

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 Siddiqui, 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 Building, P.S. Shahbag, Dhaka – 1000, Bangladesh.

2. The Inspector General of Police (IGP), Police Head Quarter, Fulbaria, Raman, Dhaka, Bangladesh.

3. The Deputy Commissioner (D.C.) of Barisal, Post and P.S. Barisal, Bangladesh.

4. The Superintendent of Police, Barisal, Post and P.S. Barisal.

5. The Officer in Charge, Ujirpur Thana, Police Station-Ujirpur, District- Barisal.

6. Mr. Liton Pande, General Secretary, 6 No. Word Awami League, Natharkandi, Police Station-Ujirpur, District- Barisal.

7. Mr. Chittaranjan Boral, President, Natharkandi School Managing Committee, Natharkandi, Police Station-Ujirpur, District-Barisal.

.....Respondents.

AND
IN THE MATTER OF:

To take legal action against the persons who are liable for inhuman torture upon a teacher in order to take revenge and to take necessary steps to stop activities against the provision of law in the locality.

GROUND S

- I. For that the duty and responsibility vested upon the law enforcing agency to protect the citizen from the unlawful activities. The respondents are also duty bound to obey the provision of law. It is the duty of a police officer to investigate the case where provision of law has been violated. But they have failed to perform the duties and responsibility as per the law. Hence direction may be given upon the respondents to take legal action against the violators of the law.
- II. For that the persons who are liable for torture must be punished under the provision of law of the Bangladesh penal code. More over as per Article 21 of the constitution of the Peoples Republic Of Bangladesh duty of every citizen and public servant is to observe the constitution and law but failed it by the respondents. Hence a direction may be given upon the Respondent.
- III. For that the facts as reported in the news that the respondent no. 6 is liable for torture, and his act is totally illegal and against the sprit of law. The persons who are liable for torture, should be prosecuted under the law. The law enforcing agency has failed to do their job as vested upon them, hence a direction may be given upon them to take necessary steps against the violators of the law .

- IV. For that the torture is against the existing law and failure of the authorities to take any action against the liable person or to prevent or punish the offender and results in the violation of existing applicable laws, human rights. It is contrary to the laws of Bangladesh and against the Constitution.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to issue: -

a) Direct the office to register this application as a Writ Petition.

b) A Rule Nisi calling upon the Respondents to show cause as to why the inaction of the Respondents to take legal action against the respondent no. 6, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondent to take legal action against the respondent no. 6-7 under the provision of Penal Code.

c) Pending hearing of the rule directs the respondent no. 5-7 to appear in person on 15.11.2012 at 10.30 am before this court and respondent no. 5 is directed to ensure the presence of the respondent no. 6-7.

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

e) Pass such other and further order or orders as may seem fit and proper to Your Lordships.

f) After hearing the parties make the Rule absolute.

g) Make the Rule absolute upon hearing the cause if any shown by the Respondent.

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 case was heard by the Hon'ble High Court Division and disposed of the rule with direction.