

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

WRIT PETITION NO. OF 2010.

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 its Secretary,

Advocate Asaduzzaman Siddique, Hall No. 2,
Supreme Court Bar Association Bhaban,
Dhaka, Bangladesh.

2. Advocate Robiul Alam Budu, of
Albaraka Tower, Flat-8B, 252 New Elephant
Road, Katabon, P.S.: Newmarket, Dhaka.

3. Advocate Md. Nurul Eman Babul of 53/9
Jonson Road, Hotel Sha Kamal , Room No.
50, P.S.: Kotwali, District-Dhaka.

4. Advocate Md. Zafar Imam of 16 D
Modhubagh, Mogbazar, Police Station-
Raman, Dhaka.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Cabinet Secretary, Cabinet Division, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.

2. The Secretary, Prime Minister's Secretariat, Prime Minister's Office Old Sangsad Bhaban, P.S. Tejgaon, District: Dhaka.

3. The Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.

4. The Secretary , Bangladesh Jatiya
Sangsad Secretariat, Jatiya Sangsad Bhaban,
Sher-E-Bangla Nagar, Dhaka.

5. The Mayor, Dhaka City Corporation, City
Corporation Bhaban, P.S. Ramna, Dhaka.

.....Respondents.

AND

IN THE MATTER OF:

For a direction upon the respondents to take
appropriate steps to enforce the provisions of
“House Rent Control Act. 1991” in respect
of rent, signing of agreement and payment of
receipt, increase of rent, eviction of tenant etc.
and to execute the “standard rent’ for
premises fix by Dhaka City Corporation and

to frame rules as per section 34 of the House

Rent Control Act. 1991.

To

Mr. Justice Mohammad Fazlul Karim, The Hon'ble Chief Justice

Bangladesh and his 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 and 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 organization is engaged in promoting and defending human

rights, supporting the victims of human rights violations. It also works to protect environment and to protect health of the citizen.

2. That the petitioners are practicing lawyer of this Hon'ble Court and conscious citizen of the country. They are challenging the failure of the respondents to enforce the provisions of 'House Rent Control Act. 1991. The petitioners also seek to bring this application by invoking Article 102 of the Constitution as a public interest litigation in order to take necessary steps by the respondents to solve problem of thousands of tenant of Dhaka City Corporation.

3. That the Respondent No. 1 is the Bangladesh, represented by the Cabinet Secretary, Cabinet Division, Bangladesh Secretariat , P.S.: Shahbag, District: Dhaka. Respondent No. 2 is the Secretary, Prime Minister's Secretariat, Prime Minister's Office Old Sangsad Bhaban, P.S. Tejgaon, District: Dhaka. Respondent No. 3 is the Secretary,

Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka. Respondent 4 is the Secretary, Bangladesh Jatiya Sangsad Secretariat, Jatiya Sangsad Bhaban, Sher-E-Bangla Nagar, Dhaka. Respondent No. 5 is the Mayor, Dhaka City Corporation, City Corporation Bhaban, P.S. Ramna, Dhaka. That the addresses of the petitioner and the respondents given above are correct for the purpose of service of notices.

4. That it is stated here that the matter is involved about the interest of thousands of people who are directly facing many kinds of harassment by the land lord. The effected people unable to come to enforce their rights, hence the petitioners move this Public Interest Litigation (PIL) before this Hon'ble Court. As it involves great public importance so this petition may be treated as public interest litigation.

5. That it is stated here that it is the interest of the all people, especially the poor people who are totally depending on their small

earning but unable to come to enforce their right from this Hon'ble Court, hence the petitioners move this public interest Litigation (PIL) before this Hon'ble Court.

6. That it is stated here that on 13.03.10, 21.03.10, 03.01.10 and 02.01.10 several reports were published in daily news paper namely Amader Shomoy, The Bangladesh Pratidin, Destini and Shomokal that the tenants of the Dhaka City area are usually facing many problems regarding the house rent. Though provisions were made in House Rent Control Act. 1991 to give receipt to the tenant, not to collect excess rent than standard rent from the tenant and not to receive advance money more than the amount of equivalent to one month house rent. But in any cases the landlord is not following the above mentioned provisions. It was reported that the thousands of people living in Dhaka City in the rented house but they are facing many problem created by the land lord. It was also reported that in many cases the land lord is not signing

agreement and some cases not giving any receipt to the tenant. It was also reported that without following the provision of law rent is increasing time to time and if anyone refuse to pay as per demand of the land lord in that case he is evicted from the premises without giving sufficient time. Even they do not consider any difficulties of the tenant.

The land lord of many premises taking higher bills than the real bill of different services. Though the Dhaka City Corporation has fixed the standard rent of the premises of different area considering the value of the places but no one is following the rate. Moreover everybody is collecting more money from the tenant than the standard rent set by the city corporation. It was also reported that the chart of the rented premises set by the Dhaka City Corporation is in the web site of the Dhaka City Corporation but no one is following the rate in case of collection of rent from the tenant.

Paper clippings are annexed here with and marked as **“ANNEXURE-A , A-1, a-2 and A-3.**

7. That it is stated here that most of the people living in Dhaka City in rented house and they are middle class and poor people. Some of them are doing normal job, some of them are garments worker, and some of them are 3rd class and 4th class employee. Major portion of the city dwellers are low income people. Except the few people many tenants of the Dhaka City are passing their life in hardship. Not only that many people of the Dhaka City are unable to bear their cost of the life but maximum income has to pay for house rent. It is really hampering the life of the citizen as well as creating obstruction to right to life and violating the provision fundamental rights of the citizen. It may be mentioned here the people who are serving in a normal position in different sector they earn 10-25 thousand taka in every month but the major portion of their income has to pay for house rent. So they are

facing many difficulties to run their life with other family members.

Due to expend the major income for payment of house rent, the most of the people is not getting sufficient food for him and for his children.

Consequently growth of the generation became affected and failed to establish their healthy life.

8. That it is stated here that it is provided in law that an agreement has to be signed between the tenant and land lord, land lord will give rent receipt to the tenant, excess house rent will not increase by the land lord, no eviction can be made illegally and house rent will be collected as per standard rate. But violating the above mentioned provisions of law the tenancy is continuing and the land lord is collecting rent as per his will and evicting the tenant without following the procedure. Some times the people are so helpless to the aggression of the land lord so that they are bound to fulfill all the illegal demand of the land lord. Even the tenant forcefully evicted by the land lord due to not agree with the illegal demand of the land lord. In many cases the

tenant avoid to take legal processes against the land lord because of their influence and bound to pay excess rent and abstain from signing the agreement about house rent.

9. That it is stated here that the provision laid down in the House Rent Control Act, 1991 providing punishment for violation of the law but it is not enforcing appropriately. Most of the tenant is fighting for their economical survival and they are not so strong to fight with the land lord, so they avoid class with land lord. Finally the land lord is getting a special facility in respect of tenancy and all the main provisions become infective. In these circumstances it is necessary to take effective steps to implement the provision of House Rent Act, 1991 by way of framing rules. Many illegalities may be removed by way of enforcing of compulsory signing of agreement of house rent between the parties. The sufferings of the tenant may be stopped if the land lord refrain them from eviction of the tenant illegally and from collection of excess rent from the tenant. It is stated here that the

purpose of the law has become infructuous due to negligence of the respondent to implement of the provision of law effectively. Under the facts and circumstances the tenants are fully victimized and thrown in to a situation in which they are totally helpless and need judicial protection for their existence.

10. That it is stated here that the respondents have no control over the matter of collection of house rent. Though the Dhaka City Corporation fixed the standard rate for house rent but it is not executing by the authority, so problem has been created and the tenants are depriving in many form. The respondents may be directed to enforce the standard house rent as fixed by the Dhaka City Corporation.

11. That it is submitted here that the respondents are the public servant and they 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 enforce the provisions of House Rent Control Act. 1991.

12. That it is submitted here that the respondents are liable for their negligence. They have not taken sufficient precautions to stop suffering of the tenant of the Dhaka City Corporation. Hence a direction may be given upon the respondents to take appropriate steps to enforce the provisions of "House Rent Control Act. 1991" in respect of rent, signing of agreement and payment of receipt, increase of rent, eviction of tenant etc. and to execute the "standard rent" for premises fix by the Dhaka City Corporation and to frame rules as per section 34 of the House Rent Control Act. 1991.

13. That it is submitted here that without implementation of the provision of House Rent Control Act. 1991, the respondents have sent the life of the people in a critical situation, which is violation of Article 31 of the Constitution of Bangladesh.

14. That it is submitted that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and has a duty to strive at all times to serve the people. Under Article 31 of the constitution of Bangladesh every citizen has to be treated in accordance with law. According to the news report the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated.

15. That the petitioners through his lawyer sent a legal notice to the respondents requesting them to take appropriate steps to enforce the provisions of the House Rent act. 1991 but without taking any steps the respondents denied the responsibility.

Copy of the Legal Notice dated 20.04.2010 is

annexed here with and marked as

“ANNEXURE-B”

16. That being aggrieved by and dissatisfied with the failure of the respondents to implement the provision of law and having no other equally efficacious remedy the petitioners beg to move your Lordships on the following amongst others:-

GROUND S

- I. For that the respondent are the public servants and they are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty to implement the provision of House Rent Act 1991.

- II. For that the respondents are liable for their negligence. They have not taken sufficient precautions to protect the interest of the tenant. Hence a direction may be given upon the respondents to take appropriate steps to enforce the provisions of ‘House Rent Control Act. 1991’ in respect of rent, signing of agreement and

payment of receipt, increase of rent, eviction of tenant etc. and to execute the 'standard rent' for premises fix by the Dhaka City Corporation and to frame rules as per section 34 of the House Rent Control Act. 1991.

III. For that without implementation of the provision of House Rent Control Act. 1991, the respondents have sent the life of the people in a critical situation, which is violation of Article 31 of the Constitution of Bangladesh.

IV. For that most of the people living in Dhaka City in rented house and they are middle class and poor people. Some of them are doing normal job, some of them are garments worker, some of them are 3rd class and 4th class employee. Not only that many people of the Dhaka City is unable to bear their cost of the life but maximum income has to pay for house rent. It is really hampering the life of the citizen as well as creating obstruction

to right to life and violating the provision fundamental rights of the citizen.

V. For that it is provided in law that an agreement has to be signed between the tenant and land lord, land lord will give rent receipt to the tenant, excess house rent will not increase by the land lord, no eviction can be made illegally and house rent will be collected as per standard rate. But violating the above mentioned provisions of law the tenancy is continuing and the land lord is collecting rent as per his will and evicting the tenant without following the procedure. Some times the people are so helpless to the aggression of the land lord so that they are bound to fulfill all the illegal demand of the land lord.

VI. For that the provision laid down in the House Rent Control Act. 1991 providing punishment for violation of the law but it is not enforcing appropriately. Most of the tenant is fighting for their

economical survival and they are not so strong to fight with the land lord, so they avoid class with land lord. Finally the land lord is getting a special facility in respect of tenancy and all the main provisions become infective. In these circumstances it is necessary to take effective steps to implement the provision of House Rent Act. 1991 by way of framing rules. Under the facts and circumstances the tenants are fully victimized and thrown in to a situation in which they are totally helpless and need judicial protection for their existence.

VII. For that the respondents have no control over the matter of collection of house rent. Though the Dhaka City Corporation fixed the standard rate for house rent but it is not executing by the authority, so problem has been created and the tenants are depriving in many form. Hence a direction may be given to enforce the standard house rent as fixed by the Dhaka City Corporation.

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 a direction should not be given upon the respondents to take appropriate steps to enforce the provisions of "House Rent Control Act. 1991" in respect of rent, signing of agreement and payment of receipt, increase of rent, eviction of tenant etc. and to execute the "standard rent" for premises fix by Dhaka City Corporation and to frame rules as per section 34 of the House Rent Control Act. 1991.

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

c) Upon hearing the cause if any shown
makes the rule absolute.

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

A F F I D A V I T

I, Asaduzzaman Siddiki, Advocate, Supreme Court of Bangladesh, Hall
No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh,
aged about 48 years by faith Muslim by occupation lawyer by
Nationality Bangladeshi by birth do hereby solemnly affirm and say as
follows:-

1. That I am Petitioner No. 1 in this case and acquainted with the
facts and circumstances of the cases and competent to swear this
affidavit.

2. That the statements made hereinabove in this application are true to the best of my knowledge and belief.

Prepared in my office.

Manzill Murshid
গব্বরজ তগবি তম`
Advocate

(DEPONENT)

THE DEPONENT IS KNOWN TO ME
AND IDENTIFIED BY ME

Manzill Murshid
গব্বরজ তগবি তম`
Advocate

SOLEMNLY AFFIRMED BEFORE
ME THIS THEDAY OF
.....:2010 AT..... AM/PM

COMMISSIONER OF AFFIDAVITS
SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION, DHAKA.

A F F I D A V I T

I, Advocate Robiul Alam Budu, of Albaraka Tower, Flat-8B, 252 New Elephant Road, Katabon, P.S.: Newmarket, Dhaka , aged about years by faith Muslim by occupation lawyer by Nationality Bangladeshi by birth do hereby solemnly affirm and say as follows:-

1. That I am Petitioner No. 2 in this case and acquainted with the facts and circumstances of the cases and competent to swear this affidavit.

2. That the statements made hereinabove in this application are true to the best of my knowledge and belief.

Prepared in my office.

Manzill Murshid
গব্বরজ তগব্বিতম`
Advocate

(DEPONENT)

THE DEPONENT IS KNOWN TO ME
AND IDENTIFIED BY ME

Manzill Murshid
গব্বরজ তগব্বিতম`
Advocate

SOLEMNLY AFFIRMED BEFORE
ME THIS THEDAY OF
.....:2010 AT..... AM/PM

COMMISSIONER OF AFFIDAVITS
SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION, DHAKA.

A F F I D A V I T

1, Advocate Md. Nurul Eman Babul of 53/9 Jonson Road, Hotel Sha Kamal , Room No. 50, P.S.: Kotwali, District-Dhaka , aged about years by faith Muslim by occupation lawyer by Nationality Bangladeshi by birth do hereby solemnly affirm and say as follows:-

1. That I am Petitioner No. 3 in this case and acquainted with the facts and circumstances of the cases and competent to swear this affidavit.

2. That the statements made hereinabove in this application are true to the best of my knowledge and belief.

Prepared in my office.

Manzill Murshid
গব্বরজ তগব্বিতম`
Advocate

(DEPONENT)

THE DEPONENT IS KNOWN TO ME
AND IDENTIFIED BY ME

Manzill Murshid
গব্বরজ তগব্বিতম`
Advocate

SOLEMNLY AFFIRMED BEFORE
ME THIS THEDAY OF
.....:2010 AT..... AM/PM

COMMISSIONER OF AFFIDAVITS
SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION, DHAKA.

A F F I D A V I T

I, Advocate Md. Zafar Imam of 16 D Modhubagh, Mogbazar, Police Station- Raman, Dhaka , aged about years by faith Muslim by occupation lawyer by Nationality Bangladeshi by birth do hereby solemnly affirm and say as follows:-

1. That I am Petitioner No. 4 in this case and acquainted with the facts and circumstances of the cases and competent to swear this affidavit.
2. That the statements made hereinabove in this application are true to the best of my knowledge and belief.

Prepared in my office.

 Manzill Murshid
 গব্বরজ তগব্বিতম`
 Advocate

 (DEPONENT)

THE DEPONENT IS KNOWN TO ME
 AND IDENTIFIED BY ME

 Manzill Murshid
 গব্বরজ তগব্বিতম`
 Advocate

SOLEMNLY AFFIRMED BEFORE
 ME THIS THEDAY OF
:2010 AT..... AM/PM

COMMISSIONER OF AFFIDAVITS
 SUPREME COURT OF BANGLADESH
 HIGH COURT DIVISION, DHAKA.

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

WRIT PETITION NO. OF 2010.

IN THE MATTER OF:

Human Rights and Peace for Bangladesh
represented by it's Secretary Advocate
Asaduzzaman Siddiki and others.

.....Petitioners.

-V E R S U S-

1. Bangladesh and others.

.....Respondents.

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4.	Legal Notice dated 20.04.2010 is annexed here with and marked as <u>“ANNEXURE-B”</u>	20.04.10	
6.	Back Sheet		

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

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
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Bangladesh and others.

.....Respondents.

Manzill Murshid
গভীর জগৎ
Advocate
for the Petitioners.

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

WRIT PETITION NO. OF 2010.

IN THE MATTER OF:

Human Rights and Peace for Bangladesh and
others.

.....Petitioners.

-V E R S U S-

1. 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, will be filed and moved before this Court, a copy of
which is enclosed herewith for your kind information.

Regards-

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