

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

WRIT PETITION NO. \_\_\_\_\_ OF 2020

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:

Advocate Md. Mahbubul Islam , Hall No. 2,  
Supreme Court Bar Association Bhaban, Dhaka,  
Bangladesh.

.....Petitioner.

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

1. Bangladesh represented by The Secretary, Cabinet Secretary, Cabinet Division, Bangladesh Secretariat, Dhaka, Bangladesh.
2. The Secretary, Ministry of Prime Minister's Office, PM Office, Tejgaon Dhaka, Bangladesh.
3. The Secretary, Ministry of Health and Family Welfare, Health Care Division, Bangladesh Secretariat Building, P.S. Shahbag, Dhaka – 1000, Bangladesh.
4. The Secretary, Ministry of Finance, Bangladesh Secretariat Building, P.S. Shahbag, Dhaka – 1000, Bangladesh.
5. Additional Secretary (Hospital), Ministry of Health and Family Welfare, Bangladesh Secretariat, Dhaka, Bangladesh.
6. The Director General (DG), Health Directorate, Mohakhali, Dhaka, Bangladesh.

7. The Additional Director General, Administration, (DG office), Health Directorate, Mohakhali, Dhaka, Bangladesh.

8. The Director General, Rapid Action Battalion (RAB), RAB Head Quarter, Airport Road, Cantonment, Dhaka, Bangladesh.

9. The Police Commissioner, Dhaka Metropolitan Police, DMP Headquarter, Ramna, Dhaka, Bangladesh.

10. The Chairman, National Technical Advisory Committee, Ministry of Health, Bangladesh Secretariat, Dhaka, Bangladesh.

11. The Mayor, Dhaka City Corporation, Dhaka South City Corporation, City Corporation Bhaban, Ramna, Dhaka.

12. The Mayor, Dhaka North Corporation, Dhaka North City Corporation, City Corporation Bhaban, Gulshan, Dhaka.

.....Respondents.

AND

IN THE MATTER OF:

Article 32 of the Constitution of Bangladesh and provisions of সংক্রামক রোগ(প্রতিরোধ, নিয়ন্ত্রন ও নির্মূল) আইন-২০১৮.

AND

IN THE MATTER OF:

Inaction/Failure of the respondents to take appropriate steps/measures to save the life of the citizens of Bangladesh as per the mandate of Article 32 of the Constitution of Bangladesh and as well as the provisions of সংক্রামক রোগ(প্রতিরোধ, নিয়ন্ত্রন ও নির্মূল) আইন-২০১৮ to protect the people from Pandemic disease Corona Virus.

**GROUNDS:**

I. For that the inactions of the respondents caused risk of the life of common people of Bangladesh affecting the right to life as enshrined in Article 32 of the Constitution of Bangladesh. That the respondents have failed to take any all out attempts to face corona virus from being spreading by way of lockdown of Dhaka City. Hence, order may be passed by the

Hon'ble Court to take necessary steps by the respondents to lockdown the whole area of Dhaka City.

II. For that the duty and responsibility vested upon the respondents to protect the citizen of the country from any natural and unnatural incidents/causes such as Pandemic Corona Virus. The respondents have failed to perform the duties and responsibilities as per the Constitution.

III. For that as per law the Ministry of Health is duty bound to take steps as per the expert opinion and as recommend by the National Technical Advisory Committee. Moreover in order to save the life of the patients immediate steps should be taken to procure sufficient High Foro Nasal Oxyzen Canula. Even though the health workers are mostly vulnerable due to their dealing with corona virus patients, so effective steps should be taken for their appropriate treatment in any fixed place.

IV. For that Dhaka is the Capital City of the Country and most important intellectual and others people are living here. Moreover Parliament, Supreme Court, Secretariat, Army head quarter, Police Headquarter, BGB headquarter and many others offices are situated here and related with those institutions all people are living at Dhaka City. If pandemic corona virus is not controlled through lockdown, there may be loss of huge lives, so it is necessary to take effective steps to save the people from spreading virus.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to issue:

a) A Rule Nisi calling upon the Respondents to show cause as to why the inaction/Failure of the respondents to take appropriate steps/measures to save the life of the citizens of Bangladesh as per the mandate of Article 32 of the Constitution of Bangladesh and as well as the provisions of সংক্রামক রোগ(প্রতিরোধ, নিয়ন্ত্রন ও নির্মূল) আইন-২০১৮ to protect the people from Pandemic disease Corona Virus, should not be declared illegal and without lawful authority

AND

Why a direction should not be given upon the respondents to take all necessary steps to save the life's of the citizen from pandemic corona virus and to ensure all treatment items for the patients.

b) Pending hearing of the rule direct the respondents to take all necessary steps to lockdown the Dhaka City area at least 2 weeks

immediately excluding the operation of Parliament activities and others necessary operations and to ensure to stay house of the Dhaka City Dwellers and file a compliance report within 7 days by the respondent no. 3 and 6.

c) Pending hearing of the rule directs the respondents no. 1, 2, 8, 9, 11 and 12 to provide all sorts of logistic and necessary supports to ensure full lockdown compliance and file a compliance report within 7 days before this court.

d) Pending hearing of the rule direct the respondent no. 3, 5, 6 and 7 to procure sufficient ‘‘High Foro Nasal Oxyzen Canula’’ as per the recommendation of the National Technical Advisory Committee’’ to save the life of the corona virus patients within a period of one week and file compliance report within 7 days.

e) Pending hearing of the rule direct the respondent no. 4 to provide money as required to procure those ‘‘High Foro Nasal Oxyzen Canula’’.

f) Pending hearing of the rule direct the respondent no. 11 and 12 to take all necessary steps to arrange food/medicine for the lockdown area for the poor people through their local representative. Respondent no. 1 and 2 may be directed to provide all supports in that regards.

g) Pending hearing of the rule direct the respondent no. 3,5 and 7 to arrange a fix hospital for the treatment of health workers as per the recommendation of the National Technical Advisory Committee within 7 days and file a compliance report.

**Present Status:**

The case was filed and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon’ble Court pass an order ‘out of list’. Thereafter it was in the list of another court, But again no order was passed. The matter is pending before the Hon’ble High Court Division.

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