

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

WRIT PETITION NO. OF 2006.

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.

AND

IN THE MATTER OF:

Rule 9 (1) of Conduct of Election Rules 1972 in respect of symbol "Scales" issued by S. R.O. No. 223-Ain/2001 Published on 20.08.2001 in the gazette (As of Annexure-A).

AND

IN THE MATTER OF:

I. Barrister Moksadul Islam Son of Late Dhariz Uddin Sarkaer of 3/A Sonartori Tower, 12 Sonargaon Road, P.S. Dhanmondi, District- Dhaka, Bangladesh.

II. Advocate S.M. Fazlul Hoque Son of Late Hasmot Ali of 76/77 Noarth Road, P.S. Dhanmondi, District- Dhaka, Bangladesh.

III. Advocate Asaduzzaman Siddique Son of Late Abdul Khalek Siddique of 169/2 Malibagh Bazar Road, Dhaka-1217, District- Dhaka.

IV. Advocate Shamsul Alam, Son of Late Alhaj Tayebuddin Ahamed of Flat No. 5/A,

House-43, Road 3/A, Dhanmondi R/A,
District-Dhaka.

V. Advocate Mustafa Zaman Islam Son of
Late Mazharul Islam of 621/A Khilgaon,
Road No-20, Dhaka-1219, District- Dhaka.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Secretary,
Ministry of Law, Justice and Parliamentary
Affairs, Government of Bangladesh,
Bangladesh Secretariat, Ramna, Dhaka.

2. The Secretary, Election Commission,
Election Secretariat, Sher-E- Bangla Nagar,
Dhaka-1207, Bangladesh.

3. The Registrar, Supreme Court of
Bangladesh, Supreme Court Bhaban,
Ramna, Dhaka, Bangladesh.

.....Respondents.

GROUND S

I. For that the symbol “Scales” is used as the monogram of the Bangladesh Supreme Court. It is using since the establishment of East Bengal High Court at Dacca in the year of 1947. It is considered as the barometer of justice. From the establishment of the then high court at Dacca, the citizen of the country realized the symbol “Scales” as a symbol of justice. The election commission included the symbol in the list of symbol allocation without having any jurisdiction and therefore illegal and void.

2. For that the symbol “Scales” is used in the official Pad of the Supreme Court, in every chair of the Hon’ble judges, in the calendar of the Supreme Court and in all publications. More over the symbol “Scales” is also used in the flag of a car of the Hon’ble Judges of the Supreme Court. If some others use it, confusion may be created amongst the people, which may undermine the Supreme Court. It is in the mind of the people that the symbol “Scales” is symbol of justice

but by using this symbol no one be allowed to donfuse the people of the country. So the inclusion of the symbol of “Scales” in the gazette for allocation by the election commission is malafide and with out lawful authority.

III. For that in view of the circumstances stated above it is evident that Rule 9 (1) of Conduct of Election Rules 1972 in respect of Symbol “Scales” issued by S.R.O. No. 223-Ain/2001 published on 20.08.2001 in the gazette is illegal and without lawful authority.

IV. For that the impugned S.RO. passed without taking into consideration that the symbol “Scales” is the Symbol of the Supreme Court, hence impugned S.R.R. is illegal and without lawful authority, hence, it is liable to be declared illegal and void for ends of justice.

V. For that the S.R.O has not been issued in accordance with law as guaranteed under Article 31 of the Constitution and impugned S.R.O. has been issued without any lawfull authority, Hence the same should be declard is of no legal effect and without jurisdiction.

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 Rule 9 (1) of Conduct of Election Rules 1972 in respect of symbol “Scales” issued by S.R.O. No. 223-Ain/2001 published on 20.08.2001 in the gazette, should not be declared illegal, without lawful authority and is of no legal effect and Pass such other and further order and / or orders as may seem fit and proper to your Lordships.

b) Pending hearing of the rule stay all further operation of Rule 9(1) of conduct of Election Rules 1972 in respect of symbol “Scales” issued by S.R.O. No. 223- Ain/2001 published on 20.08.2001 in the gazette.

c) After hearing the parties and the cause if any shown makes the Rule absolute.

Present Status:

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court Division issued was pleased to summarily rejected the petition.
