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

WRIT PETITION NO. ..... OF 2010.

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.

.....Petitioner.

-V E R S U S-

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

2. Inspector General of Police (IGP), Police Head Quarter Bhaban, Ramna, Dhaka, Bangladesh.

3. The Superintendent of Police (S.P.), Sylhet, Post and District-Sylhet.

4. The Superintendent of Police (S.P.), Gaibandha, Post and District-Gaibandha.

5. The Superintendent of Police (S.P.), Lalmanirhat, Post and District-Lalmanirhat.

6. Md. Nurul Alam, Officer in Charge(O.C.), Osmaninagar Police Station P.S. Osmaninagar, District-Sylhet.

7. Fahima Haider, Sub Inspector, Posted at Lalmanirhat.

8. Constable Dulal Chandra Sarkar, posted at Gaibandha.

9. Constable Mizanur Rahman, posted at Gaibandha.

.....Respondents.

G R O U N D S

I. For that Article 31 of the constitution of Bangladesh has provided a provision that 'to enjoy protection of law and to be treated in accordance with law and only in accordance with law' but in the case it has been violated by the law enforcing agencies.

II. For that the duty and responsibility vested upon the administration to protect the life of the persons. 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.

III. For that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. It is the duty of an officer to act legally but no law has been allowed him to treat the citizen in an

unlawful manner. But the respondent has failed to perform the duties and responsibility as per the constitution.

IV. For that under Article 31 of the constitution of Bangladesh every one is to be treated in accordance with law. According to the news report the provision of Article 21 and 31 of the Constitution of Bangladesh has been violated. It is also prohibited to torture any person in police custody but it has been violated by the police, hence direction may be given upon them to take appropriate steps against the persons who are liable for killing.

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 the safety of the citizen and to perform their duties as vested upon them under Article 31, 32 and 35 of the Constitution of Bangladesh.

b) Pending hearing of the Rule an order may be passed directing the Respondent no. 3-5 to abstain the respondent no. 6-9 from any public duty in any police station.

c) Pending hearing of the Rule an order may be passed directing the Respondent no. 3-5 to take steps as per Bangladesh Service rules against the respondent no. 6-9.

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.
