

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

WRIT PETITION NO. 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 (HRPB),
represented by its 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. Inspector General of Police (IGP), Police Head
Quarter Bhaban, Ramna, Dhaka, Bangladesh.

3. Deputy Inspector General of Police (DIG), Khulna
Range, P.O.- Kulna, District-Kulna.

4. The Deputy Commissioner, Magura, Post and
District- Magura.

5. The Police Super, Magura, District- Magura.

6. The officer in charge, Magura Thana, Magura,
district- Magura.

7. Mr. Nuruzzaman, Sub Inspector, Magura Thana
Police Station P.S. Magura, District- Magura.

.....Respondents.

AND

IN THE MATTER OF:

Violation of Article 31, 32 and 35 of the
Constitution of Bangladesh.

GROUND 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 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 to take appropriate steps as per law.

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. It is also prohibited to torture any person in police custody but it has been violated by the police, hence direction may be given upon them to take legal action against the persons who are liable for torture.

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 failure of the respondent to protect the constitutional rights of the accused in the Magura police custody, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to take appropriate legal action against respondent no. 6- 7 and to perform their duties as vested upon them under Article 31, 32 and 35 of the Constitution of Bangladesh, and why a direction should not be given upon the respondents to punish the respondent no. 7 for torture upon the accused Maradona as per law during police custody in Magura Thana, District-Magura.
- b) Pending hearing of the Rule an order may be passed directing the Respondent no. 6-7 to appear before this Hon'ble Court on 12.03.12 at 10.30am and explain his position about the torture.
- c) Pending hearing of the rule direct the respondent no. 1-2 to form an inquiry committee to investigate the allegation of torture as published on 02.03.12 in the news paper Shokaler Khobar and submit a report before this Court within four weeks.
- d) Pending hearing of the rule direct the respondent no. 5 to close the respondent no. 7 from Magura Police Station and not to give him any posting to any police station till further order and submit a compliance report through an affidavit before this Hon'ble Court within 7 days.

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.
