

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

WRIT PETITION NO. _____ OF 2014

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 its Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Aklas Uddin Bhuiyan, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-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 (I.G.P.), Police Head Quarter, Fulbaria, Ramana, Dhaka, Bangladesh.

3. The Deputy Commissioner (D.C.) of Munshigonj, Post and P.S. Munshigonj, Bangladesh.

4. The Superintendent of Police (S.P.), Munshigonj, Post and P.S. Munshigonj, Bangladesh.

5. Mr. Mahabubur Rahman, the Officer in Charge (O.C.), Srinagar Police Station, Munshigonj, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Inaction/failure of the respondents to ensure protection of law to the victim Yasmin of village-Melahati, East Baroikhali P.S. Srinagar, District- Munshigonj, Bangladesh who has been raped by a rapist and failure to lodge an FIR under the provision of the law.

AND

IN THE MATTER OF:

Direction upon the respondents to take necessary steps against the rapist Salam Sheikh, the rapist's son Robin and his associates/shalishkars namely Union Parishad (U.P.) member Abul Kalam and the Awamileague leader Tofajjol Hossain immediately in accordance with the provisions of law who are liable for suicide of the victim.

GROUND S

I. For that the Article 27 of the Constitution guaranty the equality before law, Article 31 provides the right to protection of law. However, due to the corrupt practise of the law enforcing agencies it has failed to maintain its unbiased image before the common people, which has destroyed the trust and reliance of common people. This Court is under constitutional duty to protect the rights of the citizen. Thus this Court should declare these inactions of the respondents is illegal and direct the respondents to take appropriate and necessary steps against the rapist and his associates immediately.

II. For that the Article 44 of the Constitution provides to enforce their fundamental rights as guaranteed under the Constitution of Bangladesh. Thus, undoubtedly this Court is obligated by the authority of the Constitution to declare the inaction of the respondents illegal and to protect the life of the citizen and direct the respondents to take appropriate and necessary steps against the responsible persons who are liable for the suicide of the victim.

III. For that under Article 21 of the constitution the respondents are duty bound at all time to serve the people and to perform the public duties. Nevertheless, they have failed to do their duties because they have failed to take steps against the rapist and his associates and to protect the victim.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

a) Direct the office to register this application as a writ petition.

b) Issue a Rule Nisi calling upon the respondents to show cause as to why inaction/failure of the respondents to ensure protection of law to the victim Yasmin of village-Melahati, East Baroikhali P.S. Srinagar, District- Munshigonj, Bangladesh who has been raped by a rapist and failure to lodge should not be declared illegal and without lawful authority.

AND

Why a direction should not be given upon the respondents to take departmental action for failure of the duty and responsibility of the Officer In Charge of Srinagar Police Station, District- Munshigonj

c) Pending hearing of the rule directs the respondent no. 5 to lodge FIR in accordance with the provisions of law against the rapist along with his associates who are liable for suicide of the victim, within 48 hours and filed a compliance report within 10 days before this court.

d) Pending hearing of the rule directs the respondents Nos. 5 to appear in person before this Hon'ble Court and explain his conduct.

e) Direct the respondent no. 1 to form an inquiry committee within 7 days consisting of civil officers to find out the liabilities of the respondent no. 5 in respect of allegation

as reported in media on 16 February, 2014 in the weekly “Ekushar Kantho” and submitted report before this Hon’ble Court within 30 (thirty days).

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

g) Direct the office to send the notices and copies upon the respondents at the cost of office.

h) 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 Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter is pending before the Hon’ble High Court Division.