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IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

**WRIT PETITION No. 1509 of 2016**

IN THE MATTER OF:

An application under Article 102 (1) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Articles 15, 18, 21, <sup>27</sup>31 and 32 of the Constitution.

AND

IN THE MATTER OF:

Medical Practice and Private Clinics and Laboratory (Regulation) Ordinance, 1982.

AND

IN THE MATTER OF:

Bangladesh Medical and Dental Council Act, 1980.

AND

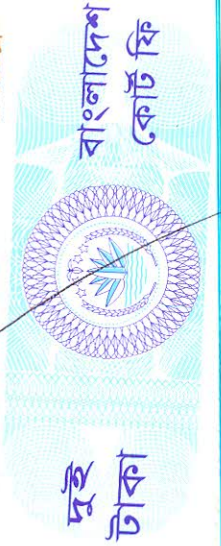
IN THE MATTER OF:

1. Syed Saifuddin Kamal, son of SM Kamal Pasha, of House 419, Road 30, Mohakhali, DOHS, Dhaka – 1206.
2. Bangladesh Legal Aid and Services Trust (BLAST) represented by its Legal Advisor Mr. S.M. Rezaul Karim, of YMCA Bhaban, 1/1 Pioneer Road, Shegunbagicha, Dhaka.

.....Petitioner.

-VERSUS-

1. Bangladesh, represented by the Secretary, Ministry of Health, Bangladesh Secretariat, P.S. Ramna, Dhaka.
2. Secretary, Ministry of Road Transport and Bridges, Bangladesh Secretariat, PS Ramna, Dhaka.



3. Director General of Health Services, Ministry of Health, Mohakhali, Dhaka.
4. Bangladesh Medical and Dental Council, represented by its President, of 86 Shaheed Syed Nazrul Islam Shoroni, PS Ramna, Dhaka.

.....Respondents.

AND

IN THE MATTER OF:

Failure of the respondents to ensure the provision of emergency medical services by hospitals and doctors for patients in a life threatening situation particularly following a road crash in violation of fundamental rights guaranteed under Articles 27, 31 and 32 of the Constitution, read with Articles 15(a) and 18 and 21.

**Present:**

**Mr. Justice Moyeenul Islam Chowdhury.**

**-And-**

**Mr. Justice Md. Iqbal Kabir.**

**The 10<sup>th</sup> day of February, 2016.**

Ms. Sara Hossain with  
Ms. Rashna Imam and  
Ms. Anita Ghazi Rahman, Advocates.

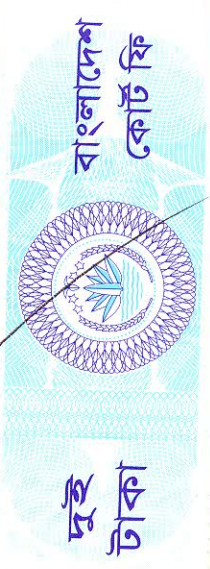
.....For the Petitioners.

Mr. Md. Motaher Hossain (Sazu), DAG with  
Ms. Purabi Rani Sharma, AAG and  
Ms. Purabi Saha, AAG.

.....For the Respondents.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why the failure to ensure the provision by existing hospitals and clinics, whether governmental or private, of emergency medical services to the critically injured persons should not be declared to be without lawful authority and violative of the fundamental rights as guaranteed under Articles 27, 31 and 32 of the Constitution and why the respondent nos. 1 and 3 should not be directed to require hospitals, clinics and doctors to render immediate emergency medical services as and when critically injured persons are brought to them and if any hospital/clinic does not have such emergency medical service, why they should not be directed to ensure

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that those critically injured persons are sent to the nearest available hospital with an emergency service, and/or to incorporate such a requirement in the licence issued to any private hospital or clinic, and to set up a complaint-system to receive reports regarding any such denial of services and/or such other or further order or orders passed as to this Court may seem fit and proper.

Pending disposal of the Rule, the respondent nos. 1 and 2 are directed to identify progress till date on ensuring emergency medical services to traffic accident victims, and measures that have been taken to include emergency service provision under the National Road Safety Strategic Action Plan 2014-2016 and to submit a report thereon within 3(three) months in this Court and the respondent nos. 1, 2 and 3 are also directed to propose guidelines for operation and management of emergency medical services, including the operation of an emergency reporting number and for measures to create public awareness of such services by way of dissemination both through print and electronic media and the respondent nos. 1 and 3 are further directed to issue necessary guidelines by a notification in the official gazette for the protection of "good samaritans" to be followed by hospitals, the police and all other relevant authorities.

Put up the record on 19.05.2016 for passing necessary orders.

The Rule is returnable within 4(four) weeks from date.

The petitioners are directed to put in requisites for service of notices upon the respondents by registered post as well as through usual process within 3(three) working days, failing which, the Rule shall stand discharged.

M.I. Chowdhury.

Md. Iqbal Kabir.

Typed by: Mahfuz:24.02.2016.

Read by: 24.02.16.

Exam. by: 24.02.16

Readied by:

মোঃ মনজুরুল হক খান  
প্রশাসনিক কর্মকর্তা

এস.এম সাহজাহান  
ক্লার্ক

প্রত্যয়িত অবিকল প্রতিলিপি

24.02.16  
সহকারী রেজিস্ট্রার  
বাংলাদেশ সূপ্রীম কোর্ট, লাইকোর্ট বিভাগ  
(১৮৭২ ইং সালের ১নং আইনের)  
৭৬ ধারামতে ক্ষমতা প্রাপ্ত