

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 its 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. The Secretary, Ministry of Home Affairs, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

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

3. The Police Commissioner, Dhaka, Dhaka Metropolitan Police (DMP), DMP Head Quarter, Eskaton Road, Dhaka, Bangladesh.

4. The Officer in Charge (O.C.), Gulshan Police Station, Gulshan, Dhaka, Bangladesh.

5. The Officer in Charge (O.C.), Badda Police Station, Badda, Dhaka, Bangladesh.

.....Respondents.

GROUND 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 instant case it has been violated by the law enforcing agencies.

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

III. For that the duty and responsibility vested upon the respondents 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. In the instant case the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

- a) A Rule Nisi calling upon the Respondents to show cause as to why the inaction of the respondents to take appropriate steps to ensure the safety of the daughters of the victim of a murder case being Gulshan Thana Case No. 84(3)10 under section 302/34 now residing at Ikbal House, House No.1, Road No.-11, Block-A, Syadnagar, Bhatara, Badda, and failure of the law enforcing agencies to perform their duties as vested upon them under Article 21 and 31 of the Constitution of Bangladesh should not be declared illegal and without lawful authority.
- b) Pending hearing of the rule direct the respondent 4 and 5 to provide adequate security and protection to Sumaia Yasmin Bithi and Nilufa Yasmin Bithi daughter of Late Sadiqur Rahman at present residing at Ikbal House, House No-1, Road No. 11, Block-A, Syednagar, Bhatara, Badda and also provide security to the informant complainant of Gulshan Thana Case No. 84(3)10 and the learned lawyer Mr. Asifuddin and submit a compliance report before this Court within 7 (seven) days.
- c) Pending hearing of the rule directs the respondent no. 4 and 5 to investigate the allegation of threatening to the witnesses of Gulshan Thana Case No. 84(3)10 by the accused who has been granted bail and take legal steps in accordance with law and file affidavit in compliance thereof within 15 days before this court.

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.
