

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 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 Inspector General of Police (IGP), Police Head Quarter, Fulbari, Dhaka, Bangladesh.

3. The Joint Commissioner (Traffic), Dhaka Metropolitan Police, DMP Head Quarter, Dhaka, Bangladesh.

4. The Chairman, Milkvita, Milkvita Head Office, Shirajgonj, Post and District-Shirajgonj.

5. The Chairman , BRTA, BRTA head office, 21 Allenbari, Tejgaon, Dhaka, Bangladesh.

....Respondents.

AND

IN THE MATTER OF:

For a direction upon the respondents to initiate and ensure effective traffic management in Dhaka city and to take necessary steps to reduce accident in the street of Dhaka City Corporation.

GROUND S

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 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.

III. 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.

IV. For that due to negligence of the driver the girl died and the family members are depriving, so there should be a direction upon the authority who has appointed the driver to compensate financially to the family members.

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 traffic management in Dhaka city and to take necessary steps to reduce accident in the street of Dhaka City Corporation and why a direction should not be given to pay compensation to the victims family.

b) Direct the respondent no. 4 to appear in person before this court on 14.02.2012 to explain his conduct.

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.
