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Public Interest Litigation and Role of the Supreme Court in Ensuring Social Justice in Bangladesh

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- A case Study in Bangladesh

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development of the Concept of Qa'ida in the study of Islamic Law

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Public Interest Litigation and the Role of the Supreme Court in Ensuring Social Justice in Bangladesh

KHONDOKAR TOHIDUL ALAM*
ABU NOMAN MOHAMMAD ATAHAR ALI**

Introduction:
The States of 21st century are almost the welfare states, which give preferences to the people and all of their happiness. In fact, the term ‘welfare state’ reflects an attitude towards the state, which sees it as a positive agent for the promotion of social welfare. This can be contrasted with ‘laissez faire’ ideal of the state rather as a policeman arbiter.1

Though some rich countries has ensured the social, economic and cultural rights of the citizens as the fundamental rights but most of the third world countries cannot do it. Rather they ensured the civil and political rights as fundamental rights in the Constitutions. It is true that indirectly these countries have spoken about the economic, social and cultural rights and to ensure these rights for the citizens. But, as the court procedure is very complex and access of the poor over there is too miserable, all people cannot ensure their rights for the violation.

Social justice is a concern for the welfare state, which includes human rights and fundamental rights. Ensuring social justice is now a days a burning issue for the developing third world countries like Bangladesh where violation of it is very rampant every now and then in every sector of the social and political life of the people.

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Origin of Public Interest Litigation:
The initial inspiration for PIL came from the American concept of Public Interest Litigation and the class actions of the 1960s. In USA it is called as ‘Public Interest Law’ whereas in the Indian subcontinent it is known as ‘Public Interest Litigation’. In fact, it is the USA, the real pioneer in the path of PIL, which influenced some PIL activists of some countries of the world to work for PIL in 1960s and '70s.3 Commentators frequently date the emergence of public law litigation in the U.S. to the celebrated campaign that resulted in the decision in Brown v. Board of Education,4 in which the U.S. Supreme Court declared that a state's segregation of public school students by race is unconstitutional. Brown included many procedural features since associated with public law litigation: the defendant was a public institution; the claimants comprised a self-constituted group with membership that changed over time; relief was prospective, seeking to reform future action by government agents; and the judge played a leadership role, complemented by the parties' efforts at negotiation. The literature distinguishes this form of litigation from the classical model of adjudication, which is conceptualized as a private, bipolar dispute marked by individual participation and the

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imposition of retrospective relief involving a tight fit between right and remedy.\textsuperscript{5}

\textit{Brown} provided inspiration to a generation of lawyers who saw law as a source of liberation as well as transformation for marginalized groups. Courts of USA, mostly federal but state as well, became involved in a broad range of social issues, including voting and apportionment, contraception and abortion, employment and housing discrimination, environmental regulation, and prison conditions. Prison reform litigation illustrates the extent of the judiciary’s involvement in public law cases: after years of taking a "hands off" approach to prison conditions, courts imposed remedial decrees in 48 of the nation’s 53 jurisdictions (the 50 states, the District of Columbia, Puerto Rico and the Virgin Islands).\textsuperscript{6}

To speak on the Indian Subcontinent, PIL was a little known idea even three decades ago. In 1976, Professor Abram Chayes of the Harvard Law School coined the phrase of ‘Public Interest Litigation’ to refer to the practice of lawyers in the United States seeking to precipitate social change through court order, decrees that reform legal rules, enforce existing laws and articulate public norms.\textsuperscript{7} Although Professor Chayes limited his discussion to the United States, variegated forms of "cause lawyering" or "social activist" litigation also exist in the courts of many other countries, presenting localized strategies that draw on separate traditions and function within specific contexts. Especially from that time, the sense of PIL has been spread in South Africa, Nigeria, Israel, as well as the Indian Subcontinent including Bangladesh. For the third world countries where majority of the states are full with poverty,

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hunger, and severe violations of human rights, there PIL is a great weapon to ensure social justice for the deprived concerned.

**PIL defined:**

The phrase ‘Public Interest Litigation’ relates to the very term ‘public interest’. Generally the litigation by someone for the interest of the public is the Public Interest Litigation. It does not mean that mere a stranger can move to court for a public interest litigation and that’s why it is a craving need to define ‘public interest’.

\textit{Stroud’s Judicial Dictionary},\textsuperscript{8} defined ‘public interest’ as, ‘a matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement; but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected.’ Much wider definition is been given by \textit{American Bar Association}. According to this definition, Public Interest Law means, “legal service provided without fee or at a substantially reduced fee which falls into one or more of the following areas:

1. Poverty Law;
2. Civil Rights Law;
3. Public Rights Law;
4. Charitable Organization Representation;
5. Administration of Justice.”\textsuperscript{9}

The term ‘public interest litigation’, a new phenomenon in our legal system, is used to describe cases where conscious citizens or organizations approach the court \textit{bona fide} in public interest.\textsuperscript{10}

In fact, a PIL is generally instituted for the enforcement of the constitutional and legal rights of the poor and excluded groups as

\textsuperscript{5} Fuller, The Forms and Limits of Adjudication, 92 Harv. L. Rev. 353 (1978).
\textsuperscript{8} Vol. 4, 4th Edition.
\textsuperscript{9} Mamata Rao, above n 1, 10-1.
\textsuperscript{10} Naim Ahmed, Public Interest Litigation: Constitutional Issues and Remedies, Published by BLAST (1st edition) p.1
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well as ensuring accountability of concerned government and public authorities towards issues of public importance. Persistent efforts by NGOs and social action groups through PIL have, in many occasions, prompted the High Court Division to issue directives and orders that in turn addressed the socio-economic concerns of the poor and the marginalized groups.11

Social justice defined:
Social justice is something that we ought to have but that we should not want too badly, or else our craving for it will dash it from our lips and, in our eagerness to snatch it, we shall spill it.12
The term ‘social justice’ was first used in 1840 by a Sicilian priest, Luigi Taparelli d’Azeglio, and given prominence by Antonio Rosmini-Serbati in La Costituzione Civile Secondo la Giusstizia Sociale in 1848.13
The old notion of the so-called social justice has changed as per modern concept. Society should treat all equally who have deserved equally well of it, that is, who have deserved equally well absolutely. This is the highest abstract standard of social and distributive justice; towards which all institutions, and the efforts of all virtuous citizens, should be made in the utmost degree to converge.

In Consumer Education and Research Centre and Others vs. Union of India and Others,14 it was held that, ‘social justice is a device to ensure life to be meaningful and livable with human dignity. State has to provide facilities to reach minimum standard of health, economic security and civilized living to the workmen. Social justice is a means to

11 See, eg, the web page of BLAST on ‘PIL and Advocacy’ <http://www.blast.org.bd/pil.html>.
12 Mamata Ban, above n 1, 63.
13 Defining Social Justice, Michael Novak. Michael Novak holds the George Frederick Jewett Chair in Religion and Public Policy at the American Enterprise Institute. This part of an essay is adopted from a lecture delivered at the University of Chicago’s Committee on Social Thought. It has been collected from the webpage of FIRST THINGS 156 Fifth Avenue, Suite 400 New York, NY 10010 <http://www.firstthings.com/issues/ft0012/opinion/novak.html>.
14 All India Report (AIR) 1993 Supreme Court 922.

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ensure life to be meaningful and livable.’ In Wikipedia,15 the modern concept of social justice has been defined as the principle that all persons are entitled to ‘basic human needs’, regardless of ‘superficial differences such as economic disparity, class, gender, race, ethnicity, citizenship, religion, age, sexual orientation, disability, or health’. This includes, ‘the eradication of poverty and illiteracy, the establishment of sound environmental policy, and equality of opportunity for healthy personal and social development.’

Duty of the State to provide social justice:
Justice is for all, no doubt; and to get justice someone have to seek it in the court. The Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1898 are the procedural laws for approaching a Court of law for justice in Bangladesh. These Codes have laid down the mode in which way the Courts have to exercise their respective jurisdictions. Access to a Court of law is open to all, however such access is to be averted of following the provisions of law and rules made therefor. Though it appears that access to justice is simple, in reality that is not so in a third world country like Bangladesh. Practically, access to justice is more available to the resourceful persons. Now-a-days, in order to have access to justice one must have the means which includes money in Bangladesh. There are provisions to approach a Court of law by any aggrieved person even personally i.e. without appointing an advocate. If such an aggrieved person, normally, not being educated or equipped with the technicalities of law and procedure involved in a proceeding or a case in a Court of law, is required to appoint an advocate, which saves the valuable time of the Court. However, appointment of such an advocate involves finance. In exceptional cases, the service of a good lawyer is available free of

fees. Apart from lawyers’ fees, the other costs and expenses required to be made in conducting a Court case nowadays are not insignificant. Thus the poorer sections of society do not have access to justice easily, though this is guaranteed by the Constitution of the Peoples Republic of Bangladesh. In reality, poverty plays a vital role as a ‘road block’ in the way of access to social justice. But it does not mean that the mentioned sections will be deprived from justice for their incapacities. Further, this is the constitutional duty of the court to ensure justice for all. It’s also a social and constitutional duty of a citizen to stand before the court for them. Justice Bhagwati, former Chief Justice of India and a pioneer in the field of PIL remarked, ‘the weaker sections of Indian humanity have had no access to justice on account of their poverty, ignorance and illiteracy. They are not aware of their rights and benefits conferred upon them by the Constitution and the law. On account of their socially and economically disadvantaged position they lack the capacity to assert their rights and they do not have the material resources with which to enforce their social and economic entitlements and combat exploitation and injustice.’ PIL is said to be an attempt on the part of the judiciary to bring justice ‘to the door steps’ of the poor and the needy, who form the vast majority of the population in Indian Subcontinent, and who have historically been the worst victims of social injustice, which tends to perpetuate itself over time.

16 Shah Abu Nayeem Monimur Rahman, Judge, High Court Division, Supreme Court of Bangladesh, ‘Poverty and Access to Justice and the Role of the Higher Judiciary in Bangladesh’ (Paper presented on First South Asian Regional Judicial Colloquium on access to Justice, New Delhi 1 – 3, November 2002).
17 Pradip K. Ghosh and Pawan Duggal, above n 2.
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Development and recent verdicts of the Courts relating to social justice in Bangladesh:

The very early concept of PIL in Bangladesh was founded in the case of Kazi Mukhlesur Rahman vs. Bangladesh and others. The fact of this case was as follows:

On May 16 1974, the Prime Minister of Bangladesh and India signed a treaty in Delhi providing inter alia that India will retain the southern half of southern Berubari Union No. 12 and the adjacent enclaves and in exchange Bangladesh will retain the Dahagram and Andopota enclaves. This treaty was challenged on the ground that the agreement involves cession of territory and was entered into without lawful authority by the executive head of government. The petitioner Kazi Mukhlesur Rahman was an advocate and came to the Court as a citizen and as such his standing was in question. Locus standi was granted by Sayeem CJ on the ground that Mr. Rahman agitated a question affecting a constitutional issue of grave importance posing a threat to his fundamental rights that pervade and extend to the entire territory of Bangladesh. The Court decided that the question is not whether the Court has jurisdiction but whether the petitioner is competent to claim a hearing. So the question is one of discretion which the Court is to exercise upon due consideration in each case. The application, however, was rejected on the ground of being pre-mature. But since the Court observed that a cession of territory needs parliamentary approval and enactment, the Government soon proceeded with the third amendment of the Constitution. Former Mustafa Kamal J remarked some historical points in the judgment of the Dr. Mohiuddin Farooque vs. Bangladesh and others case.

In Bangladesh, an unnoticed but quiet revolution took place on the question of locus standi after the introduction of the Constitution of the People's Republic of Bangladesh in 1972 in the case of Kazi Mukhlesur Rahman vs. Bangladesh, 26 DLR (SC) 44, decided on September 3,

30 Ibid, Article 8(2).
31 Ibid, Preamble.
32 Ibid, Article 11.
33 Ibid, Article 10.
34 Ibid, Article 13.
36 Ibid, Article 16.
37 Ibid, Article 16.
38 Ibid, Article 19.

39 Writ Petition No. 559 of 1974, 26 Dhaka Law Report (DLR) Supreme Court 44.
40 Naim Ahmed, above n. 10, pp.21-22.
Public Interest Litigation and the Role of the Supreme Court in Ensuring Social Justice in Bangladesh 1974 and hereinafter referred to as Kazi Mukhlesur Rahman’s Case. The appellant challenged the Delhi Treaty signed on 16 May 1974 by the Prime Ministers of the Government of Bangladesh and the Republic of India providing therein inter alia that India will retain the southern half of south Berubari Union No. 12 and the adjacent enclaves and in exchange, Bangladesh will retain the Dahagram and Angarpota enclaves. The ground of challenge was that the agreement involved cession of Bangladesh territory and was entered into without lawful authority by the executive head of government. The High Court Division summarily dismissed the writ petition holding that the appellant had no locus standi. At the hearing of the certificated appeal before the Appellate Division it was urged by the appellant that since the remedies available under Article 102(2) of our Constitution are discretionary, the words "any person aggrieved" should be construed liberally and given a wide meaning, although in the facts and circumstances of a particular case the Court may regard the personal interest pleased by a petitioner as being slight or too remote. Reliance was placed by the appellant upon the case of Main Fazal Din vs. The Lahore Improvement Trust, 21DLR(SC)225 in which Hamoodur Rahman, C.J. had occasion to say that the right considered sufficient for maintaining a proceeding of this nature is not necessarily a right in the strict juristic sense but it is enough if the applicant discloses that he has a personal interest in the matter which involves loss of some personal benefit or advantage or the curtailment of a privilege or liberty of franchise. Upon considering several American and Indian decisions of the time and a lone Australian decision, the Appellate Division held as follows:

"It appears to us that the question of locus standi does not involve the Court's jurisdiction to hear a person but of the competency of the person to claim a hearing, so that the question is one of discretion which the Court exercises upon due consideration of the facts and circumstances of each case."

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Locus standi was granted to the appellant even though he was not a resident of the southern half of South Berubari Union No.12 or adjacent enclaves involved in the Delhi Treaty because he had raised a constitutional issue of grave importance involving an international treaty affecting the territory of Bangladesh and posing an impending threat to his fundamental rights under Article 36 of the Constitution and his right of franchise. These rights, attached to a citizen, are not local. They pervade and extend to every inch of the territory of Bangladesh stretching up to the continental shelf. 42

However, according to A.T.M.Afzal J,43 two principles were established in Kazi Mukhlesur Rahman vs. Bangladesh and others case:

(1) that when there is a threat to a fundamental right of the citizens any one of them can invoke the jurisdiction under article 102 of the Constitution, that any citizen from any part of the country may become a petitioner and (2) that if a constitutional issue of grave importance is raised a petitioner qualifies himself to be a person aggrieved.44

In a recent case of the High Court Division of the Supreme Court of Bangladesh Nazmunn Ara Sultana J and Md. Hamidul Huque J add with this concern as:

a person not personally aggrieved may also come if his heart bleeds for his less fortunate fellow for any wrong done by the Government when an action concerns public wrong or invasion on the fundamental rights of indeterminate number of people, any number of the public suffering the common injury has right to invoke the writ jurisdiction. 45

43 A T M Afzal is the former Chief Justice of the Supreme Court of Bangladesh and the judge of the Dr. Mohiuddin Farooque vs. Bangladesh and others case.
45 See eg, the case Chowdhury Mahmood Hasan and others vs. Bangladesh and others 54 Dhaka Law Report (High Court) 2002 557; Writ petition no. 5050 of 2001.
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The real advancement of PIL in Bangladesh coincided with the restoration of democracy in 1991. It was not easy to convince the judges giving relief through PIL, as it was a new phenomenon in legal system of Bangladesh. But, the legal and social activists were relentless in their efforts.\(^46\) It is important to note that, the concept of PIL as has emerged in our judiciary is yet to assimilate into the concept of justice guaranteed by the Constitution. It is a crucial concept in a country like Bangladesh where 65% of the population have no or limited access to judiciary for their poverty, illiteracy and for the rampant corruption by lawyers and other judicial officer, although the Constitution pledges equality before law, justice, right to life and equal enjoyment of fundamental rights by all citizens. With evident socio-economic constraints and a long history of feudal past, the realization of legally recognized rights is still an issue for movement by various social and pressure groups. In the recent times, the movement for enjoyment of rights has taken a new dimension as the activists are increasingly emphasizing the potential of judiciary and the courts are dealing with cases seeking relief against administrative anarchy and ignorance.\(^47\)

In 1994, Bangladesh Environmental Lawyers Associations (BELA) took a petition before the High Court on behalf of the people of a locality where a disputed development work was being implemented. The petition was at first rejected by the court on the ground of the standing of the organization. After that, an appeal was preferred from this rejection where the core question was whether groups like BELA with dedicated and sincere record of activism can claim to have acquired sufficient interest to seek judicial redress against anarchy in its own field of action. The question was vital as it was a constitutional requirement under


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Article 102. ‘Who can file petitions for enforcement of fundamental rights? Only the aggrieved person?’ The Supreme Court responded in the positive and took this writ in cognizance; it marked a turning-point in the history of PIL in Bangladesh.\(^48\) Finally litigation was filed as a PIL named ‘Bangladesh Environmental Lawyers’ Association vs. Election Commission & Others.\(^49\) This PIL was filed against the four authorities of the Government responsible for the enforcement of various civic rights, and accordingly, the respondent was the State. The election of the four Municipal Corporations of the country, held at the beginning of that year, evidenced gross violation of some legal obligations and, consequently, interfered with the various rights of the people. The unlawful activities created by the election campaign resulted in encroaching on public properties, restricting and depriving the rights to life, property, enjoyment of public resources, etc. of the city-dwellers. The footpaths and other public places were saturated with election camps; incessant use of loudspeakers and other noisy instruments rendered life miserable; the walls of the four major cities of the country, where the elections were being held, were all covered with election slogans; unscheduled and unregulated processions created serious traffic jams, and so on. Repeated appeals by the Election Commission for showing respect to the laws of the country were virtually ignored. All this anarchy prompted the institution of a petition where the Honorable Court issued rule nisi upon the respondents asking them to show cause as to why they should not be directed to comply with the directives issued by the Election Commissioner touching upon the various acts and laws and rules. The Court also considered the prayer of the petitioner to restrain the Election Commissioner from holding the election till full compliance by the respondents. The rule, however, was disposed of, following assurance from the Attorney General that the Government

\(^{48}\) Ibid.

\(^{49}\) Dhaka Law Report 1994 (High Court) p. 235-37; Writ Petition No.186 of 1994 of the Supreme Court of Bangladesh.
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would take all necessary steps to implement all the directives of the Election Commission. However, this case is, no doubt, related with reservation of the environment as well as it is a matter of social justice too. Within the next 2 years of 1994-1996, BELA filed some PIL for the strike by doctors working in Government hospitals causing untold sufferings to patients, for the prevention to import contaminated foods from abroad etc. But in those cases question of locus standi was not raised.

As it is noted earlier, PIL is comparatively a new concept in Bangladesh which grew its roots in just one decade ago and question of locus standi was finally been settled by the Appellate Division of the Supreme Court of Bangladesh in the Flood Action Case, that has been discussed earlier; so it is very important to learn that, before and after that decision some pioneer NGOs like Bangladesh Environmental Lawyers Association (BELA), Ain O Salish Kendro (ASK), Bangladesh National Women Lawyers Association, Bangladesh Nari Progoti Sangha, Bangladesh Mahila Ainjibi Samiti, and many other public spirited persons brought public interest litigations before the High Court for redress of the grievances of the deprived sections of the people. In fact, ensuring social justice for a third world country like Bangladesh is definitely a tough job. Most of the human rights NGOs as named earlier and others are trying for it restlessly. The honorable justices of the Supreme Court of Bangladesh are also giving their verdicts on behalf of PIL easily. It’s a positive sign. In a recent case he honorable High Court Division of the Supreme Court of Bangladesh declared:

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Justice Delivery system in this part of the world is based on the principle of liberty and justice for all. Public Interest Litigation means the legal action initiated in a court of law for the enforcement of rights and interest of the citizens in general or a section thereof. The judiciary is to play a vital and important role not only in preventing and remedying abuse and misuse of power but also to eliminate injustice.

Very recently, there are some precedents, which have been established as PIL by some human rights NGOs for seeking the social justice in the Supreme Court of Bangladesh. Among them the case of Shaibal Saha Partha, is very remarkable. Shaibal Saha Partha, a postgraduate in business administration from India, allegedly sent an e-mail to the Prothom Alo, on August 23, 2004 from the Hardnet Cyber Café at Elephant Road. It was alleged that he has given a death threat to Awami League president Sheikh Hasina. He was arrested from this cyber cafe on August 25 of the same year. The police had also implicated him in the August 21, 2004 grenade attack on the Awami League rally that left 22 people killed. After his arrest, he was taken twice for the police remand. But he got seriously sick after the remand. The two legal aid organizations named Ain-o-Salisa Kendro (ASK) and Bangladesh legal Aid and Services Trust (BLAST) filed writs in the High Court of the Supreme Court of Bangladesh seeking the justice for Shaibal Saha Partha. The NGOs were none of the relatives of Shaibal.

50 See, eg. the judgment of the leading case ‘Bangladesh Environmental Lawyers Association vs. Election Commission and others’, above n 45.
53 BANGLAPEDIA, above n 51.

54 Engineer Mahmudul-ul Islam and others vs. Government of the Peoples Republic of Bangladesh, 23 Bangladesh Legal Decisions (High Court Division) 2003 p. 80; Writ Petition No. 4692 of 2000 of the High
55 Shaibal Saha Partha is the name of the victim of the following case.
56 A daily Bengali newspaper of Bangladesh <http://www.prothom-alo.net>.
57 Hardnet Cyber Café is the name of a cyber café and Elephant Road is a famous road of Dhaka city, the capital of Bangladesh.
58 Awami League is a great political party of Bangladesh and Sheikh Hasina is the president of this party who was also the prime minister of Bangladesh from 1996-2001.
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Saha Partha, nevertheless the locus standi was relaxed to be considered by the High Court. For this reason, this case is considered as a PIL. However, after long arguments the High Court Division of the Supreme Court of Bangladesh granted bail to Partha in both the cases on March 15, 2005. In that case, the honorable High Court remarked:

We feel it proper to direct the respondents not to go for further remand and to take all possible steps to administer treatment to the accused in the hospital immediately after the expiry of remand and he be allowed to remain in the hospital till such time as is required by the doctors and even in the course of on going remand he should not be subjected to physical torture as envisaged under clause 4 and 5 of the article 35 of the constitution.

On August 25, 2003 a PIL had been filed by Zakir Hossain Munshi, an advocate of the Bangladesh Supreme Court on the basis of a news item published in the daily Ittefaq on August 24, 2003 before the High Court Division of the Supreme Court of Bangladesh challenging the inaction of the Dhaka Medical College Hospital (DMCH) authority that did not provide treatment to a patient who was brought to DMCH on 17 August, 2003 and died without treatment. A vacation bench of the High Court Division took this matter as a PIL and on 1 September, 2003 and issued a rule nisi upon the DMCH authority and Ramna Thana, Office in Charge to show cause within 4 weeks as to why they should not be directed to inquire about the matter which was published in the daily Ittefaq on August 24, 2003.

Another remarkable PIL that filed by Bangladesh Legal Aid and Services Trust (BLAST) on December 24, 2003 on the basis of a news item 'Behind bars sans trial for years' published by the Daily Star. Considering this PIL on August 03, 2004 the High Court Division of the Supreme Court asked the Government to free on bail thousands of detainees languishing in jails without trial in violation of their constitutional rights to get quick justice. ‘It is very unfortunate and shocking as well’, the court observed.

Conclusion:
PIL is no more an unknown phenomenon in Bangladesh now, and a huge number of PIL are filing by different NGOs as well as by the persons legally concerned in every year. The courts are very often debating for the locus standi or the standing for suits. No doubt, the time is perfect for ensuring social justice in Bangladesh by PIL.

Lastly, it should be noted that PIL in Bangladesh is facing some problems like the other countries of the world. The main problem is the danger of flooding the court with unnecessary litigations at the instance of busy bodies posing as public spirited persons and thereby unnecessarily burdening the High Court Division which is already overburdened with cases which take years together for disposal and thus causing undue hardship on the litigant public. This crisis can be averted if the court remains vigilant at the inception and meticulously examines the bonafide of the petitioner to seek redress through PIL. Apart from this, the Court should have a separate wing for Public Interest Litigation to send commissioners, for collecting evidence; as this is the holy duty of the Court to save the Constitution, which speaks about social justice. The Government should also co-operate the court.
PIL is one kind of writ. There is no particular statute especially for PIL. This is just a tradition to take a petition as a PIL. Soon it needs a particular statute to act which will define the pros and cons of PIL.