

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 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 Sarwar Ahad Chowdhury,

Hall No. 2, Supreme Court Bar Association

Bhaban, Dhaka, Bangladesh, and 3/14

Bashbari Bosila Road, Mohammadpur, P.S.:

Mohammadpur, Dhaka.

3. Advocate Md. Aklas Uddin Bhuiyan

Publicity Secretary of Hall No. 2, Supreme

Court Bar Association Bhaban, Dhaka and

33 Abdul Hadi Lane, Police Station

Kotwali, District- Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary,
Ministry of Communication, Bangladesh
Secretariate, Shahbag, Dhaka, Bangladesh.

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

3. The Chairman, BRTC, BRTC head
office, RAJUK Aveneu, Motijhhel, Dhaka,
Bnagladesh.

4. The Chairman, BRTA, 21 Allenbari,
Tejgaon, Dhaka, Bangladesh

5. The President/Secretary, Bus Owners Association of Bangladesh, Dhaka, Bangladesh.

6. The Inspector General of Police (IGP), Police Head Quarter, Fulbari, Dhaka, Bangladesh.

7. The Police Commissioner, Dhaka Metropolitan Police, DMP Head Quarter, Eskaton, Dhaka, Bangladesh

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

9. The Superintendent of Police, Dhaka,
Police Super Office, Collectorate Building,
Dhaka, Bangladesh.

10. The Superintendent of Police,
Narayangonj, Police Super Office,
Narayangonj, Post & Dist: Narayangonj.

11. The Superintendent of Police (SP),
Gazipur, Police Super Office, Gazipur, Post
& dist: Gazipur.

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

13. D.C (Traffic), North, Dhaka
Metropolitan Police, Dhaka, Bangladesh.

14. D.C (Traffic), South, Dhaka

Metropolitan Police, Dhaka, Bangladesh.

15. D.C (Traffic), East, Dhaka Metropolitan

Police, Dhaka, Bangladesh.

16. D.C (Traffic), West, Dhaka Metropolitan

Police, Dhaka, Bangladesh.

....Respondents.

AND

IN THE MATTER OF:

Inaction of the respondents to stop collection
of excesses bus/minibus/auto rickshaw fair
from the passengers and failure of the
respondents to execute government
approved bus/minibus/auto rickshaw fair

and direction to save the people from
financial hazard.

To,

Mr. Justice Md. Mozammel Hossain, the Hon'ble Chief Justice of
Bangladesh and the companion Judges of the said Hon'ble Court.

The humble Petition of the Petitioners above named most
respectfully;-

S H E W E T H:

1. That the organization Human Rights And Peace For Bangladesh
(HRPB) 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. That the petitioners are the members of the
organization and engaged in promoting and defending human rights,

working to establish rule of law and supporting the victims of human rights violations.

2. The petitioners being conscious citizen and respectable member of the Bar is seeking direction upon the respondents to ensure effective execution of government approved bus/minibus/autorickshaw/minibus/minibus/autorickshaw/autorickshaw fair and to take necessary steps to stop all unauthorized and excesses collection of bus/minibus/auto rickshaw fair from the passengers. The petitioners seek to bring this application by invoking Article 102 of the Constitution as public interest litigation in order to establish the government decision about bus/minibus/auto rickshaw fair.

3. That the respondent no. 1 is Bangladesh represented by the Secretary, Ministry of Communication, Bangladesh Secretariate, Shahbag, Dhaka, Bangladesh. Respondent no. 2 is the Secretary,

Ministry of Home Affairs, Bangladesh Secretariat, P.S. Shahbag,
District: Dhaka. Respondent no. 3 is The Chairman, BRTC, BRTC
head office, RAJUK Avenu, Motijhhel, Dhaka, Bnagladesh.
Respondent no. 4 is The Chairman, BRTA, 21 Allenbari, Tejgaon,
Dhaka, Bangladesh. Respondent no. 5 is The President/Secretary,
Bus/minibus/autorickshaw/minibus/minibus/autorickshaw/autorickshaw
Owners Association of Bangladesh, Dhaka, Bangladesh. Respondent
no. 6 is The Inspector General of Police (IGP), Police Head Quarter,
Fulbari, Dhaka, Bangladesh. Respondent no. 7 is The Police
Commissioner, Dhaka Metropolitan Police, DMP Head Quarter,
Eskaton, Dhaka, Bangladesh. Respondent no. 8 is The Joint
Commissioner (Traffic), Dhaka Metropolitan Police, DMP Head
Quarter, Dhaka, Bangladesh. Respondent no. 9 is The Superintendent
of Police, Dhaka, Police Super Office, Collectorate Building, Dhaka,
Bangladesh. Respondent no. 10 is The Superintendent of Police,
Narayangonj, Police Super Office, Narayangonj, Post & Dist:

Narayangonj. Respondent no. 11 is The Superintendent of Police (SP),
Gazipur, Police Super Office, Gazipur, Post & dist: Gazipur.

Respondent no. 12 is The Superintendent of Police (SP), Manikgonj,
Police Super Office Manikgonj, Post & Dist: Manikgonj. Respondent

No. 13 is D.C (Traffic), North, Dhaka Metropolitan Police, Dhaka,
Bangladesh. Respondent no. 14 is D.C (Traffic), South, Dhaka

Metropolitan Police, Dhaka, Bangladesh. Respondent no. 15 is D.C
(Traffic), East, Dhaka Metropolitan Police, Dhaka, Bangladesh.

Respondent no. 16 is D.C (Traffic), West, Dhaka Metropolitan Police,
Dhaka, Bangladesh. The addresses of the petitioner and respondents

given in the cause title are correct for the purpose of services of notice
upon them.

4. That it is stated here that a report was published on 22.05.2011-
18.05.2011 in the daily Prothom Alo stating that failure to monitor
the government approved bus/minibus/auto rickshaw fair the people at

large are suffering. It was also reported in the daily news paper that most of the transport sector are collecting excesses bus/minibus/auto rickshaw fair from the passengers. After increasing the fuel price the Government in a joint meeting with the bus/minibus/auto rickshaw owners fixed the rate per kilometer but ignoring that excesses money as fair is collecting from the passengers, which is not only illegal but also exploit to the people. By the act of the transport owners the peoples are financially suffering. Mostly middle class people are facing hardship due to the excess bus/minibus/auto rickshaw fair collection from the passengers. It was also reported in many newspapers that due to negligence and absence of effective control excesses bur fair are collecting.

Copies of the newspaper is annexed

herewith and marked as “ANNEXURE”A

Series.

5. That it is stated here that this case involves a question of public importance. The question involved in this case is not only about the interest of the parties but also for the benefit of the general citizens. The role of this Hon'ble Court in settling the issue may help to control the excessive collection of bus/minibus/auto ricksha fair and could save the citizens financially.

6. That it is stated here that by way of excessive collection of bus/minibus/autorickshaw/minibus/minibus/autorickshaw/autorickshaw fair the financial life of the citizens is seriously hampered. It is the duty and moral responsibility of the respondents to ensure the collection of government approved bus/minibus/auto rickshaw fair.

7. That it is stated there that considering all the circumstances stated above it is necessary to take some steps by the authority

concern to stop excesses collection of bus/minibus/auto rickshaw fair from the passengers.

8. That it is submitted that in section 55 (1) of the Motor Vehicle Ordinance, 1983, it was provided to form a road transport adversary council in order to facilitate to form a discussion of the problems in the road transport sector and also for the ventilation of grievance of owners as well as road transport workers. Further in subsection 2 of section 55 of the Motor Vehicle Ordinance, 1983, the road transport adversary council constituted as under sub section 1, shall meet at list ones in three months and submit its recommendation. But there is no effective decision or recommendation to stop all mismanagement of road sector.

9. That it is submitted here 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 create a effective traffic management system and to establish a save road transport in Bangladesh they have no any master plan or any action. Even the authority has no necessary man power, training facilities and management to monitor and control whole road transport system of Bangladesh. More over due to inefficiency and failure of the authority they could not play any role to stop mismanagement.

10. That it is stated here that Human Rights And Peace For Bangladesh (HRPB) is an organization working on different issues and many public interest litigations have been filed by them. In many cases the Hon'ble High Court Division has passed judgment such as i) VAT collection from the patient declared illegal, ii) directed to constitute civil vacation court during civil vacation in every December

in subordinate court, iii) directed not to set up any cattle hat on the street in Dhaka City during Eid-Ul-Azha and removing all slaughtering materials within 24 hours with a hygienic manner, iv) directed to form an inquiry commission about murder/rape /persecution/torture committed immediate after parliament election of 2001 upon the then opposition supporter and minorities, v) directed to set up food court in every city in order to prevent food adulteration, vi) directed to form an “Earthquake Preparedness And Awareness Committee” and collected the necessary earthquake rescue equipments as per their recommendation, vii) directed to protect river Buriganga, Balu, Turag and Shitallakha and to stop encroachment in the rivers as well as directed to remove all the structure from inside the rivers and etc. Many others cases are pending before the Hon’ble High Court Division. The organization is always bearing all the cost of the cases by it’s own fund which is raised by the donation of the members. The organization received no fund from abroad or from any

citizen of the country except the lawyer members. Due to present high volume of cases it is not possible to bear the cost of the cases filed before the Hon'ble High Court Division as public interest litigation. Under these circumstances it is necessary to exempt the cost of the cases filed by the organization as public interest litigation. Hence a direction may be given to the office to register the application as a writ petition and also notices may be served at the cost of office.

11. That it is stated here that the respondents are the experienced public servant and very much aware of the rules and instructions of the government. More over the issues of collecting the excesses bus/minibus/auto rickshaw fair from the passengers are always reporting in media, so it is not out of the knowledge of the respondents. Under these circumstances in such a public interest issues which is always in the notice of the respondents, is not necessary to bring his notice again by way of sending any legal notice.

12. That it is submitted here that the respondents are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty because they have failed to take steps to ensure the collection of bus/minibus/auto rickshaw fair from the citizens.

13. That being aggrieved by and dissatisfied with the inaction of the respondents and having no other alternative, efficacious remedy begs to move this application before your Lordships on the following amongst other-

GROUND S

I. For that in section 53 of the Motor Vehicle Ordinance, 1983, authorized a power to the government to issue order and direction 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 order and directions.

II. For that in section 55 (1) of the Motor Vehicle Ordinance, 1983, it was provided to form a road transport advisory council in order to facilitate to form a discussion of the problems in the road transport sector and also for the ventilation of grievance of owners as well as road transport workers. Further in subsection 2 of section 55 of the Motor Vehicle Ordinance, 1983, the road transport adversary council constituted as under sub section 1, shall meet at list ones in three months and submit its recommendation. But there is no effective decision or recommendation to stop all mismanagement of road sector.

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 create an effective traffic management system and to establish a save road transport in Bangladesh they have no any master plan or any action. Even the authority has no necessary man power, training facilities and management to monitor and control whole road transport system of Bangladesh. More over due to inefficiency and failure of the authority they could not play any role to stop mismanagement.

IV. For that the respondents are the experienced public servant and very much aware of the rules and instructions of the government. More over the issues of collecting the excesses bus/minibus/autorickshaw/minibus/minibus/autorickshaw/autorickshaw fair from the passengers are always reporting in media, so it is not out of the knowledge of the respondents. But ignoring the government decision the respondents has failed to perform their duties.

V. For that the respondents are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty because they have failed to take steps to ensure the collection of bus/minibus/auto rickshaw fair from the citizens as per the government approval.

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

a) Direct the office to register this application as a Writ Petition.

b) Issue a Rule Nisi calling upon the Respondents to show cause as to why inaction of the respondents to stop collection of excesses bus/minibus/auto rickshaw fair

from the passengers should not be declared illegal and without lawful authority,

And

Why a direction should not be given upon the respondents to execute government approved bus/minibus/auto rickshaw fair in order to save the people from financial hazard.

c) Pending hearing of the rule direct the respondent no. 1 and 2 to form a monitoring committee consisting of 7 (seven) members and to take effective measures to execute government approved fair in transport sector and submit the progress report before the Court in every month.

d) Pending hearing of the rule direct the respondent no. 1 to take steps to display printing approved fair chart in every bus/minibus counter.

e) Pending hearing of the rule direct the respondent no. 4 to take steps to display printing fair chart as per government approval inside every bus/minibus.

f) Pending hearing of the rule direct the respondent no. 8 and 13-16 to take steps to form vigilance team in every thana in order to monitor the bus/minibus counter time to time to control the excesses collection of fair from the passengers.

g) Pending hearing of the rule direct the respondent no. 1 to set up several mobile courts in Dhaka City in order to control the excess collection of bus/minibus fair from the passengers.

h) Pending hearing of the rule direct the respondent no. 6 and 7 to issue instructions to all officer in charge of the police station for taking steps regularly to monitor the bus/minibus counter so that no excess fair can be collected and also directed them to take legal action against the bus/minibus in which excesses fair is collecting.

i) Direct the office to serve the notice upon the respondents at the cost of office.

j) After hearing the parties make the Rule
absolute.

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

And for this act of kindness your Petitioners as in duty bound shall
ever pray.

Name of the Applicants-

1. Advocate Asaduzzaman Siddiqui.....
2. Advocate Md. Sarwar Ahad Choudhury.....
3. Advocate Aklas Uddin Bhuiyan.....

Submitted By;-

Manzill Murshid
গব্বরজ তগবি তম`
Advocate
Supreme Court of Bangladesh.

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

WRIT PETITION NO. OF 2011.

IN THE MATTER OF:

Human Rights And Peace For Bangladesh,
represented by it's Secretary Advocate
Asaduzzaman Siddiqui and others.

.....Petitioners.

-V E R S U S-

1. Bangladesh and others.

.....Respondents.

Manzill Murshid
মনজিল মোরসেদ
Advocate
For the Petitioners.

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

WRIT PETITION NO.OF 2011.

IN THE MATTER OF:

Adv. Asaduzzaman Siddiqui and others.

.....Petitioners.

- V E R S U S -

1. Bangladesh and others.

.....Respondents.

INDEX

SL	Description of the paper or document	Date	Page
1	Power		
2	Writ Petition		
3.	Copies of the newspapers is annexed herewith and marked as <u>“ANNEXURE”A series.</u>		
4.	BACK SHEET		

Manzill Murshid,
মনজিল মোরসেদ
Advocate
For the Petitioners.

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

WRIT PETITION NO..... OF 2011.

IN THE MATTER OF:

Human Rights And Pecaes For Bangladesh,
represented by Advocate Asaduzzamn
Siddiqui and others.

.....Petitioners.

-V E R S U S-

Bangladesh and others.

.....Respondents.

To,
The Learned Attorney General
The Peoples Republic of Bangladesh.

Dear Sir,

Please take notice that an application under Article 102 of the
Constitution of Bangladesh will be filed and moved before this Court,
a copy of which is enclosed herewith for your kind information.

Regards-

Manzill Murshid
মনজিল মোরসেদ
Advocate
Supreme Court of Bangladesh