

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

WRIT PETITION NO. _____ OF 2014

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:

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

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of Home Affairs, Bangladesh Secretariat Building, P.S. Shahbag, Dhaka – 1000, Bangladesh.
2. The Inspector General of Police (IGP), Police Head Quarter, Fulbaria, Ramna, Dhaka, Bangladesh.
3. The Deputy Commissioner (D.C.) of Rajshahi, Post and P.S. Rajshahi, Bangladesh.
4. The Police Commissioner, Rajshahi, Post and P.S. Rajshahi, Bangladesh.
5. The Officer in Charge, Rajpara Thana, Police Station- Rajpara, District- Rajshahi.
6. Mr. Nuruzzaman Tuku, Ward Councillor, Bhatpara, Police Station- Rajpara, District- Rajshahi.

7. Mr. Azizul Islam, Bhatpara, Police Station- Rajpara, District- Rajshahi and others.

.....Respondents.

AND

IN THE MATTER OF:

Inaction of the Respondents to take legal action against the Respondent nos. 6, 7 and others and direction upon the respondents to take legal action against the Respondents nos. 6, 7 and others under the provision of the Penal Code.

GROUND S

I. For that the duty and responsibility vested upon the law enforcing agency to protect the citizen from the unlawful activities. The respondents are also duty bound to obey the provision of law. It is the duty of a police officer 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 Penal Code. Moreover, 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 nos. 6, 7 and others is liable for the said torturing, and their act is totally illegal and against the sprit of law. The persons, who are liable for such torturing, should be prosecuted under the law. The law enforcing agency 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 torturing is against the existing law and failure of the authorities to take any action against the liable persons or to prevent or punish the offenders 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 nos. 6, 7 and others, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to take legal action against the Respondents nos. 6, 7 and others under the provision of the Penal Code.

b) Pending hearing of the rule directs the respondent no. 5-7 to appear in person on 10.02.14 at 10.30 am before this court and respondent no. 5 is directed to ensure the presence of the Respondent nos. 6, 7 and others.

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.
