

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. OF 2010.

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB), represented by its President, Advocate Manzill Murshid, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

3. Advocate Sarwar Ahad Chowdhury, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh, and 3/14 Bashbari Bosila Road, Mohammadpur, P.S.: Mohammadpur, Dhaka.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of Health and Family welfare, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

2. The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

3. The Director General (D.G.), Health Directorate, Mohakhali, Dhaka, Bangladesh.

4. The Senior Assistant Secretary, Hospital-Division 2, Ministry of Health and Family Welfare, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Direction upon the respondents to ensure better treatment in all government hospital, not to increase further the user fees in the government hospital and to stop distribution of user fees amongst the Doctor, Nurse and employee of the hospital.

G R O U N D S

I. For that the duty and responsibility vested upon the administration to perform the duties for the people. The respondents are also duty bound to obey the provision of law. It is the duty of respondent to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as vested upon them under Article 21 of the Constitution of Bangladesh. Hence respondents may be directed to take necessary steps to take immediate steps to stop distribution of user fees amongst the employee of the government hospital and to ensure the better treatment for the citizen in the government hospital.

II. For that the medical treatment of a citizen is very important for the their normal life living. So at this stage there is no alternative to stop further increase of user fees in the government hospital, otherwise the people will suffer financially.

III. For that disregard to laws and legal provisions and failure to ensure proper steps the respondents have caused enough threat to the life of the citizen and adversely affecting to the right to life. Under these circumstances the respondents are legally bound to take all necessary steps for ensuring the medical treatment in the government hospital without increasing the user fees in future. Hence a direction may be given upon the Respondents to take appropriate steps to stop distribution of user fees amongst the employee of the hospital.

IV. For that without any precautions to save the life of the citizen, the respondents have sent the life of the people in a dangerous situation, which is violation Article 18(1) of the Constitution of Bangladesh. Moreover the right to life is a fundamental right guaranteed under Article 32 of the Constitution of Bangladesh but it is violating by way of failure to in increase the user fees in the government hospital.

V. For that the poor people of our country is unable to get medical treatment from the private hospitals & clinics due their excessive rates. Normally most of the poor people are rushing to the government hospitals for their medical treatment. It is difficult for the poor people to bear the cost which is collecting as user fees from the patients. So it is very important to consider that if the user fees are further increased in that case thousands of poor people would be affected. Consequently most of the poor people could be deprived from medical treatment which will materially affect to their right of live.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

a) Issue a Rule Nisi calling upon the Respondents to show cause as to why direction should not be given upon the respondents to take necessary steps to ensure the better medical treatment of the patients in the government hospital and way a direction should not be give upon the respondents not to further increase the user fees in the government hospital.

b) Pending hearing of the Rule direct the Respondent No. 1 to form a expert committee within 15 days consisting of the representative of Ministry of Health, Ministry of Finance, expert Doctors to prepare a guideline for ensuring the better medical treatment in the government hospital and also prepare a list of the medical equipments which is necessary for better treatment in all the

government hospital and submit the report within 4 weeks before this Court.

c) Pending hearing of the rule direct the respondents to stop distribution of user fees amongst the doctors, nurse and employee of the government hospital.

Present Status

The case was filed and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter was heard by the Hon'ble High Court Division and passed judgment in making the rule absolute.
