

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.
2. Advocate Md. Aklas Uddin Bhuiyan Publicity Secretary of Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 33 Abdul Hadi Lane, Police Station Kotwali, District- Dhaka, Bangladesh.

.....Petitioners.

-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 Inspector General of Police (IGP), Police Head Quarter, Fulbari, Dhaka, Bangladesh.
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.
6. The Superintendent of Police, Dhaka, Police Super Office, Collectrote Building, Dhaka, Bangladesh.
7. The Superintendent of Police, Narayangonj, Police Super Office, Narayangonj, Post & Dist: Narayangonj.

8. The Superintendent of Police (SP), Gazipur, Police Super Office, Gazipur, Post & dist: Gazipur.

9. The Superintendent of Police (SP), Manikgonj, Police Super Office Manikgonj, Post & Dist: Manikgonj.

....Respondents.

GROUNDS

I. 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 accident 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.

II. For that in section 55 (1) of the Motor Vehicle Ordinance, 1983, it was provided to from a road transport adversary council in order to facilitate to form a discussion of the problems in the road transport sector and also for the ventilation of grievance of owners as well as road transport workers. Further in subsection 2 of section 55 of the Motor Vehicle Ordinance, 1983, the road transport adversary council constituted as under sub section 1, shall meet at list ones in three months and submit its recommendation. But there is no effective decision or recommendation to stop all mismanagement of traffic system.

III. 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 a 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.

IV. For that everyday there are many accident occurred in highways due to not following the traffic rules and in absence of affective traffic management some people are depriving from their right to life. Sometimes accident occurred due to narrow space in the highway and also caused for setting up illegal shops, hatbazar within the highway. Sometimes the accident occurred due to steps to save the life of the animal such as cow, goat etc. Though there is highway police to monitor and check the highway transport but they are not playing effective role. Not only that most of the time the obstruction created in the highway by illegal means but the traffic police or highway police do not take any steps to clear or remove of the obstructions. Which not only is causing traffic jam but also the cause of many accident in which many people died unnecessary.

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 a direction should not be given upon the Respondents to initiate and ensure effective road transport and traffic management in the Highway connecting Dhaka city with the

different districts and to take necessary steps to remove all shops, markets, hatbazar situated within the highway in order to control the accident in the roads/highway .

b) Pending hearing of the rule direct the respondent no. 1 and 3 to form a committee consisting of 7 (seven) members having ex-parties in road transport and traffic management to prepare a guide line for reducing the accident in road/highway and submit it before the Court within 2 (two) months.

c) Pending hearing of the rule direct the Respondent No. 4 to deploy highway police in the highway road from Dhaka to Mymensingh, Dhaka to Chittagong, Dhaka to Manikgonj, Dhaka to Faridpur and monitor their duties by special team and to ensure their effective duty in the highway.

d) Direct the Respondents no. 6-8 to take steps for removing, evict all kinds of shops and Hatbazar situated within the highway and to ensure that no animal graze within the highway.

e) Direct the respondent no. 4, 6,7 and 8 to file a compliance report before this court within 2 (two) weeks from the receipt of the order.

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.
