

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 it's Secretary, Advocate Asaduzzaman
Siddique, Hall No. 2, Supreme Court Bar Association
Bhaban, Dhaka, Bangladesh.

2. Advocate Mahbulul Islam, Son of Md.
Mofijuddin, Secretary General, Society of Justice,
of Hs LA-56, Badda, Post Office Road, Gulshan,
Dhaka 1212, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry
of Home Affairs, Bangladesh Secretariat , P.S.:
Shahbag, District: Dhaka.

2. Inspector General of Police (IGP), Police Head
Quarter Bhaban, Ramna, Dhaka, Bangladesh.

3. The Director General, Rapid Action Battalion
(RAB), P.O. RAB Head Quarter, Uttara, District-
Dhaka.

4. The Commander, RAB- 6, Khulna, Post
Khulna, District- Khulna.

5. Major Kamruzzaman, RAB- 6, Khulna, Post
Khulna, District- Khulna.

6. Mr. Delwar, D A D, RAB- 6, Khulna, Post
Khulna, District- Khulna.

.....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 law enforcing agencies.

II. For that the duty and responsibility vested upon the administration to protect the life of the persons. 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 as per law.

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 according to the news report the provision of Article 21 and 43 of the Constitution of Bangladesh has been violated. It is also prohibited to harass any person but it has been violated by the law enforcing agencies, hence direction may be given upon them to take legal action against the persons who are liable for illegal steps.

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 actions against the respondent no. 5 and 6 for failure to perform the duties as vested upon them and for violation of the provision of Article 21, 31, 35 and 43 of the Constitution of Bangladesh and why a direction should not be given upon the respondents to ensure the safety of the life and property of the citizen residing in Village-Natuadanga, Shibpur Union, Sathkhira Sadar Upazila, District- Sathkhira.
- b) Pending hearing of the Rule the Respondent no. 5 and 6 may be directed to be present before this Hon'ble Court to explain their conduct and involvement in the incident reported in daily Shomokal dated 23.05.2010 and 24.05.2010.
- c) Pending hearing of the rule direct the respondent no. 1 to form an inquiry committee (except the personnel's serving in law enforcing agencies) to investigate the matter published in the news paper dated 23.05.2010 in Shomokal and submit a report before this Court within 15 (fifteen) days.
- d) Pending hearing of the rule the respondent no. 2 and 3 may be directed to refrain from giving any public duty to respondent no. 5 and 6.

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.
