



12-03-19, 19-03-19, 19-03-19, 19-03-19, 19-03-19

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

**WRIT PETITION No. 1809 of 2019**

IN THE MATTER OF:

An application under Article 102 (1) and (2) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Children's Charity Bangladesh Foundation (CCB Foundation) represented by its Chairman Advocate Md. Abdul Halim, having its registered office at Badsha Plaza (Level-3) 20 Link Road, Bangla Motor Corner, Dhaka-1000 (in person) and another.

..... Petitioners.

-VERSUS-

1. Bangladesh, represented by the Secretary, Ministry of Home Affairs, Peoples' Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka.
2. The Inspector-General of Police, Bangladesh Police Headquarter, 6 Phoenix Road, Dhaka-1000.
3. Superintendent of Police, Manikgonj SP Office, Manikgonj Sadar, Manikgonj.
4. Additional Superintendent of Police, SP Office, Manikgonj Sadar, Manikgonj.
5. Officer-in-Charge, Satoria Police Station, Manikgonj
6. Sekandar Hossain, Sub-Inspector, Satoria Police Station, Manikgonj.
7. Mazharul Islam, Assistant Sub-Inspector, Satoria Police Station, Manikgonj.
8. Keeper or Manager of the Rest-House, Satoria District Rest-House (Dak-Banglow), Manikgonj.

.....Respondents.





AND

IN THE MATTER OF:

Inaction and/or negligence, and/or failure on the part of the Respondents Nos. 1-4 in respect of gang rape of a 22 year-old-young college girl at Satoria Res-House (Dak-Banglow) from 6<sup>th</sup> February to 8<sup>th</sup> February by the Respondent No. 6 and 7 with the direct instigation of the Respondent No. 5 as reported in Daily Prothom Alo dated 11.02.2019, 12.02.2019 (Annexure-“C”, “C-1”); Daily Star online edition, daily Independent Online version, daily Newage and daily Manobjamin all dated 12.02.2019 (Annexure-“D”, “D-1”, “D-2” and “D-3”) being violative of law of the country and contrary to Articles 31, 32 and 36 of the Constitution of the People’s Republic of Bangladesh.

AND

IN THE MATTER OF:

Direction to outline Scheme and/or guideline to make sure that government and government- controlled houses, motels, guest house, hotels, rest-houses, Dak-banglaw, police stations, rest-rooms in police stations, safe-homes, public places are adequately safe and secured for women, girls and children and that they are not prone to any kind of sexual abuse or violation in any manner so as to affect the right to life of guaranteed by the Constitution.

AND

IN THE MATTER OF:

Public Interest Litigation for protection of safety and security of girls, women and children from sexual abuse, gruesome offences like rape, gang rape throughout the country and compensation under public law for the same and enforcement of fundamental rights guaranteed under Articles 31 and 32 of the Constitution of the People’s Republic of Bangladesh.

AND

IN THE MATTER OF:

Direction for interim payment of compensation of Tk. 1 lakh to the victim of rape for State’s failure which is vicariously liable for negligence of the Respondent Nos. 6 and 7 within 15 days from the date of receipt of the copy of the order.

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AND

IN THE MATTER OF:

Direction to produce before the Hon'ble Court by the Respondent Nos. 4-5 investigation report, medical report and/or case filed on the rape of the victim by the Respondent Nos. 6 and 7, in particular, the involvement of Respondent No. 5 and 8 and the names, full present and permanent addresses and particulars of the victim and her parents by filing affidavit of compliance within 15 days.

**Present:**

**Mr. Justice Moyeenul Islam Chowdhury**

**And**

**Mr. Justice Md. Ashraful Kamal.**

**The 10<sup>th</sup> day of March, 2019.**

Mr.Md. Abdul Halim, Advocate in person.

.....For the Petitioners.

Mr. Md. Ekramul Hoque, DAG with

Ms. Purabi Rani Sharma, AAG and

Ms. Purabi Saha, AAG

..... For the respondents.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why the inaction/negligence/failure on the part of the respondent nos. 1-5 and 8 in respect of perpetration of gang rape of a 22 year-old- college girl at Satoria Rest-House (Dak- Bungalow) under Police Station Satoria, District- Manikganj from 6<sup>th</sup> February to 8<sup>th</sup> February, 2019 by the respondent nos. 6 and 7 being abetted by the respondent nos. 5 and 8 as reported in 'The Daily Prothom Alo' dated 11.02.2019 and 12.02.2019 (Annexures- -'C' and 'C-I' to the Writ petition), the Daily Star online edition, the Daily Independent online version, the Daily Newage and the Daily Manobjamin all dated 12.02.2019 (Annexure- 'D-series' to the Writ Petition) should not be declared to be without lawful authority and of no legal effect and why the respondents should not be directed to devise a comprehensive scheme and make guidelines to ensure that the Government and Government- controlled

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Houses, Motels, Guest Houses, Hotels, Rest-houses, Dak- Bungalows, Police Stations, Rest-rooms in police Stations, Safe-homes and Public Places are adequately safe and secure for women, girls and children and that they are not prone to any kind of sexual abuse of violation in any manner so as to affect their right to life as guaranteed by the Constitution and why the respondents should not be directed to award compensation to the tune of Tk. 50,00,000/- to the victim of gang rape for gross violation of her human rights and right to life guaranteed under Articles 31 and 32 of the Constitution and/or such other or further order or orders passed as to this Court may seem fit and proper.

However, we direct the respondents to transmit the copies of necessary papers and documents relating to lodgment of the FIR against the respondent nos. 6 and 7 and the Progress of investigation of the case so far made to this Court within 30(thirty) days from the date of receipt of a copy of this order by filing Affidavits-in-Compliance.

The Rule is returnable within 4(four) weeks from date.

The petitioners are directed to put in requisites for service of notices upon the Respondents by registered post as well as through usual process within 3 (three) working days, failing which, the Rule shall stand discharged.

Put up the record on 18.04.2019 of passing necessary orders.

**M. I. Chowdhury**

**Md. Ashraful Kamal**

Typed by: *[Signature]* 19.03.2019

Read by: *[Signature]* 19.03.19

Exam. by: *[Signature]*  
Readied by: *[Signature]* 19.03.19

প্রত্যায়িত সবিবল প্রতিনিপি

*[Signature]*  
সহকারী রেজিস্ট্রার  
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ  
(১৮৭২ ইং সালের ১লা আইনের)  
৭৬ ধারামতে স্বাক্ষর প্রাপ্ত

*[Signature]*  
19.3.19  
মুহাম্মদ মোস্তফা শিকদার  
প্রশাসনিক কর্মকর্তা

*[Signature]*  
19.3.19  
শেখ বজলুর রশীদ  
নিম্নের সুপারিনটেন্ডেন্ট