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Press Release

High Court's Guidelines to All Hospitals and Clinics to Provide Compulsory Emergency Treatment for Injured Persons in Road Accidents Without Any Legal Complexity and Financial Consideration

On 4 November 2018, the High Court passed the full judgment on the Writ Petition on ensuring emergency treatment to injured persons in road accidents without considering any legal formalities or complexity and financial ability.

On 8 August 2018, a divisional bench of the High Court Division consisting of Justice Syed Reefat Ahmed and Farid Ahmed passed a decree to enact a set of **Guidelines 2018, for Providing Emergency Treatment to the Injured and Protection for Assistants** ('the Guideline'). The Court ordered that the safety for the Good Samaritans of the judgment must be ensured.

In the verdict the Court mentioned the following:

- The permission regarding Surgical Treatment as per point 9.1 of the Guideline can be changed on request by the petitioner according to international standard.
- Point number 16 of the Guideline stipulates that infrastructural change in the emergency facilities of the hospitals, ensuring the use of ambulance as per the Government's rule, enlisting equipment; and manpower facilities among others must be executed within 6 months of the passing of this Guideline.
- The Court further directed that, within two months of the passing of this Guideline, the Health Ministry will include the two observations in the Guideline and circulate it in all printed and digital media via Gazette notification. The High Court also directed this Guideline to be considered as a law until there is a specific law enacted.

On 10 February 2016, BLAST along with Syed Saifuddin Kamal, Managing Director, Toru, filed a Writ Petition following the death of individuals who incurred injuries in an accident where the hospitals denied providing emergency treatment without legal formalities. On 12 July 2018, based on the Writ Petition, Bangladesh Legal Aid and Services Trusts instituted a Public Interest Litigation suit. In the Writ Petition, the Secretary of the Health and Family Planning Ministry, the Director of the Road Transport and Bridges Ministry and the Health Department were asked to give justification as directed by the Court, providing the reasons why injured people in road accidents will not be given emergency medication by hospitals. The Court further asked for a report from all public hospitals and medication centers stating if they have taken necessary steps to provide emergency medication to people who were injured in road accidents, according to the Road Transport Safety Action Plan 2014-2016 and directed them to submit it within three months. Furthermore, the Secretary of the Health and Family Planning Ministry, the Director of the Road Transport and Bridges Ministry and the Health Department were asked to form a guideline establishing a platform and publicising it so that an injured person can make a complaint against any losses suffered by them as a result of being denied treatment by hospitals. Apart from that, they were further asked to make a guideline for the protection of the person who helped the injured person.



বাংলাদেশ লিগ্যাল এইড এন্ড সার্ভিসেস ট্রাস্ট (ব্লাস্ট) Bangladesh Legal Aid and Services Trust (BLAST)

It is important to mention that Syed Saifuddin Kamal, Managing Director Toru, stated that, on 21 January 2016, a bus helper named Arafat suddenly slipped while getting on the bus. He later was taken to three different hospitals for treatment but the hospital authority denied treatment. Consequently, he was admitted to CMH hospital with the assistance of a Police Inspector. Unfortunately, the doctor declared him dead.

The decision initially taken by the various hospital authorities who denied treatment to the injured violates Article 27, 31 and 32; and section 8 and 11 of the Medical Management and Private Clinic Ordinance, 1982 as well as section 5B of the Bangladesh Medical and Dental Council Act, 1980.

Barrister Sara Hossain appeared on behalf of the petitioners and Barrister Anita Gazi Rahman, Barrister Rashna Imam and Advocate Sharmin Akhter assisted her in the case. Deputy Attorney General Kazi Jinat Haque and Assistant Attorney General Zakir Hossain appeared on behalf of the State party.

Barrister Rashna Imam stated that she is grateful to the High Court for this judgment which begins a new era for the legal system of the country. After this judgment by the Court, all the hospitals and clinics around the country will be bound to provide emergency medical treatment to the injured in road accidents without considering any legal and financial formalities. Another important feature of this verdict is that people who help the injured and victims in the roads will now feel free to assist them. She further thanked Barrister Sara Hossain for giving her the opportunity to become a part of this case and said that the real battle starts from the judgment as its implementation needs to be ensured.

Barrister Anita Gazi Rahman also thanked Sara Hossain for making her a part of this case and expressed her gratitude towards the High Court for delivering this verdict and establishing a milestone. She further acknowledged the participation of the Health Ministry and Attorney Generals. Through this judgment, the injured in the road accidents will get compulsory medication without the barrier of legal and financial formalities. However, she noted that it is the duty of every individual to collaborate and make the judgment functional.

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