

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

WRIT PETITION NO. OF 2011

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 Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Aklas Uddin Bhuiyan, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of Home Affairs, Bangladesh Secretariat Building no.7(3rd floor), P.S. Shahbag, Dhaka – 1000, Bangladesh.

2. The Deputy Commissioner of Kustia, Post and P.S. Kustia, Kustia.

3. The Superintendent of Police, Kustia, Post and P.S. Kustia.

4. The Officer in Charge, Model Police Station, Kustia.

.....Respondents.

AND

IN THE MATTER OF:

Inaction of the respondents to take appropriate steps to protect the witness of the murder case.

G R O U N D S:

I. For that the Article 27 of the Constitution guaranty the equality before law, Article 31 provides the right to protection of law and Article 35 provides protection in respect of trial and punishment. Which means irrespective of race, colour, ethnic origin, social status and economical status all citizens of this Republic is entitle to acquire protection and to obtain justice, from the judiciary. However, due to the corrupted practise of the lower judiciary it has failed to maintain its unbiased image before the common people, which has destroyed the trust and reliance of common people. This court is under constitutional duty to maintain an unbiased position and deliver justice. Thus this court is ought to bound to declare these inaction of the respondent to protect the eye witness of murder is illegal and take appropriate steps against the respondents.

II. For that the Article 44 of the Constitution provides the duty to this Hon'ble High Court to enforce the fundamental rights guaranteed by Constitution. Thus undoubtedly this court is under duty by the authority of the Constitution to declare the inaction of the respondents to protect the witnesses is illegal and ought to take appropriate steps against the responsible persons.

III. For that under Article 21 of the constitution the respondents are duty bound at all time to serve the people and to perform the public duties. Nevertheless, they have failed to do their duty because they have failed to take steps against the accused and protect the witnesses.

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 inaction of the respondents to take appropriate steps against the miscreants and to protect the witnesses of the murder case; should not be declared illegal and without lawful and why a direction should not be given upon the respondents to take steps to against the miscreants.
- b) Pending hearing of the rule directs the respondents Nos. 3 and 4 to appear in person before this Hon'ble Court and explaining their conduct.

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 upon the respondents and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
