

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:

For a direction upon the respondents to take appropriate steps against the Deputy Commissioner, Bogura, who has violated the provision of law and failed to perform his duties as vested upon him under Article 21 and 33 of the Constitution of Bangladesh.

AND

IN THE MATTER OF:

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

.....Petitioner.

-V E R S U S-

1. The Cabinet Secretary, Cabinet Division, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.
2. The Secretary, Prime Minister's Secretariat, Prime Minister's Office, Old Sangsad Bhaban,, P.S. Tejgaon, District: Dhaka.
3. The Secretary, Ministry of Establishment, Bangladesh Secretariat , P.S.: Shahbag, District: Dhaka.
4. Mr. Iftekharul Islam, the Deputy Commissioner, Bogra, District- Bogra.

.....Respondents.

G R O U N D S

I. For that Article 31 of the constitution of Bangladesh has provided a provision that 'to enjoy protection of law and to be treated in accordance with law and only in accordance with law' but in the case it has been violated by the respondent no. 4.

II. For that the duty and responsibility vested upon the administration to protect persons and property of any citizen of the country. The respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as per the constitution. Hence a direction may be given to take appropriate steps against the respondent no. 4.

III. For that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. It is the duty of an officer to act legally but no law has been allowed him to treat the citizen in an unlawful manner. But the respondent has failed to perform the duties and responsibility as per the constitution.

IV. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. Under Article 31 of the constitution of Bangladesh every one is to be treated in accordance with law. According to the news report the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated.

V. For that the order of arrest was passed by the respondent no. 4 against the persons who made allegation against him for corruption charge, which is not an offence as per the existing laws of the land. So the steps of the respondent no. 4 was taken in a vindictive manner by using abuse of power, hence it is illegal.

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 the action of the respondent no. 4 for directing the police to arrest 4 persons belonging to a political party, who brought allegations of corruption against the respondent no. 4, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondent no. 1-3 to take proper disciplinary action against the respondent for his conduct if the allegation is found to be correct by the investigation.
- b) Pending hearing of the Rule an order may be passed directing the Respondent no. 1-3 to refrain the respondent no. 4 from performing any function as Deputy Commissioner in any District.
- c) Pending hearing of the rule direct the respondent no. 1-3 to form an inquiry committee to investigate the matter published in the news paper and submit a report before this Court within 30 (thirty) days.

Present Status

The case was filled 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 is pending before the Hon'ble High Court Division.
