

For further information, please contact:

Mahbuba Akhtar
Deputy Director (Advocacy and Communications)
BLAST
Mobile: 01776060113

For further information:

Barrister Sara Hossain (Mob: 01713-031828, email: sara@blast.org.bd)
Advocate Sharmin Akter (Mob: 01955-284094, email: sharmin1@blast.org.bd)
Barrister Anita Ghazi Rahman (Mob: 01713-036917, email: anita@legalcirclebd.com) Barrister Rashna Imam (Mob: 01714-136071, email: rashna.imam@akhtarimam.com)