

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:

1. Human Rights and Peace for  
Bangladesh (HRPB) Represented by it's  
Secretary Advocate Asaduzzaman Siddique,  
Hall No. 2, Supreme Court Bar Association  
Bhaban, Dhaka, Bangladesh.

2. Advocate Mahabubul Islam, Supreme  
Curt of Bangladesh, 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, P.S. Shahbag, District: Dhaka.

2. The Secretary, Ministry of  
Communication, Bangladesh Secretariat,  
P.S. Shahbag, District: Dhaka.

3. The Chairman, Bangladesh Road  
Transport Authority (BRTA), 21, Ellenbari,  
Tejgaon, Dhaka.

4. The Director (Engn), Bangladesh Road  
Transport Authority (BRTA), 21, Ellenbari,  
Tejgaon, Dhaka.

5. The Deputy Inspector General of Police (DIG) (Highway Police), Razarbag Telecom Bhaban, Dhaka, Bangladesh.

6. The Joint Commissioner (Traffic), Dhaka Metropolitan Police, DMP Head Quarter, Dhaka, Bangladesh.

7. The Deputy Director, (Engn) BRTA Ellenbari, Tejgaon, Dhaka.

8. The Inspector of Vehicles, BRTA Ellenbari, Tejgaon, Dhaka.

....Respondents.

AND

IN THE MATTER OF:

impugned letter dated 31.12.2013 under Memo no. 35.03.0000.003.031.04.13.-3176 issued by respondent no. 4 permitting the renewal of professional driving license through test/ examination conducted by a vehicle inspector bypassing the authority of the Driving Competency Test Board. Should not be declared illegal and without lawful authority (As of Annexure-A).

**GROUND S:**

I. For that the respondents have failed to do their duty because they have bypassed the existing authority of the Driving Competency Test Board for taking competency test for professional drivers and in doing so; the authority has failed to comply the provisions of law.

II. For that the said letter dated 31.12.2013 was issued without lawful authority and being undue influenced by a vested quarter allowing the professional drivers to renew their licenses under a single Inspector for vehicle without following proper process of law bypassing the competency test conducted by the Driving Competency Test Board.

III. For that the said letter dated 31.12.2013 would inspire the drivers to drive the vehicles overlooking the right to life as enshrined in Article 32 in the Constitution of Bangladesh and hence would violate the fundamental rights of people. Hence, the letter may be declared illegal and without law full authority.

IV. For that bypassing the authority of the Driving Competency Test Board for the purpose of strengthening the single hand of one Inspector for Vehicles is ill motivated and for this the purpose of

competency test will be frustrated as the Inspector for vehicle will not be equipped with all the expertise as the Board is deemed to possess. For that he would not be competent enough for look after and oversee all the requirements as needed for competency test under Third Schedule of the said Ordinance, i.e. expertise for eyesight, signals, colors, responsibility during the casualty and injury, and others which can be monitored and tested by only a competent board comprising of various experts.

V. For that the BRTA has been defeated to the wishes of others for bypassing the Board which would ultimately help non-qualified and non-experienced persons to get their licenses renewed and thereby some people will be deprived of their right to life.

VI. For that the frequency of tests/responsibility of the Driving Competency Test Board needs to be enhanced for better functions.

VII. For that the BRAT has violated the provisions of section 12 (2) of the Motor Vehicle Ordinance, 1983 which require competency test of professional drivers on regular intervals, which involves many things as described in Third Schedule of the Ordinance. For that for the purpose of due test, a competent board is required rather than a single person.

VIII. For that everyday there are many accidents by drivers in highways due to not following the traffic rules and due to issuance of driving license to the non qualified and non experienced persons. For that renewal of such professional licenses without following due process of law and without a competent body, accidents will be a common phenomena for which people will be deprive of their right to life.

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 the impugned letter dated 31.12.2013 under Memo no. 35.03.0000.003.031.04.13.-3176 issued by respondent no. 4 permitting the renewal of professional driving license through test/ examination conducted by a vehicle inspector bypassing the authority of the Driving Competency Test Board. should not be declared illegal and without lawful authority (As of Annexure-A).
- b) Pending hearing of the rule pass an order to stay operation of the impugned letter dated 31.12.13 (As of Annexure-A).

- c) Direct the office to serve the notice and copies upon the respondents at the cost of office.
- d) After hearing the parties make the Rule absolute.
- e) Pass such other and further order and/or orders as your Lordships may deem fit and proper.

**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.

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