

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

1. Human Rights and Peace for Bangladesh (HRPB) Represented by it's Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Aklasuddin 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 Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.
2. The Secretary Ministry of Public Administration, Bangladesh Secretariat, P.S.: Ramna, District: Dhaka.
3. The Chief Judicial Magistrate, Sherpur, Post and District- Sherpur, Bangladesh.
4. The Deputy Commissioner, Sherpur, Post and District- Sherpur, Bangladesh.
5. Mr. Ismatullah, Magistrate, Sherpur, Post and District-Sherpur, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

For a direction to take legal action against the respondent no. 5 for inhuman torture upon a Member Candidate of the Union Parishad under Jhenaigathi Upazila District- Sherpur and to take necessary steps to stop activities against the provision of law by the Government Servants of the Republic.

GROUND S

I. For that the duty and responsibility vested upon the law enforcing agency to protect citizen from the unlawful activities. The respondents are also duty bound to obey the provision of law. It is the duty of the respondents to investigate the case where provision of law has been violated. But they have failed to perform the duties

and responsibility as per the law. Hence direction may be given upon the respondents to take legal action against the violators of the law.

II. For that the persons who are liable for torture must be punished under the provision of law of the Bangladesh penal code. More over as per Article 21 of the constitution of the Peoples Republic Of Bangladesh duty of every citizen and public servant is to observe the constitution and law but failed it by the respondents. Hence a direction may be given upon the Respondents.

III. For that the facts as reported in the news that the respondent no. 5 is liable for torture, and his act is totally illegal and against the sprit of law. The persons, who are liable for torture, should be prosecuted under the law. The respondent has failed to do their job as vested upon them, hence a direction may be given upon them to take necessary steps against the violators of the law .

IV. For that the torture is against the existing law and failure of the authorities to take any action against the liable person or to prevent or punish the offender and results in the violation of existing applicable laws, human rights. It is contrary to the laws of Bangladesh and against the Constitution.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to issue: -

a) A Rule Nisi calling upon the Respondents to show cause as to why the inaction of the Respondents to take legal action against the respondent no. 5, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondent no. 1-4 to take legal action against the respondent no. 5 under the provision of Penal Code.

b) Pending hearing of the rule directs the respondent no. 5 to appear in person on 17.08.2011 at 10.30 am before this court and respondent no. 4 is directed to ensure the presence of the respondent no. 5.

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.
