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# Access To Justice Through Public Interest Litigation In Bangladesh

Dr. Md. Anisur Rahman<sup>1</sup>, Md. Sazzadur Rahman Titu<sup>2</sup>, Dr. Jayanta Kumar Saha<sup>3</sup>

<sup>1</sup> Research Scholar, Associate Professor, Department of Law, Islamic University, Kushtia, E-mail: [anisurlawiu2016@gmail.com](mailto:anisurlawiu2016@gmail.com)

<sup>2</sup> Research Scholar, Assistant Professor, Department of Law, Islamic University, Kushtia.

<sup>3</sup> Research Guide, Dean of Faculty, Professor & Head, Department of Law, Bankura University, Bankura, West Bengal, India.

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## Abstract

The term Public Interest Litigation (PIL) is a new phenomenon in our legal system and is a concept that fully justifies the universally accepted promise that human beings are social animals. It has been developed in recent years that mark a significant departure from traditional judicial proceedings. It is constitutional jurisprudence and it is based on necessity of public interest or infringement of public rights. In PIL the courts are seen for the first time to be concerned with public interest matters going beyond the traditional role of the judges. Judicial activism through a process known as public interest litigation (PIL) has emerged as a powerful mechanism of social change in Bangladesh. To confront this situation, the PIL has been created to empower ordinary citizens to write a letter and draw the attention of the apex court. The process of PIL has become an integral part of the judicial system of the country. Apart from these shortcomings, judicial activism is a very important potential instrument of the judiciary to protect and promote human rights and the rule of law in Bangladesh. This paper examines the idea of access to justice through public interest litigation in various judgments in Bangladesh.

**Keywords:** PIL, Access to Justice, Judicial Activism, Social Justice.

## 1. Introduction

Public Interest Litigation means a legal action initiated by the court for the enforcement of law for public interest or general interest in which the public or class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected. Public Interest Litigation's explicit the

purposes to alienate the suffering off all those who have borne the brunt of insensitive treatment at the hands of fellow human being. Transparency in public life & fair judicial action are the right answer to check increasing menace of violation of legal rights. Traditional rule was that the right to move the Supreme Court is only available to those whose fundamental rights are infringed. According to Justice P. N. Bhagwati, Public Interest Litigation is a litigation which is intended not for the benefit of one individual but for the benefit of a class or group of persons who are either victims of exploitation or oppression or who are denied their constitutional rights but cannot come to the court because of their ignorance, poverty and destitution. Public interest litigation is a litigation which can be filed in any court of law by any public spirited person for the protection of 'public interest' i.e. benefit of public.

## **2. Background and Development of PIL in Bangladesh**

The very early concept of PIL in Bangladesh is founded on the case of Kazi Mukhlesur Rahman vs. Bangladesh and others. Former Mustafa Kamal J. remarked in the judgment of the Dr. Mohiuddin Farooque vs. Bangladesh and others case, having the following words: 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 through the case of Kazi Mukhlesur Rahman vs. Bangladesh, 26 DLR (SC) 44, decision on September 3, 1974 and hereinafter referred to as Kazi Mukhlesur Rahman's Case. The appellant challenges the Delhi Treaty signed on the 16th May, 1974 by the Prime Ministers of the Government of Bangladesh and the Republic of India providing therein inter alia that India is to retain the southern half of south Berubari Union No. 12 and the adjacent enclaves and in exchange Bangladesh is to retain the Dahagram and Angarpota enclaves. The ground of the challenge was that the agreement involved cession of Bangladesh territory and possession without lawful authority by the executive head of government.

The case that first provides a conceptual groundwork for PIL is the 8<sup>th</sup> Amendment case of 1989 where it declares that the Parliament cannot alter the basic structure of the Constitution and decentralize the Supreme Court. This is not a case on social justice, but related to the power relations debate. It came as an inspiration to the judges and lawyers favoring activism and a greater role for the judiciary. The judges declared the need for progressive and dynamic interpretation of the Constitution. They re-affirmed and re-established the principle that while interpreting the Constitution, the intention of its makers and its spirit must be taken into consideration and an Article should not be looked into in isolation. Our Constitution is not the result of the process of the Indian Independence Act 1947 though we have taken inspiration from the wisdom of the past.

### **3. Constitutional Basis Legitimacy of PIL in Bangladesh**

The concept and practice of PIL must be capable of being justified, explained and supported by constitutional provisions. Accordingly, the judges and lawyers in the sub-continent, including Bangladesh, proceeded to show that PIL not only conforms to the constitutional spirit and scheme, but the Constitution itself mandates a PIL approach. This constitutional basis of PIL is the subject matter of the present Para. In the sub-continent, proponents of PIL advance their arguments in two stages. First, it is argued that the constitutions are people oriented and support the social justice approach. Thus, in intention and spirit, the constitutions of the sub-continental countries are pro-PIL. Second, they rely on the rule that no provision of the Constitution should be treated in isolation. Since interpretation of individual constitutional provisions is given on the basis of its scheme and spirit, which supports social justice, any interpretation is bound to support PIL. We shall examine in the present chapter how a PIL approach, under the constitutions of India and Bangladesh is thus guaranteed.

Some probable recommendation to reduce the limitation of enforcement of PIL mechanism in Bangladesh, are given below:

The court in various countries have to innovate new methods and devices, new strategies for the purpose of providing access to justice to large masses of peoples who are deprived and to whom freedom and liberty have no meaning. Considering all these developing judicial trends the Supreme Court of Bangladesh should expressly come forward to allow PIL. In favour of liberal interpretation of the term “aggrieved person” some more important points should be mentioned —

1. Article 102 of our Constitution uses the term ‘any person aggrieved’. It does not use the expression as “aggrieved part” or any person personally aggrieved”
2. Sri Lanka and Pakistan — these tow neighboring countries have, although they have same Constitutional constraints as we have in our Constitution, already overcome the barricade of ‘aggrieved person’ and they are now widely allowing PIL. So why not our Supreme Court.

The main and foremost duty of the government and the judiciary is to guarantee equal right and protection to its citizens and thus strict follow up of the rule of locus standi as an impediment, rather than sewing the purpose enumerated in the International Human Rights Instruments as well as in the Constitutions — ‘equality before law’. Indeed to avoid this impediment so as to ensure equality before law in practice, the concept of public interest litigation has been originated and developed by the court.

Public Interest Litigation should take a broader View and define Public Interest Law activities as follows:

1. Legal service to the poor;
2. Representation without fee or at a substantially reduced fee in cases seeking the vindication of an individual's fundamental civil rights and rights belonging to the public at large;
3. Representation of charitable organization.

To exercise PIL Mechanism, there are some limitation and boundaries which PIL could not cross. But to get proper aid, advantage and relief, those limitation and boundaries should be reduced; otherwise PIL mechanism will be failed.

#### **4. Writ amounting Public Interest Litigation (PIL)**

A writ petition filed by the aggrieved person, whether on behalf of group or together with group can be treated as a PIL. However, the writ petition should involve a question, which affects public at large or group of people, and not a single individual. And there should be a specific prayer, asking the court to direct the state authorities to take note of the allegation. Also, according to some lawyers, the 'representative suit' instituted under Code of Civil Procedure, 1908 can also be treated as PIL when it represents the interest of a large faction of people.

#### **5. Access to Justice through Public Interest Litigation**

PIL is not the strategic arm of the legal aid movement. It is not sufficient that rich people's rights should only be required to be redressed. For the sake of public interest the rights of the disadvantaged, outcast as a group, which goes unattended because of their lack of access to the courts, is also required to be vindicated. To establish Rule of law the courts have liberally interpreted the provisions of the constitution to accommodate the interests of the poor people. PIL is not an adversarial procedure where there is one winning party. The party who brings the Public Interest Litigation before the court may not get remedy, which he had sought. He may not have sensitized the judge to the extent required or the judge after balancing the various competing interests decides not to exercise his discretion. The most significant gain from PIL is that it brings issues in the limelight before the general public. It helps to form public opinion favourable to the cause. PIL has enlarged the door of public accountability through the judiciary. The judges have taken over the matters, which were entirely the prerogative of the executive. They have done so not to encroach upon the activities of the executive but as a collaborative effort to fulfil the obligations of the Constitutions. It has not only usurped their power of decision making but has provided redress whenever it is appropriate to do so.

## 6. Important features of PIL

Through the mechanism of PIL, the courts seek to protect human rights in the following ways-

**1) By creating a new regime of human rights:** It can be done by expanding the meaning of fundamental right to equality, life and personal liberty. In this process, the right to speedy trial, free legal aid, dignity, means and livelihood, education, housing, medical care, clean environment, right against torture, sexual harassment, solitary confinement, bondage and servitude, exploitation and so on emerge as human rights. These new re-conceptualised rights provide legal resources to activate the courts for their enforcement through PIL.

**2) By democratization of access of justice:** This is done by relaxing the traditional rule of locus standi. Any public spirited citizen or social action group can approach the court on behalf of the oppressed classes. Courts attention can be drawn even by writing a letter or sending a telegram. This has been called epistolary jurisdiction.

**3) By fashioning new kinds of reliefs:** It can be executed under the court's writ jurisdiction. For example, the court can award interim compensation to the victims of governmental lawlessness. This stands in sharp contrast to the Anglo-Saxon model of adjudication where interim relief is limited to preserving the status quo pending final decision. The grant of compensation in PIL matters does not preclude the aggrieved person from bringing a civil suit for damages. In PIL cases the court can fashion any relief to the victims.

**4) By judicial monitoring of state institutions:** Judicial monitoring may be carried on by the state institutions such as jails, women's protective homes, juvenile homes, mental asylums, and the like. Through judicial invigilation, the court seeks gradual improvement in their management and administration. This has been characterized as creeping jurisdiction in which the court takes over the administration of these institutions for protecting human rights.

**5) By devising new techniques of fact-finding:** In most of the cases the court has appointed its own socio-legal commissions of inquiry or has deputed its own official for investigation. Sometimes it has taken the help of National Human Rights Commission or experts to inquire into human rights violations. This may be called investigative litigation.

## 7. Practice, Procedure and Remedies of PIL

Public Interest Litigation is a totally different type of litigation from the ordinary and traditional case which is an adversarial character whereas PIL is intended to vindicate the rights of the people. In such a case the benefit will be derived by a

large number of people in contrast to a few.<sup>1</sup> Public Interest Litigations can be initiated by any letters or telegrams sent to the court. The Court has power to treat these letters as writ petitions and it is termed as 'epistolary jurisdiction of the court'.<sup>2</sup> The judge can also act suo motu and initiate a PIL case. After initiating a case the judge can appoint a commission for the purpose of carrying out an inquiry and investigation and presenting reports and recommendations. The court can appoint any amicus curiae or take any expert opinion to get assistance while providing relief and remedies to the victims. Finally it gives the awards or compensations to the victims for wrong done to them. This can be awarded in two stages. First, when the rule is issued the court may grant any compensation as an immediate interim relief and secondly, at the time of the disposal the court may finally determine the award of compensation.<sup>3</sup>

## **8. Sua Motu Intervention**

Suo Motu (Self-initiated) judicial intervention by the Supreme Court, albeit few in number, has unveiled a new horizon in the judicial perspective of Bangladesh. Such proceeding is initiated by the Court either completely on its own motion or following news reports or in response to letters addressed to it. It is argued that suo motu intervention can only be exercised in case of palpable gross criminal injustice and the Court is not empowered to initiate judicial review actions suo motu under article 102 of the Bangladesh Constitution. The words 'suo motu' mean 'on his own motion' as opposed to 'on an application by a party'.<sup>4</sup> In almost all the cases, newspaper reports prompt the judges to act suo motu. But the judge's source of information may be anything other than newspapers including letters, news item in any communication media including television, report given by a friend, somebody knocking at his door or the judge coming across some injustice in his daily life. In a suo motu case, the judge himself appears, as a concerned citizen, to be the applicant. In fact, any apprehension that the judges might use the suo motu power arbitrarily is unfounded due to several reasons. First, the power to intervene suo motu is exercised cautiously with much discretion. There is hardly any example where the court has abused this power. Second, the courts do not generally intervene where fundamental rights, which the Court is duty-bound under the Constitution to protect, are not violated. Third, in practice, only very grave instances of violation are taken up by the courts suo motu. Each and every public interest matter will not qualify. Generally, unlawful detention matters are seen as fit cases for suo motu intervention. Fourth, although the court may initiate a PIL case, it generally appoints lawyers to present the case of the person suffering. Thus ultimately, the

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<sup>1</sup> ETV vs. Chowdhury Mahmood Hasan, 55 DLR (AD) 26, Para 34.

<sup>2</sup> Naim Ahmed, *Public Interest Litigations: Constitutional Issues and Remedies*, Bangladesh Legal Aid and Services Trust, Shegunbagicha, Dhaka, p.146.

<sup>3</sup> Ibid, pp. 147-154.

<sup>4</sup> State of Andhra Pradesh vs. JPC Simhachalam Company (1972) 29 STC 279 at 284.

case is pleaded not by the judge, but by the lawyers of the respective parties. The most famous Bangladeshi suo motu case is State vs. Deputy Commissioner, Satkhira and others<sup>5</sup> where the judge issued a suo motu rule after reading a news item in a daily newspaper. One Nazrul Islam, who was held in custody for 12 years without trial, was soon released. A number of citable PIL cases at present scenario in Bangladesh are- Case1: Green Line Paribahan Case (2018), Case-2: Rajib Case (2018), Case -3 Jahalam Case (2019) etc.

## 9. Epistolary Jurisdiction

The Court has the power to treat letters and telegrams sent to it as writ petitions and initiate PIL cases on the basis of such communications. Termed as 'epistolary jurisdiction', this has been an invention of the Indian courts in epoch-rebuilding cases including Sunil Batra vs Delhi Administration<sup>1</sup> and Ichhu Devi vs Union of India<sup>2</sup>. This was later followed in Pakistan in the famous case of Darshan Masih vs. The State<sup>3</sup>. In Bangladesh, this practice has been developed through the famous case Dr. Faustina Pereira, Advocate, Supreme Court vs. State and others. The High Court Division in its judgment of 22 May 2000<sup>6</sup> directed the release of some 29 foreign prisoners who had been detained in Dhaka Central Jail, despite the expiry of their respective terms of imprisonment. The Court's observations in this case regarding the provisions of the Jail Code and more generally, on the rights of prisoners has made judicial history in the country, because it installed a legal device in our judicial system, namely the Epistolary Jurisdiction. This has a potential for protection of the rights of the vulnerable sections of the society. This jurisdiction allows the Court to take cognizance of a matter concerning public interest of grave importance and initiate legal proceedings, not on the presentation of a formal plaint or petition but on receiving a letter or telegram or similar communication.

Any objection on the ground that Article 102 of the Constitution contains the terms 'on the application of' is not tenable because the Constitution neither defines the term 'application' nor restrictively determines its scope. Also, the Constitution itself does not lay<sup>7</sup> down any specific procedure for preparing such an application. Thus, it appears that there is no bar to treat or convert letters as writ petitions. Acceptance of letters and telegrams as writ petition does not mean that it makes all sorts of procedural rules and requirements redundant. Once the communication is accepted as a petition, the court follows all rules and procedures which are applicable in a writ case. Power of the Court to treat letters and telegrams as writ petition is not unfettered. It is mainly a matter of

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<sup>5</sup> 45 DLR (1993) 643.

<sup>6</sup> Dr. Faustina Pereira, Advocate, Supreme Court vs. State and others, 53 DLR (2001) 414: 21 BLD (HCD) (2001) 499

<sup>7</sup> AIR 1980 SC 1579

28 AIR 1980 SC 1983

29 PLD 1990 SC 513

discretion of the Court which is to be considered according to the facts and circumstances of each case. First, it must be apparent from the circumstances that justice will be denied unless the letter is given consideration. Second, epistolary jurisdiction applies mainly to violations of fundamental rights. Third, it applies to very grave, inhuman and serious situations only, for example, habeas corpus matters including police atrocities and torture.

## **10. Law and Practice for Compensation**

In PIL cases, the High Court Division can award compensation to the victim for the wrong done to him. Awarding of compensation is neither new nor exclusive to PIL cases but public interest matters are probably the most appropriate ones where compensation may be granted.

Compensation is awarded under Article 102 only when the infringement of fundamental rights appears to be gross and patent and ex facie incontrovertible. In many cases, compensation appears to be the most appropriate immediate remedy due to the poverty, disability or socio-economic disadvantaged position of the victim.

The leading case with regard to compensation in Bangladesh is *Bilkis Akhter Hossain v. Bangladesh and others*<sup>8</sup> where illegal detention of a political leader for 17 days was challenged. The Court awarded an amount of one lakh taka to be paid by the government.

## **11. Independent Inquiry Commission**

In a PIL case, the Court can appoint commissioners for the purpose of carrying out an inquiry or investigation and presenting reports and recommendations to the Court.<sup>9</sup> The Court can appoint, for example, a judge of a lower court, a journalist, a specialist in his field, an advocate or a social scientist as a commissioner. The main purpose of appointing commissioners is to establish a fact-finding mechanism. Since the PIL petitioner is often a conscious citizen who cannot be expected to expend time and money to gather evidence, it sometimes becomes a necessity to appoint a commissioner. Commissioner's report serves two purposes. One is to gather all the facts and report back to the court. The other purpose is to make specific recommendations and suggestions to the court so that the court can deal effectively with the violation of the rights challenged.

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<sup>8</sup> 17 BLD (1997) 395 at 411. This was heard and disposed of with three other similar petitions. Writ Petition Nos. 1660-1663/1997 involved Goyeshwar Chandra Mirza Abbas, Dr. Khondaker Mosharraf Hossain and Abdul Mannan respectively all leaders of the Bangladesh Nationalist Party.

<sup>9</sup> Order XXVI of code of Civil Procedure 1908



## 12. Role of NGOs in PIL Intervention

Over 1,000 NGOs are working in Bangladesh for socio-economic development including protecting and promoting human rights especially that of poor, minorities and socially backward groups<sup>10</sup>. In Bangladesh, there is a human right forum where 17 human rights defender organizations are working like BLAST, ASK and Bangladesh Environmental Lawyer Associations (BELA). Most of the PIL cases are initiated by these organizations. Apart from the PIL initiative, these organizations are working for legal and right based awareness program to uphold the status and dignity of the weaker section of society through ensuring their rights. Most of these organizations are funded by Donor Agencies. They examine laws, policies and continuities in practice, focusing on civil, political, economic, social and cultural rights. Currently, these 17 organizations are working for war crimes relating to holding inquiries into or trials for genocide, war crimes, crimes against humanity and the crime of aggression that occurred during the 1971 War of Independence. For the right to life, liberty and security, they pressure the Government to make a clear commitment to cease extrajudicial killings and when and what action will it take to hold prompt, adequate and impartial investigations into allegations of human rights' violations, in particular extrajudicial killings and torture under every government by members of the security forces, including the police, armed forces, and the RAB to prosecute those responsible, and provide reparations to victims. It is noticeable that PIL cases are initiated by NGOs or human rights defender organizations and they also pressure collectively to execute and implement those verdicts to ensure various aspects of human rights in Bangladesh. Bangladesh NGOs are still working many other issues like worker rights, children rights and environmental issues through the various meeting, sitting, seminars, symposium and conferences. BELA is a pioneer organization to protect environmental rights and a healthy environment in Bangladesh. It is evident that over 100 PIL cases are initiated by BELA<sup>11</sup>. PIL as a concept and tool of ensuring social justice has been established in Bangladesh by the initiatives and struggle of BELA. However, many sensitive issues of human rights are still lagging behind which should be under consideration of PIL cases initiated by both NGOs and judiciary. In this juncture, human rights defender organizations and judiciary can play a pivotal role to take PIL and suo motu action by directing government for taking policy measures alternatives of hartal.

Though judiciary is very effective to protect and promote human rights and rule of law in a country through judicial activism or public interest litigation, the role of non-governmental organizations (NGOs) are crucial in Bangladesh. Delay and disposal of cases is one of the great impediments in the process of ensuring human rights in Bangladesh. Besides, negligence in implement the verdict of

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<sup>10</sup> Most of the information of this part took from Human Rights Forum Bangladesh,

<sup>11</sup> PIL cases of BELA, Article on public interest litigation in Bangladesh.

judiciary and interferences of executive over judiciary is another finding of this paper. Apart from these shortcomings, judicial activism is a very important potential instrument of judiciary to protect and promote human rights and the rule of law in Bangladesh.

### **13. Judicial role and some guidelines for Access to Justice through Public Interest Litigation**

Public Interest Litigation as a judicial mechanism to redress violation of people's rights "has many challenges to face, many questions to answer and many strategies to develop before it can get institutionalized in the judicial process. The reason is that the weaker sections of Bangladeshi humanity have been deprived of access to justice for a long time because of their poverty, ignorance and illiteracy. Thus, the underlying purpose of the Public Interest Litigation is to bring justice within the reach of every man and at the doorstep of every needy person. For the better functioning of Public Interest Litigation, the Supreme Court has laid down the following guidelines:

- In Public Interest Litigation there is no justification to the resort to freedom and privilege of criticizing the proceedings of the court during their pendency by persons who are parties and participants therein:
- In Public Interest Litigation, the petitioner has a right to maintain his/her dignity before the court, but the court can point out the functional impropriety committed by the petitioner and that would not impair the dignity of the petitioner.
- Once the proceedings are initiated, parties cannot be allowed to address the letters directly to judges.
- The petitioner appearing in person is not entitled as of right to withdraw. The petitioners can be allowed to withdraw him/her from the proceedings but that would not result in the withdrawal of the petition itself: only a private litigant can abandon his claims. The status of dominus litis cannot be conferred on a person who brings a Public Interest Litigation, as that would render the proceedings in Public Interest Litigation vulnerable to and susceptible of a new dimension which might, in conceivable cases, be used by persons by personal ends resulting in prejudice to the Public weal.
- No litigant can be permitted to stipulate conditions with court by the continuance of his or her participation in any Public Interest Litigation.
- Frivolous or vexatious writ petition in the name of Public Interest Litigation, filed mala fide and arising out of enmity between the parties cannot be allowed. The court has to protect the society from the so called protectors.

- Mere objection based on religious belief or personal philosophy cannot be treated as legal disability entitling third party as "next friend" to file Public Interest Litigation.
- Public Interest Litigation espousing cause of an individual is permissible only if it falls within the purview of policy decision of general application. It cannot be used to remove distress of any particular individual or satisfy that individual's whims, however pious that may be.
- Converting individual dispute into Public Interest Litigation should be discouraged.

From the perusal of above-mentioned guidelines laid down by the courts in Public Interest Litigation, it has been observed that one need not be an unconditional enthusiastic of Public Interest Litigation.

#### **14. Major Challenges for Access to Justice through Public Interest Litigation in Bangladesh**

The major challenges for access to justice through PIL in Bangladesh are as follows:

- i. Obstacles come first from the government corner when anyone takes step under PIL as because usually PIL prefers for ensuring people's right and the cause demanded to Government;
- ii. Judicial system is not free from government interference. So to develop PIL, judicial system must be free from government interference;
- iii. People have very few ideas about PIL. The law enforcing agency is also a major obstacle in some cases, lack of adept lawyers in some cases;
- iv. Lack of appropriate measures and assistance from the government;
- v. There are so many problems in respect of PIL in Bangladesh specially the people are not aware and the human rights organizations doing only their self-developments;
- vi. There are many problems in PIL specially lack of well-knowledged and enthusiastic lawyers who are dedicated to serve the people and society;
- vii. The political dis favorable situation is highly responsible. The concept of PIL is not conscious regarding the matter;
- viii. Corruption, absence of rule of law and political causes;
- ix. Judicial activism is very rare in PIL cases in Bangladesh recently;
- x. Many of the lawyers conduct PIL cases for money only. The high court issues rule in regard to the properly concerned PIL cases. The lawyers do not become active to start the case until being paid in advance;

- xi. Everyone should be aware about the existing law of the country as well as proper establishment of law and execution of law.

## **15. Recommendation and Suggestions**

There would likely to be highlighted a number of recommendations for remedies of the above-mentioned obstacles regarding this paper are as follows:

- i. Citizens' right and consciousness should be more visible.
- ii. All obstacles should be removed from the ruling government side;
- iii. Apex court should be liberal for conducting PIL; procedure should be smooth for litigant.
- iv. Concept about PIL should be provided through various conferences, seminars as well as schools, colleges, universities and community centres.
- v. The concerned group of people should play leading role in cases of PIL.
- vi. To develop PIL, people need to be made aware through special seminars and symposiums.
- vii. Law enforcing agencies have to be more helpful and co-operative in PIL.
- viii. Human rights organizations and conscious people have to act more in PIL.
- ix. To establish framework for the lawyers who conduct the PIL cases and to set up proper and effective institution to look after the PIL cases.
- x. A separate writ bench should be established to address PIL issues.
- xi. Public opinion should be sought about the ramifications of implementation of the directives of the High Court Division in relation to arbitrary arrests under section 54 and remand under section 167 of the Code of Criminal Procedure.
- xii. There should be an independent investigation into the crossfire deaths that should also determine whether crime committed by the alleged criminals who died in crossfire encounters is punishable with death.
- xiii. The media and the human rights organizations should endeavor to follow-up on the directives of successful PIL cases through better communication and post-judgment monitoring.
- xiv. A monitoring cell should be set up with judges, civil society, media and human rights activists for pursuing post-judgment follow-up initiatives in a systematic manner.
- xv. Law journalists and BLAST should convene meetings at regular intervals on exploring and identifying PIL issues and strategies.

xvi. To go for public interest law movement using its various tools including public interest litigation, as PIL movement is more useful than the litigation only.

xvii. To emphasize on policy and legislative advocacy and lobbying.

## **16. Conclusion**

The development of PIL in Bangladesh was slow due to the threshold problem. Apparently, the process of democratization of the system and the development of PIL coincided in Bangladesh. The growth of PIL in the midst of this process has produced interesting results- each in turn influencing the other. Since the activists and lawyers were focused on the participation of the people in the decision making process, they often used the new technique of PIL for this end. During the last few years, there is hardly any constitutional question of significance that has not been raised before the Court. It needs to be mentioned that PIL does not work in isolation. It is a part of the greater movement for legal aid or a constituent of the greater theme of public interest law. So in the hand of the social activist lawyer, PIL is one of many strategies which the concerned citizens and activists in Bangladesh are now using in combination. There is a realization is not a cure-all for all types of issues and problems. Retaining a close nexus with the press, the voluntary sector organization is increasingly using new strategies including publication, lobbying and representation. The future of PIL in Bangladesh is very bright. Since PIL is an expression of social consciousness of the fortunate few, its progress is of our social responsibility.

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