

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.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of Foreign Affairs Segunbagicha, P.S. Shahbag, Dhaka, Bangladesh.

2. The Secretary, Ministry of Expatriates Welfare and Overseas Employment, Bangladesh Secretariat, Shahbagh, Dhaka, Bangladesh.

3. The Director General, Far East Wing, Ministry of Foreign Affairs Segunbagicha, P.S. Shahbag, Dhaka, Bangladesh.

4. The Ambassador, Bangladesh Embassy in Saudi Arabia, Riad, Saudi Arab.

5. The Labor Councilor, Bangladesh Embassy in Saudi Arabia, Riad, Saudi Arab.

.....Respondents.

AND

IN THE MATTER OF:

Inaction/Failure of the respondents to provide adequate support and legal assistance to save the life of 8 citizens who has been hanged in Saudi Arabia on 07.10.11.

G R O U N D S

I. 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 to take steps to save the life of Bangladeshi citizen abroad. Hence their inaction may be declared illegal and without lawful authority.

II. For that the respondent failed to perform the duties and responsibility as vested upon them and also failed to protect the life of the Bangladeshi citizen, which is

illegal. Under these circumstances the respondents are liable to be punished as per law.

III. 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. According to the news report the provision of Article 21 of the Constitution of Bangladesh has been violated.

IV. For that the respondents are the authority to look after the citizen in abroad and to protect the citizen. But no effective steps have been taken by way of providing legal assistant to the persons who has been hanged in Saudi Arabia. Hence a direction may be given upon the respondents to find out the liabilities of them.

V. For that every citizen has a right to get protection of law and fair trial. However, the unskilled and uneducated people who are working abroad they have been deprived from sufficient legal assistance which could be provided by the respondents. But the respondents failed to give such kinds of assistance to the 8 Bangladeshi citizens. So the inaction of the respondents to protect the life of the citizen by way of effective legal assistance should be declare illegal and directed to take appropriate steps against the respondents.

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 provide adequate support and legal assistance to save the life of 8 citizens who has been hanged in Saudi Arabia on 07.10.11, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to provide adequate support and legal assistance in all cases to the Bangladeshi citizens living in abroad if necessaries.

b) Pending hearing of the rule directs the respondents Nos. 1 and 2 to form separate high official committee and to investigate the role of the persons serving in Bangladesh Embassy in Saudi Arabia in the particular matter and whether all effective steps has been taken to save the life of 8 Bangladeshi citizens and submit a compliance report within 4 (four) weeks from the receipt of the notice before this court through the registrar of the Supreme Court of Bangladesh.

c) Pending hearing of the rule directs the respondent no. 4 to submit a detail report about the steps taken by the embassy to save the life of the 8 Bangladeshi Citizens and submit a compliance report within 2 (two) weeks from the receipt of the notice before this court through the registrar of the Supreme Court of Bangladesh.

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.
