

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 Siddique, 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, P.S. Shahbag, District: Dhaka, Bangladesh.
2. The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S. Shahbag, District: Dhaka, Bangladesh.
3. The Inspector General of Police (IGP), Police Head Quarter, Fulbari, Dhaka, Bangladesh.
4. The Deputy Inspector General of Police (DIG) (Highway Police), Razarbag Telecom Bhaban, Dhaka, Bangladesh.
5. The Joint Commissioner (Traffic), Dhaka Metropolitan Police, DMP Head Quarter, Dhaka, Bangladesh.
6. The Chairman, BRTA, BRTA head office, 21 Allenbari, Tejgaon, Dhaka, Bangladesh.
7. The Superintendent of Police (SP), Jessore, Police Super Office, Jessore, Post & Dist: Jessore, Bangladesh.
8. The Superintendent of Police (SP), Khulna, Police Super Office, Khulna, Post & Dist: Khulna, Bangladesh.

9. The Superintendent of Police (SP), Jhenaidah, Police Super Office, Jhenaidah, Post & Dist: Jhenaidah, Bangladesh.

10. The Superintendent of Police (SP), Kushtia, Police Super Office, Kushtia, Post & Dist: Kushtia, Bangladesh.

11. The Superintendent of Police (SP), Magura, Police Super Office, Magura, Post & Dist: Magura, Bangladesh.

12. The Superintendent of Police (SP), Chuadanga, Police Super Office, Chuadanga, Post & Dist: Chuadanga, Bangladesh.

13. The Superintendent of Police (SP), Meherpur, Police Super Office, Meherpur, Post & Dist: Meherpur, Bangladesh.

14. The Superintendent of Police (SP), Satkhira, Police Super Office, Satkhira, Post & Dist: Satkhira, Bangladesh.

15. The Superintendent of Police (SP), Norail, Police Super Office, Norail, Post & Dist: Norail, Bangladesh.

16. The Superintendent of Police (SP), Bagerhat, Police Super Office, Bagerhat, Post & Dist: Bagerhat, Bangladesh.

....Respondents.

AND

IN THE MATTER OF:

For a direction upon the Respondents to take necessary steps to stop driving the illegal and ineffective road transports namely Nosimon-Korimon, Bhotbhoti immediately on the roads and highways of the Districts of Jessore, Khulna, Jhinaidah, Kushtia, Magura, Chuadanga, Meherpur, Satkhira, Norail and Bagerhat to reduce road accidents since such vehicles always cause many accidents on the roads and highways.

G R O U N D S:

I. For that the motor vehicles namely Nosimon-Korimon, Bhotbhoti are the illegal and ineffective road transports as they do not have any registration under Section 32 of the Motor Vehicles Ordinance, 1983. Moreover, the said motor vehicles have no certificate of fitness issued by the concern authority under Section 47 of the Motor Vehicles Ordinance, 1983. So, there should be some monitoring over the said motor vehicles. The Respondents should take necessary steps against the owners and drivers of the Nosimon-Korimon, Bhotbhoties and remove the said illegal

and ineffective motor vehicles from the roads and highways immediately to reduce the unexpected road accidents.

II. For that in Section 53 of the Motor Vehicle Ordinance, 1983, the government has the power to issue orders and directions upon the authority as it may consider necessary in respect of any matter relating to road transport or on any matter provided in this Ordinance and the authority shall give effect to all such orders and directions. Though everyday several accidents have been occurred and many people die due to failure of the Respondents in respect of road transport management system to remove all illegal and ineffective motor vehicles from the roads and highways, the government did not issued any affective orders and directions in order to solve this problem.

III. For that in Section 2 (A) of the motor Vehicle Ordinance, 1983, it was provided to establish an authority to be called the Bangladesh Road Transport Authority for carrying out the purpose of the Ordinance. The authority has formed and functioning having its office at Dhaka. But in order to establish an affective and safe road transport management system in Bangladesh, the concern authority has no master plan to take any action against the owners and drivers of the illegal and ineffective motor vehicles namely Nosimon-Korimon Bhotbhoti. Even the authority has no necessary man power, training facilities and management to monitor and control over the whole road transport system of Bangladesh. Moreover, due to inefficiency and failure of the authority they could not play any role against the owners and drivers of the illegal and ineffective motor vehicles to reduce road accidents and death in the different areas of Bangladesh.

IV. For that as per the provision of Article 21 of the Constitution of Bangladesh, the duties and responsibilities vested upon the Respondents to serve the people and initiate lawful steps and they are also duty bound to obey the provisions of law. But the Respondents have failed to perform their duties and responsibilities as vested upon them and by way of violating the provision of the Constitution of Bangladesh the Respondents did not yet take any effective steps against the owners and drivers of the illegal and ineffective motor vehicles namely Nosimon-Korimon Bhotbhoti to reduce the accidents on the roads and highways in the different areas of Bangladesh.

V. For that everyday many accidents are occurred on the roads and highways due to the negligence of the concern authorities and the Respondents and in absence of the affective road transport management system as the Respondents did not show any headache with regard to the illegal and ineffective motor vehicles. So, some people are depriving from their protection of right to lives as guaranteed under Article 32 of the Constitution of Bangladesh. So there should be a direction upon the Respondents to take necessary steps to stop driving the illegal and ineffective road transports namely Nosimon-Korimon Bhotbhoti immediately on the roads and highways to reduce road accidents since such vehicles always cause many accidents on the roads and highways.

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 follow the provisions of Motor Vehicles Ordinance in case of allowing motor driving on the road and highway and take necessary steps to stop driving of the illegal and ineffective road transports namely Nosimon-Korimon, Bhotbhoti on the roads and highways of the Districts of Jessore, Khulna, Jhinaidah, Kushtia, Magura, Chuadanga, Meherpur, Satkhira, Norail and Bagerhat in order to reduce road accidents.

b) Direct the Respondent No. 4 and 7-16 to take steps to withdraw the transports namely Nosimon-Korimon, Bhotbhoti from the highways of the Districts of Jessore, Khulna, Jhinaidah, Kushtia, Magura, Chuadanga, Meherpur, Satkhira, Norail and Bagerhat within 48 hours and filed a compliance report in within two weeks.

f) Pass such other and further order and/or orders as your Lordships may deem fit and proper.

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 ad-interim order was issued. The Rule is pending before the Hon'ble High Court Division.
