

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

WRIT PETITION NO. _____ OF 2017.

IN THE MATTER OF:

An application under Article 102 of the Constitution of 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 it's Secretary Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Md. Aklas Uddin Bhuiyan, Supreme Curt of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 93 Indira Road, P.S.: Sher-E-Bangla Nagar, 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 Registrar, Bangladesh Medical & Dental Council having address at: # 203, Shaheed Sayed Nazrul Islam Sarani (86, Bijoy Nagar), Dhaka-1000, Bangladesh.
3. The Director General (DG), Health Directorate, Mohakhali, Dhaka, Bangladesh.
4. The Director General, the Directorate of National Consumer-Rights Protection, 1 Kawranbazar, TCB Bhaban (8th Floor), Dhaka, Bangladesh

5. The Secretary, Bangladesh Medical Association, 17/2, Topkhana Road, Dhaka-1000.

.....Respondents

AND
IN THE MATTER OF:

To take appropriate and effective steps to issue prescription for the patient in capital letters in a "legible" manner or printed way by the practicing doctor's and also mention the generic names of the drugs so as to ensure right medicine to the common people.

AND
IN THE MATTER OF:

The Article 32 of the Constitution of Bangladesh, and the Consumer Rights Protection Act 2009.

GROUND S:

I. For that the life of human being is dependent on drugs and medicine as they save life from being decayed and death. That drug is a basic need of people around the globe. But illegible handwriting in prescription given by the doctors compel the common and illiterate people to take a different even a wrong drug which ultimately affects public health in general and attacks the right to life of common people as enshrined in the Constitution of Bangladesh. Hence, your lordships should intervene into this mater by giving a direction upon the respondents to mandate doctors to prescribe medicines in capital letters in a "legible" manner and also mention the generic names of the drugs so as to ensure right medicine to people.

II. For that the common and illiterate people of Bangladesh are the most sufferers of illegible prescriptions since they do have to rely on drugs sellers for buying their medicines. Sometimes even the drug sellers cannot read the hand writing of some practicing doctors and this frequently happens when someone buys medicine prescribed by one doctor of a particular area from another area. These illegible prescriptions make the lives of the general people so vulnerable and it becomes so dangerous if the medicine taken wrongly is an antibiotic or a life saving drugs. That the responsibility of doctors is to save lives of common people but illegible handwriting in prescription

given by the doctors has sometimes exposed the patients to vulnerable situations leading to claiming life also, which affects right to life.

III. For that the matter involves a public issue. As per Article 32 of the Constitution of the People Republic of Bangladesh, right to life of the citizens is guaranteed as a fundamental right. But by way of illegible prescription of doctors, the right to life of the citizens is violated. Moreover, as per Constitution of the People Republic of Bangladesh the fundamental human rights of the citizens in the republic shall be guaranteed. Medical treatment is one of the fundamental human rights of citizens. So, no authority can show any negligence in any way to this right. Rather it is the duty of the respondents to give full support to the health safety of the citizen.

IV. For that the general people as a customer do have the right to get a right medicine; a quality medicine as advised by the doctors but their said right cannot be enjoyed by them due to illegible handwriting in prescriptions. Hence, your lordship should intervene into this public issue so that right to life of common people shall be ensured.

V. For that the present style of prescription writing is leading to confusion in pharmacists, who are unable to understand the prescriptions, giving wrong medicine to patients that even led to disasters when the names of drugs look like homonyms in English such as 'Trental' tablet is intended for better blood circulation in pregnant woman, but 'Tegrital' tablet is meant for abortion. Considering such hundreds of similarities in medicine which cause confusion amongst the pharmacists and common people due to illegible hand writing of doctors, a Public Interest Litigation was filed in India for addressing such issues and as per a recent direction of a High Court Bench in India in such PIL; the Medical Council of India has already directed their doctors to write prescriptions only in capital letters, which is also applicable to our case. Hence, a direction may be given upon the respondents to make a policy guideline for doctors for writing prescription in capital letters only.

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 a direction should not be given upon the respondents to take appropriate and effective steps to issue prescription for the patient in capital letters in a "legible" manner or printed way by the practicing doctor's or in hospital and also mention the generic names

of the drugs so as to ensure right medicine to the common people.

b) Pending hearing of the rule direct the respondents no. 2-3 to issue a circular within 7 days to stop writing prescription in small letters in illegible manner and ensure using capital letters for writing names of medicines and file a compliance report within two weeks before this Hon'ble Court through Registrar of the Supreme Court of Bangladesh about the steps taken by them.

Present Status:

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble High Court Division issued Rule Nisi and ad interim order upon the respondents. The case is pending before the Court
