

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

WRIT PETITION NO. \_\_\_\_\_ OF 2020

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 Secretary (in charge) Md. Sarwar Ahad Choudhury, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Md. Aklas Uddin Bhuiyan, Supreme Court 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 Chairman, Advisory Committee, Prevention of Infectious Disease Bangladesh Secretariat Building, P.S. Shahbag, Dhaka – 1000, Bangladesh.

2. The Secretary, Ministry of Health and Family Welfare, Health Care Division, Bangladesh Secretariat Building, P.S. Shahbag, Dhaka – 1000, Bangladesh

3. Additional Secretary (Hospital), Ministry of Health and Family Welfare, Bangladesh Secretariat, Dhaka, Bangladesh.

4. The Director General (DG), Health Directorate, Mohakhali, Dhaka, Bangladesh.

5. The President/Secretary, Bangladesh Private Clinics and Diagnostic Owner Association, House-8/3, Road 14, Dhanmondi R/A, Dhaka-1209, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Article 29, 32 of the Constitution of Bangladesh and provisions of সংক্রামক রোগ(প্রতিরোধ, নিয়ন্ত্রন ও নির্মূল) আইন-২০১৮.

AND

IN THE MATTER OF:

Inaction/Failure of the respondents to take appropriate steps/measures as per the different provisions of সংক্রামক রোগ(প্রতিরোধ, নিয়ন্ত্রন ও নির্মূল) আইন-২০১৮ to protect the people from Pandemic disease Corona Virus and for a direction upon the respondents to set up a yellow zone at entrance/gate of every private hospitals and clinics having emergencies treatment for giving treatment to all the patients.

**GROUNDS:**

I. For that the inactions of the respondents have risked the life of common people of Bangladesh affecting their right to life as enshrined in Article 32 of the Constitution of Bangladesh. That the respondents have failed to take sufficient attempts under section 3, 5(2), 7 and others provisions of law to control corona virus from being spreading in Bangladesh and failed to arrange immediate test and treatment of all patients.

II. For here that the duty and responsibility vested upon the respondents to protect the citizen of the country from any natural and unnatural incidents/causes. The respondents have failed to perform the duties and responsibilities as per the Constitution.

III. For that the Bangladesh is densely populated country especially Dhaka city and the only government hospitals are not able to serve all those peoples. So it is necessary to arrange treatment for all patients in any manner by all private hospital/clinics. Hence your lordships may pass an order upon the respondents to set up a yellow zone at entrance/gate of every

private hospitals and clinics having emergencies facilities for giving treatment to all the patients.

IV. For that if all private hospitals/clinics are permitted to test corona virus by PCR machine in that case it is possible to detect the patient and subsequently who are not positive they can get treatment instantly in the hospital/clinic. But to organize those systems every hospital/clinics should set up a yellow zone for patient in front of entrance/get of the hospital/clinic attached with emergencies treatment facilities. So that every patient having any fever/headache/tonsil/ breathing problem instantly will get blood test and after getting the test report necessary treatment will be given. If any private hospital/clinics has no PCR machine they should have allowed to test from any nearby PCR facilities hospitals/clinics.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to issue:

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a) A Rule Nisi calling upon the Respondents to show cause as to why the Inaction/Failure of the respondents to take appropriate steps/measures as per section 3, 5(2), 7 and others provisions of সংক্রামক রোগ(প্রতিরোধ, নিয়ন্ত্রন ও নির্মূল) আইন-২০১৮ as well as Article 32 of the Constitution of Bangladesh to protect the people from Pandemic disease Corona Virus, should not be declared illegal and without lawful authority

AND

Why a direction should not be given upon the respondents to take all necessary steps to ensure all kinds of treatment of all patients by the private hospital/clinics in Bangladesh during the pandemic corona virus situation.

b) Pending hearing of the rule direct the respondents to set up a yellow zone at entrance/gate of every private hospitals and clinics having emergencies facilities for giving treatment to all the patients within 48 hours and file a compliance report within 7 days by the respondent no. 2,4 and 5.

c) Pending hearing of the rule directs the respondents no. 2-4 to ensure supply of PPE, Mask, Gloves etc.(necessary items for corona patient treatment) items which is necessary for Doctors/Nurse/staffs of the yellow zone set up by the private hospital/clinics.

d) Pending hearing of the rule, direct the respondent no. 1 to submit a report about the activities/steps taken by the advisory committee in order to prevent pandemic corona virus in Bangladesh within 1 week.

**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 and passed an order to collect necessary PPE, Musk, Gown, Gloves etc., to provide necessary medicine, to form advisory committee. The matter is pending before the Hon'ble High Court Division.

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