

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 Avenu, 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.

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 affect to all such order and directions.

II. For that in section 55 (1) of the Motor Vehicle Ordinance, 1983, it was provided to from 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 humble 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 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.

b) 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.

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

d) 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.

e) 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.

f) 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.

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.
