

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

WRIT PETITION NO. OF 2014.

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.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by the Secretary,
Ministry of Cultural Affairs, Bangladesh
Secretariat, P.S. Shahbag, Dhaka,
Bangladesh.

2. The Secretary, Ministry of Science and
Technology, Bangladesh Secretariat, P.S.
Shahbag, Dhaka, Bangladesh.

3. The Secretary, Ministry of Land,
Bangladesh Secretariat, P.S. Shahbag,
Dhaka, Bangladesh.

4. The Director General, Archeological
Directorate, F-4A, Agargaon, Sher-E-bangla
Nagar, Dhaka-1207, Bangladesh.

5. The Deputy Commissioner,
Munshigonj Office of the Deputy
Commissioner, Post and District-
Munshigonj.

6. The Superintendent of Police (SP),
Munshigonj, Post and District- Munshigonj.

7. The Officer-in Charge (OC), Shirinagar,
District-Munshigonj.

.....Respondents.

AND

IN THE MATTER OF:

Failure of the respondents to take appropriate steps under the provisions of Antiquities Acts 1968 to protect the 300-years-old house of Sir Jagadish Chandra Bose (a renowned scientist) situated at Rarikhhal, Shirinagar, Munshigonj.

AND

IN THE MATTER OF:

For a direction upon the respondents to take appropriate steps for protection of Sir Jagadish Chandra Bose house (a renowned scientist) at Rarikhhal, Shirinagar, Munshigonj considering the historic importance or interest as per Article 24 of the Constitution of Bangladesh.

GROUND S

I. For that the respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as per the constitution. Hence a direction may be given to take appropriate steps as per law.

II. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. But the respondents failed to perform their duties. For that the provision of Article 21 of the Constitution of Bangladesh has been violated.

III. For that as per Article 24 Constitution of Bangladesh, the state shall adopt measures for the protection against disfigurement, damage or removal of all monuments, objects or places or special artistic or historic importance or interest. For that accordingly, the respondents are duty bound to protect historic importance or interest but they failed. Hence, direction may be given upon the respondents to declare 300-years-old house of Sir Jagodish Chandra Bose as the antiquity as

per the Antiquities Act 1968, and protect the same along with the museum and the reminiscence of him involved therewith.

IV. For that it is the duty of the Government to organize protection and preservation of the antiquities. But in the case of the paternal house of Sir Jagodish Chandra Bose, the respondents have failed to perform their duties; hence the respondents may be directed to take appropriate steps to protect the same.

V. For that Sir Jagdish Chandra Bose pioneered the investigation of radio and microwave optics, made very significant contributions to plant science, and laid the foundations of experimental science in the Indian subcontinent. That he is considered one of the fathers of radio science, and is also best known for his research into the life of plants. That many of his instruments are still on display and remain largely usable now, over 100 years later, which includes various antennas, polarisers, and waveguides, which remain in use in modern forms today.

VI. For that the house being 300 years old, it should be declared as antiquity under section 10 of The Antiquities Act 1968. Hence, direction may be given upon the respondents to declare 300-years-old house as the antiquity, and protect the same along with the museum and his reminiscence involved therewith.

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 failure of the respondents to take appropriate steps under section 10 of the Antiquities Acts 1968 to protect the 300-years-old house of Sir Jagdish Chandra Bose (a renowned scientist) situated at Rarikhal, Shirinagar, Munshigonj should not be declared illegal and without lawful authority.

AND

Why a direction should not be given upon the respondents to take appropriate steps for protection of Sir Jagodish Chandra Bose house (a renowned scientist) at Rarikhal, Shirinagar, Munshigonj, considering the historic importance or interest as per Article 24 of the Constitution of Bangladesh.

AND

Why a direction should not be given upon the respondents to declare the 300-years-old house of Sir Jagodish Chandra Bose situated at Rarikhal, Shirinagar, Munshigonj, as the antiquity as per the Antiquities Act 1968 and publish a Gazette.

b) Pending hearing of the Rule directs the Respondent 4, 5 and 7 to take steps within 3 days to ensure protection and safety of the 300-years-old house of Sir Jagodish Chandra Bose situated at Rarikhal, Shirinagar, Munshigonj, and submit a compliance report before this court through affidavit within 2 weeks.

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

d) 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 High Court Division issued Rule Nisi and ad interim order upon the respondents. The case is pending before the Court
