

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

WRIT PETITION NO. OF 2017.

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 Social Welfare, People's Republic of Bangladesh, 3rd Floor, Building#6, Bangladesh Secretariat, Dhaka, Dhaka-1207.

2. The Chairman, Rajdhani Unnyan Kartipakkha, having address at: 1, Rajuk Bhaban, Rajuk Avenue, Motijheel, DIT Avenue, Dhaka 1000, Bangladesh.

3. The Director General, Department of Social Services, Shamajseba Bhaban, E-8/B-1, Agargaon, Sher-e-Bangla Nagar, Dhaka 1207, Bangladesh

4. The Director (Estate), Rajdhani Unnyan Kartipakkha, having address at: 1, Rajuk Bhaban, Rajuk Avenue, Motijheel, DIT Avenue, Dhaka 1000, Bangladesh.

5. The Chairman/ Managing Director, Asset Developments and Holdings Limited, having its address at Corporate HQ Building

91, Gulshan Avenue, Gulshan, Dhaka-1212
and at House No-29, Road-39, Gulshan,
Dhaka-1212.

...Respondents.

AND

IN THE MATTER OF:

Article 32 and 42 of the Constitution of
Bangladesh.

AND

IN THE MATTER OF:

For a direction upon the Respondents to
ensure effective protection of life and
property of an elderly woman namely Safaq
Ara Sobhan alias Safaqt Ara Begum, wife
of late Dr. Sheikh Abdus Sobhan now
staying at Old Home namely: “Nibandhan”
at 21/1, Indira Road, Farmgate, Dhaka.

AND

IN THE MATTER OF:

For a direction upon the Respondents to
ensure proper social security and social
safety to the said elderly woman namely
Safaq Ara Sobhan alias Safaqt Ara Begum.

AND

IN THE MATTER OF:

For a direction upon the Respondents to
establish a separate department for old
helpless people under the Ministry of Social
Welfare, Government of Bangladesh to
ensure their livelihood at the end of their
life.

GROUND S

1. For that the matter involves right to life and right to property of an elderly woman who is unable to enforce her fundamental rights and/or civil rights due to her age, financial hardships and threat/panic from her beloved children. Hence, Your Lordships may intervene into the matter for humanitarian grounds in order to make her enable to enjoy her fundamental rights as guaranteed in the Constitution of Bangladesh.
2. For that due to her age factor, the elderly woman is not in such a position so that she may enjoy relief or remedy as given in any civil

suit, i.e. suit for partition, or title declaration or recovery of possession of property. Hence, this issue attracts humanitarian appeal for an elderly woman. So, Your Lordships may intervene into the matter for humanitarian grounds in order to make her enable to enjoy her fundamental rights as guaranteed in the Constitution of Bangladesh.

3. For that the very helpless elderly woman does not have any remedy in the “স্বামী-স্বামী স্ত্রী-স্বামী স্ত্রী, স্বামী” as being excluded by the very definition of “Mother”, which does not include a step mother. There is no efficacious remedy for the elderly woman in the Act 2013 to enforce her fundamental rights. Hence, Your Lordships may intervene into the matter for the ends of justice.

4. For that the matter having been involved with right to life of a helpless elderly woman, she may be given social protection/amenities in order to lead a happy life at her present day elderly age. Hence, Your Lordships may pass necessary order for the ends of justice.

5. For that the children of the elderly woman or the vested quarters may transfer her inherited property at Plot No-78, Block-M, Road-11, Banani, Dhaka depriving of her ownership of it and hence, Your Lordships may pass appropriate order so that the elderly woman gets protection of her right to property.

6. 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 violation of fundamental rights of a helpless elderly woman affecting her right to life and right to property.

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 ensure right to life and property of Safaq Ara Sobhan alias Safaqt Ara Begum wife of Late Sheikh Abdus Sobhan now staying at Old Home namely: “Nibandhan” at 21/1, Indira Road, Farmgate, Dhaka.

AND

Why a direction should not be given upon the Respondents to establish a separate department for old helpless people under the Ministry of Social

Welfare, Government of Bangladesh to ensure their livelihood at the end of their life.

b) Direct the Respondent No-3 to take immediate appropriate steps to provide adequate social security support to the elderly woman namely Safaq Ara Sobhan alias Safaqat Ara Begum wife of Late Sheikh Abdus Sobhan now staying at Old Home namely: "Nibandhan" at 21/1, Indira Road, Farmgate, Dhaka within 7 days and filed a compliance report within 2 weeks.

c) Direct the Respondent nos. 2 and 4 to take immediate effective steps so that so that her children or any other cannot transfer the property in any way situated at Plot No-78, Block-M, Road-11, Banani, Dhaka as owned by the said elderly woman namely Safaq Ara Sobhan alias Safaqat Ara Begum for the purpose of depriving her of her ownership in the said property or make her liable to any financial institutions by way of mortgage of such property.

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 ad interim order was passed. The matter is pending before the Hon'ble High Court Division.
