

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

WRIT PETITION NO. _____ OF 2015

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:

Human Rights and Peace for Bangladesh (HRPB), represented by its 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 Building, P.S. Shahbag, Dhaka- 1000, Bangladesh.
2. The Inspector General of Police (IGP), Police Head Quarter, Fulbaria, Ramna, Dhaka, Bangladesh.
3. The Deputy Inspector General of Police (DIG), Khulna Range, Office of the Deputy Inspector General of Police (DIG), Post and P.S.: Khulna, Bangladesh.
4. The Deputy Commissioner, Narail, Post and P.S.: Narail, Bangladesh.
5. The Superintendent of Police, Office of the Superintendent of Police, Narail, Post and P.S.: Narail, Bangladesh.
6. Upazila Nirbahi Officer, Lohagara, Upazila-Lohagara, District: Narail.

7. The Officer-in-Charge (OC), Police Station: Lohagara, Upazila-Lohagara, District: Narail.

.....Respondents.

AND
IN THE MATTER OF:

For a direction upon the respondents to investigate into the allegation of inhuman torture inflicted upon the woman named Babita Khanam of Village: Salbarat, Upazila: Lohagara, Narail and bring them before the court of justice as early as possible .

GROUNDS

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 instant case it has been violated by some unscrupulous people who have degraded the human dignity of the victim.

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 upon the respondent to conclude the investigation as early as possible.

III. For that the police failed to arrest the offenders who violated the rights of the victim and thereby deprived of her from justice. Moreover, no one has been arrested till date.

IV. For that the said woman named Babita was inhumanly tortured by some people including the said Shafiqul Sheikh and his parents for an allegation of theft which requires an investigation for ensuring a proper justice. That the beating is not only without any legal authority but also derogatory to the Constitution and hence, the culprits are liable to be punished in accordance with law.

V. For that the victim has a right to get proper treatment and to save her life as it is her fundamental right guaranteed by the Constitution of Bangladesh. Hence, a direction may be given upon the Respondents to give proper treatment to the victim Babita Khanam.

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 a direction should not be given upon the respondents to take appropriate legal steps against the culprits who are liable for the incident of inhumane physical torture inflicted upon Babita Khanam, daughter of Ismail Mollah of Village: Erenda, Lohagara, Narail and bring them before the court of justice as early as possible.
- b) Pending hearing of the Rule direct the respondent no. 5 and 7 to arrest the accused within 48 hours and filed a compliance report before this court within 20.05.15.
- c) Pending hearing of the Rule direct the respondent No. 2 to take necessary steps within 7 (seven) days to transfer the case to Detective Branch for investigation and also direct the investigation officer to take immediate steps against the accused as per law.
- d) Pending hearing of the Rule direct the respondent No. 4-7 to provide appropriate treatment and security to the victim Babita Khanam, daughter of Ismail Mollah of Village: Erenda, Lohagara, Narail.
- f) Pass such other and further order or orders as may seem fit and proper to Your Lordships.
- g) After hearing the parties make the Rule absolute.

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.
