

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

WRIT PETITION NO. .... OF 2019.

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-in-Charge, Advocate Md. Sarwar Ahad Chowdhury, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Md. Aklas Uddin Bhuiyan, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 93 Indira Road, P.S.: Sher-E-Bangla Nagar, Dhaka

3. Advocate Ripan Barai, Son of Late Manohar Barai of Hall No. 2, Supreme Court Bar Association Bhaban, Shahbag, Dhaka, Bangladesh.

.....Petitioners.

**-V E R S U S-**

1. Bangladesh, represented by the Cabinet Secretary, Cabinet Division, Building # 1, Bangladesh Secretariat, Dhaka.

2. The Secretary, Ministry of Public Administration, Building #1, Bangladesh Secretariat, Dhaka.

3. The Secretary, Ministry of Health and Family Welfare, Health Services Division, Bangladesh Secretariat, Dhaka, Bangladesh.

4. The Secretary, Ministry of Health and Family Welfare, Medical Education and Family Welfare Division, Bangladesh Secretariat, Dhaka, Bangladesh.

5. The Secretary, Ministry of Information, Building # 4, Bangladesh Secretariat, Dhaka.

6. Prof. Dr. Mohammad Abul Kalam Azad, Director General, Directorate General of Health Services (DGHS), Mohakhali, Dhaka-1212.

7. Dr. Kazi Mustafa Sarwar, Director General, Directorate General of Family Planning (DGFP), 6 Kawran Bazar, Dhaka-1215, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Article 21, 27 and 31 of the Constitution of Bangladesh

AND

IN THE MATTER OF:

For a direction upon the respondents to take necessary steps to stop publishing the advertisements at the cost of government fund (public money) for felicitating /congratulating the Minister/ the State Minister /Deputy Minister of the same Ministry.

## GROUNDS

I. For that the duties and responsibilities vested upon the respondents is to perform their duties for the people. The respondents are also duty bound to obey the provisions of law. It is the duty of the respondents to perform the duties in accordance with law but they have failed to perform their duties and responsibilities as vested upon them under Article 21 of the Constitution of Bangladesh. Hence, respondents may be directed to take steps to stop such advertisements for felicitations of newly elected Members of Parliament or newly

appointed Ministers or State Ministers by their respective Ministries/departments.

II. For that there has been no prevalent laws, rules and regulations nor even any policy i.e.: “বিজ্ঞাপন ও ট্রাডমার্ক নীতিমালা-২০০৮” which prescribes any such advertisements for felicitations of newly appointed Member of Parliament or any Minister or State Minister. In the given facts and circumstances, publishing advertisements at the cost of public money for congratulating newly appointed leaders/political heads of different ministries and/or departments /directorates may be interfered by Your Lordship for the ends of justice.

III. For that the respondents are very much aware of the said advertisements (and similar others) by the said two Directorates at the behest of concerned Director Generals as a welcome note to a newly appointed Minister and a State Minister for the Ministry of Health and Family Welfare. That the said Directorates work directly under the Ministry of Health and Family Welfare and so, they have the very opportunity to welcome them at their offices without paying off any public money but publishing felicitation notes or congratulations by a department /directorate for its own Minister and/or State Minister in the guise of public advertisements is nothing but mere expenditure of public money only. Hence, Your Lordships may intervene into the matter of this public interest issue for the ends of justice.

IV. For that the actions of the respondents have been done in violation of constitutional mandates and so, they have been done contrary to the provisions of article 27 and 31 of the Constitution of Bangladesh and so, Your Lordships may pass necessary order for the ends of justice.

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 publishing the advertisements by the Directorate General of Health Services (DGHS) and the Directorate General of Family Planning (DGFP) at the cost government fund (Public money) for felicitating/congratulating the appointed Minister or the State Minister for the Ministry of Health and Family Welfare, should not be declared illegal and without lawful authority.

AND

Why a direction should not be given upon the respondents to take necessary steps to stop publishing any advertisements by the government officer for felicitating /congratulating the appointed Minister /State Minister at the cost of government fund (public money) under the Different Ministries in Bangladesh.

b) Pending hearing of the rule direct the respondent 1 to issue a circular in respect of prohibition of publishing of advertisements in media at the cost of government fund (public money) for felicitating /congratulating any appointed Minister / State Minister/Deputy Minister under the Different Ministries in Bangladesh and submit a compliance before Your Lordships within 30 days.

c) Pending hearing of the Rule direct the respondent no 5 to furnish a report before Your Lordships as regards how many advertisements have been published at the cost of government fund (public money) after 11<sup>th</sup> Parliamentary General Election in 2018 for felicitating /congratulating the appointed Minister / State Minister/Deputy Minister under the Different Ministries in Bangladesh and submit a report mentioning the name and addresses of those persons within 30 days.

d) Pending hearing of the Rule direct the respondent No. 6 & 7 to adjust/ reimburse the (government fund) public money paid for the said advertisements published in national dailies on 9<sup>th</sup> January, 2019 from their own pockets within 30 days and submit a compliance report before Your Lordships with 30 days.

e) Direct the office to serve copies and notices upon the respondents at the cost of office.

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

g) Pass such other or further order 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. The matter is pending before the Hon'ble High Court Division.

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