

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

WRIT PETITION NO. .... OF 2011.

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  
Secretary Advocate Asaduzzaman Siddique,  
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, P.S. Shahbag, District: Dhaka.

2. The Secretary, Ministry of Finance,  
Bangladesh Secretariat, P.S. Shahbag,  
District: Dhaka.

3. The Chairman, Bangladesh Road  
Transport Authority (BRTA), 21, Allenbari,  
Tejgaon, Dhaka

4. The Deputy Inspector General of  
Police (DIG) (Highway Police), Razarbag  
Telecom Bhaban, Dhaka, Bangladesh.

5. The Joint Commissioner (Traffic),  
Dhaka Metropolitan Police, DMP Head  
Quarter, Dhaka, Bangladesh.

.... Respondents.

AND

IN THE MATTER OF:

Failure of the authority to observe the provision of section 4, 7 and 16 of the Motor Vehicles Ordinance, 1983, in case of issuance of driving license to a person and inaction of the respondents to take steps as per the provision mentioned in chapter 'X' of the Motor Vehicles Ordinance, 1983 for offences, Penalties and Procedure.

### **GROUNDS**

I. For that in section 2 of 'The Motor Vehicles Ordinance, 1983' provide age limit and section 7 provide the procedure to grant driving license, but the authority concern ignoring the specific provision has issued 10 thousand driving license to the persons and another initiative was moved by the Minister, Ministry of Shipping, which is totally violation of law and liable to be declared illegal

II. For that as per section 16 of the 'The Motor Vehicles Ordinance, 1983' the authority has power to disqualify for holding driving license of a person who has committed an offence specified in the fifth schedule but no effective action is taken by the authority against the driver.

III. For that in section 53 of the Motor Vehicle Ordinance, 1983, authorized a power to the government to issue order and direction upon the authority as it may consider necessary in respect of any matter relating to road transport or on any matter provided in this ordinance and the authority shall give affect to all such order and directions. Though everyday several accidents occurred and many people died due to failure of road management system but the government did not issued any affective directions in order to solve this problem.

IV. For that as per section 55 of the Motor Vehicle Ordinance, 1983, a road transport adversary council has constituted but there is no effective decision or recommendation to stop road accident.

V. For that in section 2 (A) of the motor Vehicle Ordinance, 1983, it was provided to establish an authority to be called the Bangladesh Road Transport Authority for carrying out the purpose of the ordinance. The authority has formed and functioning having its office at Dhaka. But in order to create an effective traffic management system and to establish a save road transport in Bangladesh they have no any master plan or any action. Even the authority has no necessary man power, training facilities and management to monitor and control whole road transport system of Bangladesh. More over due to

inefficiency and failure of the authority they could not play any role to stop road accident and death in the different areas of Bangladesh.

VI. For that everyday there are many accident occurred in highways due to not following the traffic rules and due to issuance of driving license to the non qualified and non experienced persons accidents are occurring and some people are depriving from their right to life.

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 a direction should not be given upon the Respondents to cancel 10 thousand driving license issued in 2009 which was issued under the influence of the authority and violating the provision of law.

c) Pending hearing of the rule direct the respondent no. 1 to investigate the matter of issuance of 10 thousands driving license issued in 2009 without having any examination and identify the persons who are liable for that and submit a report before the Court within 6 (six) months.

d) Pending hearing of the rule direct the Respondent No. 3 to stop issuance of driving license as recommended by the Minister, Ministry of Shipping and submit a copy of the list through affidavit before this court within 10 days.

e) Direct the Respondents no. 4-5 to drive against the unauthorized driver and take appropriate highest legal action against driver and owner of the vehicles and submit a compliance report through affidavit in every 3 months.

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

g) After hearing the parties make the Rule absolute.

h) Pass such other and further order and/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.