

**IN THE SUPREME COURT OF BANGLADESH**  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

**WRIT PETITION NO.8917 OF 2019**

**IN THE MATTER OF:**

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

**AND**

**IN THE MATTER:**

**Md. Shahinur Rahman**, Advocate, Supreme Court of Bangladesh, son of Md. Fazle Rahman Sarder and Most. Kulsum Bibi, Chamber No.607 Annex Extension Building, Supreme Court Bar Association Building, Dhaka.

.....**Petitioner**

**-Versus-**

Government of Bangladesh, represented by the Secretary, Ministry of Information, Bangladesh Secretariat, Dhaka and another ..... **Respondents**

**Mr. Md. Ekramul Huq**, Advocate, Advocate with Mr. Syed Mamun Mahbub, Advocate, Mr. Taposh Kumar Biswas, Advocate & Mr. Md. Shahinur Rahman, Advocate (In person)

.....For the petitioner

**Mr. Amit Talukder**, Deputy Attorney General with Mr. Abu Naser, AAG, Ms. Belgish Nafisa Hoque, AAG & Ms. Kohenoor Akter, AAG .....For the respondents .....For the respondents

Present:

Mr. Justice Obaidul Hassan

And

Mr. Justice Mohammad Ali

**The 07<sup>th</sup> day of August, 2019**

This is an application under Article 102 of the Constitution of the People's Republic of Bangladesh.

One Mr. Md. Shahinur Rahman an advocate of the Supreme Court of Bangladesh has filed this application challenging the inaction of the respondents in not restraining the electronic and print media in circulating and publishing the news regarding protocol of the Hon'ble Judges of the Supreme Court of Bangladesh, which they are bound by law to do so.

The petitioner being a practicing lawyer of the Supreme Court of Bangladesh is concerned about the honour and dignity of the Supreme Court of Bangladesh and thus has filed this application as a Public Interest Litigation (PIL).

The short fact of the case, is that, the petitioner on 2<sup>nd</sup> August 2019 read a news circulated in different online newspapers of the country named, "The Bangladesh Today, Dhaka Tribune, Awaz BD, Barishal Times, Chanel, Purba Pashchim, 24 Live Newspaper." Since the news as published in the said online papers is absolutely derogatory and disrespect to the honour and dignity of the Supreme Court of Bangladesh and the petitioner being an officer of the Court in order to protect the honour and dignity of the Supreme Court has filed the instant petition.

Mr. Md. Ekramul Huq, the learned advocate appearing along with Mr. Syed Mamun Mahbub, the learned advocate and Mr. Taposh Kumar Biswas, the learned advocate for the petitioner submits that the news as published in the aforesaid

newspapers is derogatory and disrespectful to the honour and dignity of the Supreme Court of Bangladesh. For this reason the petitioner has filed the instant writ petition. He further submits that the High Court Division has not passed any order in Writ Petition No.8616 of 2019 restraining any authority of the government from providing protocol to the Constitutional Post holders who are entitled to get the same as per their job description and thus the news as published is derogatory and without any basis and the respondents are required to be directed to restrain the newspapers from circulating and publishing any derogatory news which has no basis. Mr. Ekramul Huq also submits that the Hon'ble Judges of the Supreme Court having holding the position in serial No.8 and 9 in the Warrant of Precedence are entitled to get protocol as they are holding the Constitutional Post and no such order having been passed by the High Court Division in restraining any high ranking Constitutional Post holder in providing protocol. Thus, the news as published is without any basis and the respondents are required to be directed to restrain the newspapers from circulating/publishing any derogatory news which has no basis. He further submits that as per job description of the Hon'ble Judges' of the Supreme Court of Bangladesh they have to maintain some code of conduct and if they are not provided any protocol their safety and security will be jeopardized. It will be very difficult for the judges to work as per their oath, but without considering the

same the aforesaid derogatory news has been published and by the said news the honour and dignity of the Supreme Court has been undermined and as such the respondents are required to be directed to restrain the newspapers from circulating/publishing any derogatory news which has no basis.

Mr. Amit Talukder, the learned Deputy Attorney General appearing on behalf of the respondents find difficulty in opposing the prayer of the petitioner rather he conceded with the submissions made by the learned advocate for the petitioner.

We have gone through the application and heard the learned advocates for both the parties. The matter relates to a Writ Petition No.8616 of 2019, but unfortunately which is not before us. However, the petitioner on oath has stated that "in the said writ petition the concerned Bench comprising their Lordships Mr. Justice F.R.M. Nazmul Ahasan and Mr. Justice K.M Kamrul Kader did not pass any judicial order saying there is no VIP in the country." The petitioner has challenged the inaction of the government particularly the Secretary, Ministry of Information. We do not think it would be wise to make the respondents responsible for the inaction because the online newspapers on their own will have published the news without seeing any judicial order. In the circumstances, we are not inclined to issue Rule in this matter rather we want to dispose of

the application with our views, observations and some directions.

Though we are addressed as "My Lords" in our Courtrooms, it is imperative that we all remember that the justices of this esteemed Court are still human. We are not infallible. In shouldering the burdens of our duties, I am sensible enough to recognize, that we may sometimes not be able to articulate our thoughts with perfection. We are thus, often hopeful, that such instances are viewed with a degree of indulgence by those who understand the work that we do. Having said so, it is important to recognize that while we do speak our thoughts in Court, sometimes it may be taken out of context and it may be so that some fail to understand the message that we intend to convey. And so, it is important to wait for the final pronouncement of our judgments to truly understand or grasp what it is that we, as justice, intend to relay.

As such, it is important to remind everyone that when the justices of the Courts think aloud and speak their thoughts, it is risky to take their words in that situation as being the ultimate version. In the case at hand, the words of Mr. Justice Mr. Justice F.R.M. Nazmul Ahasan and Mr. Justice K.M Kamrul Kader had been taken out of context and has thus gone on to create confusion in numerous cases. In the future, it is imperative that people not jump to conclusions simply based

on the words uttered by the Court without having gone through the final judgment, where the Court is allowed time to reflect and properly articulate its intentions and thoughts.

This holds most true for those burdened with the task of delivering news to the public. Being the mouthpiece of the agents of society and State, we hold journalists to high esteem and thus expect them to also bear great responsibility. Such responsibility must entail, reflecting the whole truth, as opposed to simply highlighting fractions of it.

We are of the view that, at the present context, it is imperative to give direction upon the concerned persons, in particular, the Deputy Commissioners, and the Superintendents of Police and other concerned in the metropolitan cities and all other townships, to provide the requisite privileges to all who have been extended such privileges by virtue of the Constitution, Warrant of Precedence and the laws of this land.

Accordingly, the aforesaid persons and all other concerned are directed to continue providing privileges (protocol) without fail, to those who have been extended such privileges (protocol) as per the Warrant of Precedence.

The Registrar General of the Supreme Court of Bangladesh is directed to circulate the copy of this order to all District Judges of the country immediately.

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With the above, the application is **disposed of**.

Let a copy of this order be communicated at once with the Cabinet Secretary and the Secretary-in-Charge of Ministry of Public Administration for information and immediate action.

Ismail H. Pradhan  
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