

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
Siddiqui, Hall No. 2, Supreme Court Bar Association
Bhaban, Dhaka, Bangladesh.
2. Advocate Aklas Uddin Bhuiyan, Hall No.
2, Supreme Court Bar Association Bhaban, Dhaka,
Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry
of Home Affairs, Bangladesh Secretariat Building,
P.S. Shahbag, Dhaka – 1000, Bangladesh.
2. The Inspector General of Police (IGP), Police
Head Quarter, Fulbaria, Raman, Dhaka, Bangladesh.
3. The Deputy Commissioner (D.C.) of
Barishal, Post and P.S. Barishal, Bangladesh.
4. The Superintendent of Police, Barishal, Post and
P.S. Barishal.
5. Mr. Rabiul Haque, the Officer in Charge,
Bakhergonj Police Station, Barishal.

.....Respondents.

AND

IN THE MATTER OF:

Inaction/failure of the respondents to ensure
protection of law to a girl of village-Boro
Roghunathpur, P.S. Bakergonj, District- Barishal,
who has been raped by the miscreant .

GROUNDS

I. For that the Article 27 of the Constitution guaranty the equality before law, Article 31 provides the right to protection of law and Article 35 provides protection in respect of trial and punishment. Which means irrespective of race, colour, ethnic origin, social status and economical status all citizens of this Republic is entitle to acquire protection of law. However, due to the corrupt practise of the police it has failed to maintain its unbiased image before the common people, which has destroyed the trust and reliance of common people. This court is under constitutional duty to maintain an unbiased position and deliver justice. Thus this court should declare these inaction of the respondent is illegal and take appropriate steps against the respondents.

II. For that the Article 44 of the Constitution provides the right o the citizen to enforce their fundamental rights guaranteed by Constitution. Thus undoubtedly this court is under duty by the authority of the Constitution to declare the inaction of the respondents to protect the life of the citizen is illegal and should take appropriate steps against the responsible persons.

III. For that under Article 21 of the constitution the respondents are duty bound at all time to serve the people and to perform the public duties. Nevertheless, they have failed to do their duty because they have failed to take steps against the accused and protect the victim.

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 inaction/failure of the respondents to ensure protection of law to the victim and failure to lodge FIR under appropriate section of peal code, should not be declared illegal and without lawful and why a direction should not be given upon the respondents to take steps against the miscreants who are liable for suicide of the victim..
- b) Pending hearing of the rule directs the respondents Nos. 4 and 5 to appear in person before this Hon'ble Court and explain their conduct.
- c) Pending hearing of the Rule direct the Respondent no. 2 to abstain the respondent no. from performing any function of officer in charge of any police station or any public duty.
- d) Direct the respondent no. 1 to form an inquiry committee within 7 days consisting of civil officers to find out the liabilities of the respondent no. 5 in respect of allegation as reported in the Daily Prothom Alo dated 23.10.11 and submitted report before this Hon'ble Court within 30 (thirty days).

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
