

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)
SUO-MOTO RULE NO. 05 OF 2018.

IN THE MATTER OF:

The State.

-Versus-

Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka and others.

Present:

Mr. Justice Zubayer Rahman Chowdhury.

-And-

Mr. Justice Md. Iqbal Kabir.

The 08th day of April, 2018.

Mr. Mazedul Islam Patwary, Advocate with

Mr. Syed Hasan Zobair, Advocate.

.....For the State.

Mr. S.M. Maniruzzaman, DAG with

Mr. Imran Ahmed Bhuiyan, DAG,

Ms. Mahfuza Begum, AAG, with

Ms Mosammat Khairun Nessa, AAG,

Mr. Shams-Ud-Doha Talukder, AAG and

Mr. Md. Abul Kalam Khan, AAG

.....For the respondents.

Two learned Advocates of this Court namely Mr. Mazedul Islam Patwary and Mr. Syed Hasan Zobair have drawn our attention to a news item published on Saturday, 7th April, 2018 in several dailies namely, the New Age, মানব কণ্ঠ, কালের কণ্ঠ and নয়া দিগন্ত relating to a road accident, which has led to the crippling of a 26 year old lady, who is now undergoing treatment at LabAid Hospital, Danmondi, Dhaka.

On a perusal of the report, it appears that on Thursday, 5th of April, 2018, at about 9:00 a.m., the victim was travelling on a rickshaw with her 6 years old daughter. When the rickshaw reached the foot over-bridge near New Market, Dhaka, two buses belonging to Bikash Paribahon, attempted to overtake each other and in the process, crushed the rickshaw in which the victim was travelling along with her child. Although the rickshaw puller and the child survived miraculously, the victim sustained severe injury of the spinal cord and is now in critical condition, undergoing treatment at LabAid Hospital, Dhaka.

We are constrained to observe that of late, and quite frequently, reports are being published in the news paper every day relating to road accidents caused by rash and negligent driving of public buses, leading to serious injuries, and even deaths of innocent persons. In the back-drop noted above, we are inclined to issue a Suo Moto Rule in the following terms:

Let a Suo Moto Rule be issued calling upon the respondents namely, 1) Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka, 2) Secretary, Ministry of Health, Bangladesh Secretariat, Dhaka, 3) Secretary, Ministry of Roads, Transport and Highways, Bangladesh Secretariat, Dhaka, 4) Director General, Department of Public Health, Government of Bangladesh Dhaka, 5) Chairman, Bangladesh Road Transport Authority, Dhaka, 6) Deputy Commissioner (Traffic), Dhaka Metropolitan Police (DMP) Dhaka, 7) Bikash Paribahon, No. 6, Dhakeshawri, City Corporation Market, Azimpur, Dhaka-1211 and 8) The Owners and Operators of Bikash Paribahon to show cause as to why their failure and/or inaction to ensure strict compliance with traffic laws and rules by public transports, particularly public buses, resulting in loss of valuable lives shall not be declared to be without lawful authority and further, as to why respondent no. 7 and 8 (Bikash Paribahon) shall not be directed to ensure proper treatment of the victim and bear all such expenses, and if necessary, send the victim abroad at their expense and also pay adequate compensation to the victim and further, as to why the concerned respondents shall not be directed to frame appropriate rules and regulations for limiting the speed limit of public buses plying in the Metropolitan cities and also determining the number of trips to be undertaken each day by each public bus and/or pass such other or further order or orders as to this Court may seem fit and proper.

Pending hearing and disposal of the Rule, respondent nos. 1, 2 and 3 are hereby directed to ensure proper treatment of the victim, currently undergoing treatment at LabAid Hospital, Dhanmondi, Dhaka and if necessary, send the victim abroad for further and better treatment, at the cost of Bikash Paribahon.

Furthermore, pending hearing and disposal of the Rule, Bangladesh Road Transport Authority (BRTA) (respondent no. 4) is hereby directed to cancel/ revoke the license of the two drivers involved in the said accident, upon compliance with due process of law.

Respondents no. 4 is directed to file a report with regard to the ongoing treatment and the physical condition of the victim before this Court by 06.05.2018, positively.

The Rule is made returnable within 2(two) weeks from date.

The office is directed to communicate the order by special Messenger.

Let this matter be posted in the list for order on 08.05.2018.

Z. Rahman Chowdhury,

Md. Iqbal Kabir.

Copy forwarded to:

1. Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka,
2. Secretary, Ministry of Health, Bangladesh Secretariat, Dhaka,
3. Secretary, Ministry of Roads, Transport and Highways, Bangladesh Secretariat, Dhaka,
4. Director General, Department of Public Health, Government of Bangladesh Dhaka,
5. Chairman, Bangladesh Road Transport Authority, Dhaka,
6. Deputy Commissioner (Traffic), Dhaka Metropolitan Police (DMP), Dhaka,
7. Bikash Paribahon, No. 6, Dhakeshawri, City Corporation Market, Azimpur, Dhaka-1211
8. The Owners and Operators of Bikash Paribahon

For information and necessary action.

Typed by: Nefal. 10.04.2018.

Read by:

Exam. by:

Readied by:

Superintended

10.4.18

10.4.18

By order.

Assistant Registrar.

10.11.18

