

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

WRIT PETITION NO. OF 2013.

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 Health,
Bangladesh Secretariat, P.S.: Shahbag,
District: Dhaka.

3. The Director General, Health, Health
Directorate, Mohakhali, Dhaka, Bangladesh.

4. The Director, Dhaka Medical College
Hospital, Dhaka, Bangladesh.

5. Inspector General of Police (IGP), Police
Head Quarter Bhaban, Ramna, Dhaka,
Bangladesh.

6. The Joint Commissioner, Detective Branch
(DB), DB Head Quarter, Mintu Road, Dhaka,
Bangladesh.

7. The Police Commissioner, Dhaka Metropolitan Police (DMP), District- Dhaka.

8. The Deputy Police Commissioner, (Motijheel Zone), Motijheel, Dhaka, Bangladesh

9. The officer in charge, Motijheel Thana, P.S. Motijheel, District-Dhaka, Bangladesh

.....Respondents.

AND

IN THE MATTER OF:

For a direction upon the respondents to find out the real culprit who has tortured the journalist Nadia Sharmin at Motijheel at the meeting of Hefajote Islam and complete the investigation as early as possible and ensure the trail of the miscreant in accordance with law.

GR 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 instant case it has been violated by the law enforcing agencies.
- 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 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 him 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 of the Constitution of Bangladesh has been violated.

- V. For that during the investigation the police failed to arrest the offender which violate the rights of the victim. and deprived from justice. Moreover the investigation officer failed to bring out the result of the investigation. Even no one has been arrested till now.
- VI. For that the victim has a right to get proper treatment and to save her life as it is her fundamental rights guaranteed by the Constitution of Bangladesh.

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 find out the miscreant who are liable for torture upon the Journalist Nadia Sharmin and bring them before the court of justice as early as possible.
- c) Pending hearing of the Rule direct the respondent No. 2-4 to provide adequate and proper treatment at Government Hospital at free of cost by way of admitting in a cabin.
- d) Pending hearing of the Rule direct the respondent No. 3 to form a medical board consisting of senior professors and take appropriate steps as per the advice and also directed the respondent no. 2 to provide treatment abroad (at the cost of Government fund) if advised by board.
- e) Pending hearing of the Rule direct the respondent No. 5 and 6 to take necessary steps within 7 (seven) days to transfer the case to Detective Branch for investigation and also directed the investigation officer to take immediate steps against the accused as per law.

f) Pending hearing of the Rule direct the respondents to file affidavit in compliance in respect of steps taken by them as per the direction, within 3 (three Weeks) before this court.

g) Direct the office to serve the notice upon the respondents at the cost of office.

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

i) 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.