

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

WRIT PETITION ON 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:

1. Human Rights And Peace For Bangladesh represented by it's president Advocate Manzill Murshid, Supreme Court Bar Association Building, Hall No. 2, P.S. Shahbag, Dhaka, Bangladesh.

2. Advocate Asaduzzaman Siddiqui, Supreme Court Bar Association Building, Hall No. 2, P.S. Shahbag, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by The Cabinet Secretary, Cabinet Division, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.

2. The Secretary, Prime Minister's Secretariat, Old Sangsad Bhaban, P.S.: Tejgaon, District: Dhaka.

3. The Secretary, President Secretariat, Bangabhaban, P.S.: Ramna, District: Dhaka.

4. The Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.

5. The Secretary, Ministry of Home Affairs, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.

6. The Inspector General Of Police(IGP), Police Head Quarter, Fulbaria, Ramna, Dhaka, Bangladesh.

7. The Registrar, Supreme Court of Bangladesh, Supreme Court Bhaban, P.S.: Shahbag, District: Dhaka.

8. The Deputy Commissioner, Bandarbon, Post and District-Bandarbon.

9. The Superintendent of Police (S.P.), Bandarbon, Post and District-Bandarbon.

..... Respondents.

AND

IN THE MATTER OF:

Implementation of the provisions of The Peoples Republic of Bangladesh Flag Rules 1972 and to provide government protocol and guard of honor to the Hon'ble Judges of the Supreme Court of Bangladesh, who holds a constitutional post, during their visit.

G R O U N D

I. For that according to the Rules of Business read with the Warrant of Precedence the Judges of Supreme Court is entitle to get protocol provided under the Rules of Business 1996. Because Hon'ble Judges of both division of Supreme Court of Bangladesh hold a constitutional post and performs as the guardian of the Constitution of the Peoples Republic of Bangladesh, their posts are equivalent to the Minister of State, thus they are entitle to get all the privileges, protocol for which the Minister of State is entitle. Any acts of malafide disobedience which denies their Lordships to the rightful protocols are violation of Rules of Business and Warrant of Precedence, which also illegal and without lawful authority.

II. For that, where the respondent no. 8 and 9 were informed from the office of the Supreme Court of Bangladesh, regarding the visit of the Hon'ble Judge and requested to make protocol, their failure to do so is a disobedience and disrespectfulness to the honor of the Supreme

Court of the Bangladesh. Such acts of disrespectfulness is not only without lawful authority but also illegal.

III. For that the act of the respondents seem to be intentional with malafide intention to bring the authority of the Supreme Court of Bangladesh into disrespect and thereby, the authority of the Supreme Court has been impaired thus they should be condemned for such deliberate disobedience by the respondents no. 8 and 9.

IV. For that Article 112 of the Constitution of the Bangladesh provides that all executive and judicial authorities shall act in aid of the Supreme Court of Bangladesh. Those authorities must comply and act in accordance with the orders and direction given by either division of the Supreme Court of Bangladesh. There the respondents not only violated the provisions of law, moreover they have failed to respects the provision of the sacred constitution of this country which is illegal and demand serious punishments for disrespectfulness towards the Constitution and the Supreme Court of Bangladesh.

V. For that the judiciary being guardian of the Constitution by itself placed its position in as much as the power exercised by the judges are not powers given to the judges by a divine hand. It is the people of Bangladesh who have the judicial power. Under the constitution arrangement, it is the judicial power of the people which is being exercised by the judges who for the time being are performing functions of judges in both Division and are repository of all powers and are central to our constitutional scheme. In view of such unbecoming attitude of the respondent, the judiciary cannot remain oblivious of and non responsive to the legitimate expectations of judges of both the Divisions. The Supremacy of the Judiciary shall be at stake in the hands of those unscrupulous and delinquents Officers, if this Court don't rise to such occasion.

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 the respondents should not be directed to implement the provisions of The Peoples Republic of Bangladesh Flag Rules 1972 and to provide government protocol and guard of honor to the Hon'ble Judges of the

Supreme Court of Bangladesh, who holds a constitutional post, during their visit.

c) Pending hearing of the rule directs the respondent no. 8 and 9 to appear in person on 08.05.12, before this court and to explain their conduct.

d) Pass such other and further order and/or orders as may seem fit and proper to your Lordships.

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

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

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.