

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

WRIT PETITION NO. .... OF 2017.

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  
Executive Committee Member, Advocate  
Md. Mamun Aleem, 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,
3. Advocate Mahabubul Islam, Son of  
Late Mofiz Uddin and Norjahan Begum,  
Supreme Curt of Bangladesh, Hall No. 2,  
Supreme Court Bar Association Bhaban,  
Dhaka, Bangladesh.

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.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary,  
Road Transport and Highways Division,  
Ministry of Road Transport and Bridges,  
Bangladesh Secretariat, Dhaka-1000.
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,  
Bangladesh.

4. The Chairman, BRTA, 21 Allenbari, Tejgaon, Dhaka, Bangladesh
5. The Inspector General of Police (IGP), Police Head Quarter, Fulbari, Dhaka, Bangladesh.
6. The Deputy Inspector General of Police, Dhaka Range, Office of the Deputy Inspector General, Dhaka Range, Dhaka.
7. The Deputy Inspector General of Police, Rajshahi Range, Office of the Deputy Inspector General, Rajshahi Range, Rajshahi.
8. The Deputy Inspector General of Police, Barisal Range, Office of the Deputy Inspector General, Barisal Range, Barisal.
9. The Deputy Inspector General of Police, Khulna Range, Office of the Deputy Inspector General, Khulna Range, Khulna.
10. The Deputy Inspector General of Police, Rangpur Range, Office of the Deputy Inspector General, Rangpur Range , Rangpur.
11. The Deputy Inspector General of Police, Chittagong Range, Office of the Deputy Inspector General, Chittagong Range , Chittagong.
12. The Deputy Inspector General of Police, Sylhet Range, Office of the Deputy Inspector General, Sylhet Range , Sylhet.
13. The Deputy Inspector General of Police, Mymensingh Range, Office of the Deputy Inspector General, Mymensingh Range , Mymensingh.
14. The Director General, Rapid Action Battalion (RAB), RAB Head Quarters, Dhaka.
15. The President / the General Secretary, Bangladesh Road Transport Workers Federation, Dhaka, Bangladesh.
16. The President / the Secretary, Bangladesh Sarak Paribahan Malik Samity,

BRTC Bhaban (5th floor), 21, Rajuk Avenue, Dhaka-1100, Bangladesh.

17. The President / the Secretary, Bangladesh Road Transport Workers Federation, Khulna Division, Bangladesh.

...Respondents.

AND

IN THE MATTER OF:

For a direction upon the respondents to take steps and ensure running the bus-truck transport services through out the country within 24 hours.

AND

IN THE MATTER OF:

For a direction upon the respondents to take steps to withdraw transport strike by the transport owners and the workers by written declarations so as to get back the order in the transport system.

**GROUND S:**

I. For that the calling a strike by transport owners and workers for supporting convicted persons has caused general mass of the country suffered severely and get their regular life obstructed from all aspects.

II. For that illegal strike has affected the fundamental rights of the common people. The common people are being deprived of free movement through transports. That the illegal strike has also attacked right to profession of some common people as well as businessmen since transportation of goods is hindered / stopped due to strike and raw materials get rotten and thereby revenue generation is also affected by such indefinite strike. Hence, strike should be declared illegal.

III. For that illegal strike has inspired the transport workers to act at their will causing set fire many establishments across the country, clashes with police and others and reckless driving claiming many common innocent people's lives for the last few days, which has affected their right to life. That human life cannot be subject to interest of any vested group and hence, transport strike should be declared illegal.

IV. For that calling a strike against a court order/judgment is interference in the administration of justice of Bangladesh and thereby an obstruction to the path of rule of law and independence of

judiciary. That anybody aggrieved due to any order/judgment may opt for higher judicial intervention in any order/judgment for which he/she is aggrieved. That bypassing such judicial remedy, calling a strike against a court order/judgment cannot be justified in any ground whatsoever. That eventually this culture would frustrate the spirit of Article 111 and 112 of the Constitution.

V. For that illegal strike has caused sufferings to the common people for transport fare, if any, on the other hand, lakhs of people get stranded on roads/at ports without any transports. Regular life is being hampered due to strike. However, 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 regular transport services during strike.

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 calling / declaring a strike / hartal against a court order/judgment, should not be declared illegal and without lawful authority,

And

Why a direction should not be given upon the respondents to take legal actions against the persons who call or are responsible for such strike / hartal against the court order/judgment.

b) Pending hearing of the rule direct the respondents to take steps and ensure running the bus-truck transport services through out the country within 24 hours and submit a compliance report within two weeks before this Hon'ble Court as to what steps have been taken.

c) Pending hearing of the rule direct the respondents No. 15-17 to withdraw transport strike across the country by written declaration within 24 hours and submit a compliance report within two weeks before this Hon'ble Court.

d) Pending hearing of the rule direct the respondent no. 7-14 to take steps to seize the buses/trucks of the concerned transport owners who will not carry on their regular

transport services within 24 hours during the transport strike and to take steps to manage the transport services of those seized bus/trucks through leasing them out and the Deputy Commissioner and the Superintendent of Police of respective District will help the respondents to this drive for all purposes.

e) Pending hearing of the rule direct the respondent no. 3 to take steps to ensure resuming transport route by its all buses and/or vehicles during strike and the respondent No- 5 to ensure taking immediate legal action by concerned thana police by way of arrest of any person obstructing transport services during strike/hortal.

f) Pending hearing of the rule direct the respondent No- 4 to take steps within 24 hours for cancellation of driving license of the drivers/ the owners who will not provide transport services during transport strike.

**Present Status:**

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble High Court Division issued Rule Nisi upon the respondents. The case is pending before the Court

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