

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

WRIT PETITION NO. OF 2012.

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:

Mashudul Haque, Son of Md. Shirajul Haque of 106/A, North Jatrabari, P.S. Jatrabari. 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 Police Commissioner, Dhaka Metropolitan Police (DMP), DMP Head Quarter, Eskaton, Dhaka, Bangladesh.

4. Mr. Shahidul Islam, the Assistant Commissioner, Tejgaon Zone, Dhaka Metropolitan Police (DMP)

5. Mr. Kabir, Officer in Charge(investigation), Sher E Bangla Nagar Thana, P.S. Sher E Bangla Nagar, Dhaka, Bangladesh.

6. The Officer in Charge, Sher E Bangla Nagar Thana, P.S. Sher E Bangla Nagar, Dhaka, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Violation of Article 21, 31 and 35 of the Constitution of Bangladesh.

AND
IN THE MATTER OF:

Failure of the respondents to register the case against some police personal on the allegation of physical torture upon three photo journalist of Daily Prothom Alo.

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 citizen from any torture. 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 them 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 and 35 of the Constitution of Bangladesh has been violated. It is also prohibited to torture by any person in any stage but it has been violated by the police, hence direction may be given upon them to take legal action against the persons who are liable for torture.

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 failure of the respondents to registrar the case as filed on 26.05.2012 before the Sher E Bangla Nagar Thana, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to take appropriate legal action

against respondent no. 4- 6 for not performing the duties as vested upon them under Article 21, 31 and 35 of the Constitution of Bangladesh and Why a direction should not be given upon the respondents to pay compensation to 3 photo journalist victims who have been tortured by police personnel.

b) Pending hearing of the Rule an order may be passed directing the Respondent no. 4-6 to appear in person before this Hon'ble Court on 05.06.12 at 10.30am and explain their conduct.

c) Pending hearing of the rule direct the respondent no. 1 and 2 to take steps to suspend the respondent no. 5 within 24 hours and submit a compliance report through an affidavit before this Hon'ble Court within 7 days.

d) Pending hearing of the rule direct the respondent 4-6 to bear the cost of medical treatment of 3 victims who has been admitted in trauma centre and submit a compliance report within 30 days.

e) Direct the office to serve notices and copies upon the respondents at the cost of office.

f) Upon hearing the cause if any shown makes the rule absolute.

g) Pass such other or further order or orders as Your Lordships may deem fit and proper.

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 and passed ad interim order upon the respondents. The case is pending before the Court
