



## Asif Ali Zardari v. Pakistan

2005 M L D 314

**Country:** Pakistan

**Region:** Asia

**Year:** 2004

**Court:** High Court

**Health Topics:** Health care and health services, Prisons

**Human Rights:** Right to life

### Facts

The applicant was being held in jail (and had been in jail for a 7 years and 10 months), pending murder cases against him. On the basis of a medical report from the Medical Board, the applicant requested an immediate admission and move to Dr. Ziauddin Hospital, Karachi for treatment and bed rest and to face the trial in the cases pending against him in the Central Karachi courts.

A prior judicial order had prevented the applicant from being moved to Karachi as the trial court found that (a) the applicant could be treated in any hospital and did not necessarily need to be treated at the hospital in Karachi and (b) it could not pass any order that would hamper proceedings in the Accountability Courts at Rawalpindi.

### Decision and Reasoning

The Court stressed that it was always cautious where the life of a prisoner under trial might be endangered due to lack of medical treatment, however such concern did not legally require the Court to regulate the business of a hospital or issue directions that medical treatment be administered in a particular manner. It therefore upheld the trial court's ruling, but directed the trial court not to overlook serious health complaints of the applicant and to require that the jail authorities administer appropriate treatment to the applicant.

### Decision Excerpts

“However, as observed by the Honourable Supreme Court that right to life is a fundamental right, the trial Courts are always cautious to see that if life of an under trial prisoner is endangered on account of his ill-health or lack of medical treatment in the hospital. Necessary directions are often issued to the jail authorities to see that they should not fail in performing their duties about the safety and health of the under trial prisoner. But this does not at all cast a legal obligation on the Court to regulate the business of a hospital and issued directions that medical treatment may be administered in a particular manner.”