

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

**WRIT PETITION NO.1613 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:**

**Human Rights and Peace for Bangladesh.**

.....Petitioner.

-Versus-

Bangladesh, represented by the Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Shahbag, Dhaka and others.

.....Respondents.

**Mr. Manzill Murshid with**

Mr. Sanjoy Mandal

.....For the petitioner.

**Mr. Arobinda Kumar Roy (Ananda),A.A.G.**  
with Ms. Jesmin Sultana(Shamsad), A.A.G.

.....For the respondents.

**Mr. Muhammad Rafiul Islam**

.....For respondent No.6

**Mr. Md. Abdul Jabbar.**

.....For respondent No.16

Heard on 23<sup>rd</sup> January, 2017 and

**judgment on 25<sup>th</sup> January, 2017.**

**Present:**

**Ms. Justice Salma Masud Chowdhury**

**AND**

**Mr. Justice Kazi Md. Ejarul Haque Akondo**

**SALMA MASUD CHOWDHURY, J.**

This Rule Nisi was issued 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 roads and highways and take necessary steps to stop driving of the illegal and ineffective road transports namely Nosimon, Korimon and Bhotbhoti on the highways of the Districts of Jessore, Khulna, Jhinaidah, Kushtia, Magura, Chuadanga, Meherpur, Satkhira, Norail and Bagerhat in order to prevent road accidents and/or pass such other or further order or orders as to this Court may seem fit and proper.

It appears from the Writ Petition that the writ petitioner is a non-profitable registered organization and the objects of the organization are to uphold the human rights of the citizen, to establish rule of law, to work for the poor people, to give legal support to the helpless people and to build up awareness amongst the people about their rights etc. and the petitioner, in order to stop driving the illegal and ineffective road transports namely Nosimon, Korimon and Bhotbhoti immediately on the roads and highways of the Districts of Jessore, Khulna, Jhinaidah, Kushtia, Magura, Chuadanga, Meherpur, Satkhira, Norail and Bagerhat for reducing road accidents since such vehicles always cause many accidents on the roads and highways and especially on perusal of a report as published on 15.11.2013 in the ‘Daily Inqilab’ stating that due to overlook of the duty as vested upon the law enforcing agencies and ignoring the provisions of Motor Vehicles Ordinance illegal transports are running on various roads causing road accident regularly, filed the present Writ Petition and obtained the present Rule.

Mr. Manzill Murshid, the learned Advocate appearing on behalf of the petitioner submits that the motor vehicles namely Nosimon, Korimon and Bhotbhoti are the illegal and ineffective road transports as they do not have any registration under section 32 of the Motor Vehicles Ordinance,

1983 and no certificate of fitness have been issued by the concerned authority under section 47 of the Motor Vehicles Ordinance, 1983 for plying on roads of such vehicles and there should be some monitoring over the said motor vehicles and the respondents should take necessary steps against the owners and drivers of the Nosimon, Korimon and Bhotbhoti and remove the said illegal and ineffective motor vehicles from the roads and highways immediately to reduce the unexpected road accidents. He also submits that everyday many accidents are occurred on the roads and highways due to the negligence of the concerned authorities and the respondents and in absence of effective road transport management system, citizens are deprived from their protection of right to lives as guaranteed under Article 32 of the Constitution of Bangladesh and there should be a direction upon the respondents to take necessary steps to stop driving of 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. He next submits that section 2 (A) of the Motor Vehicle Ordinance, 1983 provided for establishing an authority to be called the Bangladesh Road Transport Authority for carrying out the purpose of the Ordinance and the Authority has been formed and functioning but in order to establish an effective and safe road transport management system in Bangladesh, the concerned Authority has no master plan to take any action against the owners and drivers of the illegal and ineffective motor vehicles namely Nosimon, Korimon and Bhotbhoti and even the Authority has no necessary man power, training facilities and management to monitor and control the whole road transport system of Bangladesh and 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 deaths in different areas of Bangladesh. Lastly the learned Advocate submits that under 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 as everyday several accidents are occurring and many people die due to failure of the respondents in respect of road transport management system, and in order to remove all illegal and ineffective motor vehicles from the roads and

highways, the Government must issue affective orders and directions in order to solve the problem.

Mr. Md. Abdul Jabbar the learned Advocate appearing on behalf of respondent No.16 files affidavit-in-compliance stating that Nosimon, Korimon and Bhotbhoti have been withdrawn from the roads and highways of Bagerhat as per the direction of this Court.

Mr. Muhammed Rafiul Islam, the learned Advocate appearing on behalf of the respondent No.6 files an affidavit-in-opposition and submits that the respondents are consistently working to ensure road safety and discipline reducing road accidents apart from other statutory duties and are duty bound to perform implementation of such functions as prescribed by the law. He also submits that this respondent BRTA as per the decision of the National Road Safety Council are taking steps against plying of illegal vehicles on the highways particularly Nosimon, Korimon and Bhotbhoti and a letter vide memo No.BRTA/enforce/rs-13/(portion-1)/2009-53 dated 10.3.2011 was issued to the Deputy Commissioners of all Districts for taking necessary steps in this regard and on 2.2.2012 a committee consisting of 12 members was formed based on the decision of Road Transport Advisory Council to stop plying of illegal Nosimon, Korimon and Bhotbhoti on the roads and highways.

Mr. Arobinda Kumar Roy (Ananda), the learned Assistant Attorney General appearing on behalf of the respondents submits that steps should be taken for reducing the road accidents by way of banning plying of illegal vehicles in the roads and highways like Nosimon, Korimon and Bhotbhoti.

We have heard the learned Advocates for the petitioner and the respondent Nos.6 and 16 and the learned Assistant Attorney General representing the respondents and perused the Writ Petition, affidavit-in-oppositions filed by the respondent No.6 and 16 along with other materials on record. It appears that the petitioner filed the present Writ Petition as a public interest litigation (PIL) seeking direction upon the concerned respondents to take steps to stop plying of transports like Nosimon, Korimon and Bhotbhoti immediately on the roads and highways of the Districts of Jessore, Khulna, Jhinaidah, Kushtia, Magura, Chuadanga, Meherpur, Satkhira, Norail and Bagerhat. After the issuance of the Rule in the present Writ Petition the respondent Nos.4,7-16 were

directed to take steps to withdraw vehicles like Nosimon, Korimon and Bhotbhoti from highways of the Districts of Jessore, Khulna, Jhinaidah, Kushtia, Magura, Chuadanga, Meherpur, Satkhira, Norail and Bagerhat and respondent No.16 filed an affidavit-in-compliance stating that the transport like Nosimon, Korimon and Bhotbhoti have been withdrawn from the roads and highways of Bagerhat. Every day we are getting news through press and electronic media that many lives are being taken away due to the road accidents especially caused by the ineffective transports namely Nosimon, Korimon and Bhotbhoti which are plying in the highways. Many people die every year due to road accidents. In order to decrease the rate of the road accidents, Motor Vehicles Ordinance and other connected laws should be properly implemented. Considering the present situation along with facts and circumstances and the submissions made by the learned Advocate for the petitioner, we find merit in the Rule.

In the result, the Rule is made absolute.

Respondent Nos.4 and 7-16 are directed to stop the plying of illegal transports namely Nosimon, Korimon and Bhotbhoti immediately on the roads and highways of the Districts of Jessore, Khulna, Jhinaidah, Kushtia, Magura, Chuadanga, Meherpur, Satkhira, Norail and Bagerhat. We also direct the concerned respondents to prohibit the driving of the motor vehicles without proper license from the concerned authority under section 47 of the Motor Vehicle Ordinance and take legal and stern actions against the concerned persons who are found to be plying on highways without such proper licences.

This writ petition will be treated as a continuous mandamus and respondent Nos.1,4 and 7-16 are directed to submit compliance report in every 3(three) months before the Court through affidavit.

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