

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

**WRIT PETITION NO. 12293 of 2018**

In the matter of:

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

-And-

In the matter of :

Dr. Kazi Ertaza Hassan

..... Petitioner

-Versus-

The Government of Bangladesh and  
others

..... Respondents

Mr. A.M Aminuddin, Senior

Advocate with

Mr. Mohammad Saifuddin Khokon

with

Mr. Jotirmoy Barua with

Mr. Md. Shahjahan with

Mr. Md. Matiur Rahman,

Advocate(s)

..... For the petitioner

Mr. Ajmalul Hossain QC, Senior

Advocate with

Mr. Abdullah Al Hady with

Mr. Aziz Ullah Emon with

Mr. Khalid Mohammad Saifullah,

Advocate(s)

.... For the respondent No. 4

Mr. Syed Hasan Zobair, Advocate

.... For the respondent No. 6

**Heard both physically and virtually on 12.08.2020,  
19.08.2020, 20.08.2020 and  
Judgment delivered virtually on 18.03.2021**

**Present:**

Mr. Justice Md. Ashfaul Islam

And

Mr. Justice Mohammad Ali

**Md. Ashfaqul Islam, J:**

We are delivering this judgment at the verge of the golden jubilee of independence of Bangladesh. Only after a few days the country is going to celebrate 50 years of its independence. The protagonist of the judgment is none other than the legend of all time, Father of the Nation Bangabandhu Sheikh Mujibur Rahman, who lives as the greatest Bengali of a thousand years.

At the instance of the petitioner Dr. Kazi Ertaza Hassan who is the Chairperson of “Bangladesh Human Rights Development Commission”, this Rule under adjudication, issued on 02.10.2018, was in the following terms:

*“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the action of the respondents in distorting the history of Bangladesh by not including the photograph of the father of the Nation Bangabandhu Sheikh Mujibur Rahman and including the photographs of Ayub Khan, the then president of Pakistan and Monayem Khan, Governor of the then East Pakistan Khan’s in the book namely, “Bangladesh Banker Etihash” should not be declared to have been done without lawful authority and is of no legal effect and/or such other or further order or orders passed as to this court may seem fit and proper.”*

At the time of issuance of the Rule this Court directed respondent No. 1, the Secretary, Ministry of Finance to form an inquiry committee for

holding an inquiry and to submit the compliance within 30 days before this Court.

The background leading to the Rule stated in the writ petition is that a news item published in *The Asian Age* dated 16.09.2018, wherein, it has been stated that not a single photograph of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman have been printed in the book namely “বাংলাদেশ ব্যাংকের ইতিহাস” whereas four photographs of Pakistani Ruler Ayub Khan and East Pakistan’s Governor Monayem Khan found place there. It has also been mentioned in the aforesaid news items that non inclusion of the photograph of “Bangabandhu” in the said book is wilful and a conspiracy against the Government (Annexure-‘B’ and ‘B-1’). It has also distorted the history.

It has been further stated that even after knowing all these facts, the respondents did not take any steps to include any photograph of “Bangabandhu” ignoring their obligatory duties.

It has also been stated that the book “বাংলাদেশ ব্যাংকের ইতিহাস” (hereinafter referred to as the book) has some astonishing omissions and some alarming inclusions as the book contains no photographs of the father of the Nation Bangabandhu Sheikh Mujibur Rahman and his role in creation of the Bangladesh Bank. On the other hand the Pakistani Dictator Ayub Khan and Monayem Khan, the Autocratic Governor of East Pakistan

both of whom were against the birth of Bangladesh, however, are brought to life through prominent photographs which is painful and alarming.

It has been stated in particular that in chapter 2 page 51 of the said book under caption “বাংলাদেশের স্বাধীনতা ও বাংলাদেশ ব্যাংক” the declaration of independence in the historic speech of the father of the Nation, Bangabandhu Sheikh Mujibur Rahman, 7<sup>th</sup> March, 1971, declaration of independence, 26<sup>th</sup> March, 1971 and the proclamation of independence 10 Day of April, 1971 have not been inserted properly. The petitioner having been aggrieved that by ignoring the same on the book of the History Bangladesh Bank and by including the photographs of Pakistani Ruler Ayub Khan and East Pakistan’s Governor Monayem Khan a distortion of history of the independence of Bangladesh have been done and as such, action of the respondents in so doing in the said book namely “বাংলাদেশ ব্যাংকের ইতিহাস” should be declared to be done without lawful authority having no legal effect. Under the circumstances having been actuated by this situation the petitioner moved this division and obtained the present Rule and the direction as aforesaid.

Mr. A.M Aminuddin, the learned Senior Advocate appearing with Mr. Mohammad Saifuddin Khokon, Mr. Jotirmoy Barua, Mr. Md. Shahjahan and Mr. Md. Matiur Rahman the learned Advocate(s) for the petitioner after placing the petition and by filing a written argument

asserted and narrated what has been already stated in the terms of the Rule as it is.

It is their submissions that the respondents organized the book unveiling programme on 25<sup>th</sup> March 2018 which is a National Mourning day. The Respondents intentionally excluded the photograph of the Father of the Nation from the book and included four photographs of Pakistani Ruler Ayub Khan and East Pakistan's Governor Monayem Khan which is absolutely malafide on the part of the Respondents. The Respondents by their conduct have undermined the spirit of our liberation war and distorted the glorious history of liberation. Therefore, the petitioner strongly prays for appropriate action against the Respondents.

It was further submitted that according to the statement of respondent No. 4, Fazle Kabir, the Governor, Bangladesh Bank the publication of the book was cancelled on 31.10.2018. After cancellation of the publication, the Respondents had neither made any public announcement nor published any notification in any daily newspaper or in the electronic media saying that the publication of the book “বাংলাদেশ ব্যাংকের ইতিহাস” has been cancelled. The petitioner purchased the book out of his own interest and until filing of the instant writ petition had not seen any public notice published by the Respondents withdrawing the book or cancelling the publication in any manner. Therefore, the petitioner being a

conscious citizen of the country and being politically interested person has every right to agitate the matter of distortion of history before this Court.

They have further submitted that it is evident from the compliance report filed by the Respondent No. 1 that they have committed a palpable wrong by not including the photographs of the Father of the Nation Bangabandhu Sheikh Mujibur Rahman and hence intervention by this Court is very much necessary to prevent this sort of detestable deed in future distorting our history. The petitioner therefore, prays for imposing punishment upon the respondents for their wilful action of not including photographs of the Father of the Nation.

They have further submitted that eventually the respondent No. 1&4 through their compliance and supplementary affidavit admitted that they have printed 2000 copies of the book on 02.08.2019, they managed to recall 250 books out of 2000 and now they have 1529 books in their stock. It means in total 471 copies of the book are still with the readers with distorted fact of our history of liberation war. The petitioner further submits that even a single copy of the book that has been sold with the aforesaid distorted facts of non inclusion is enough to prove their illegal action which warrants action to be taken against the respondents. Therefore, the action of the respondents in not including the photograph of Bangabandhu Sheikh

Mujibur Rahman in the "Bangladesh Banker Etihash" should be declared to have been done without lawful authority and is of no legal effect.

On the other hand, by filing affidavit of compliance, affidavit-in-opposition and also a written argument Mr. Ajmalul Haque QC, the learned Senior Advocate appearing for the respondent No. 4 after making elaborate submissions candidly concedes that he will not cross sword on the point of the maintainability of this writ petition. He submitted that this writ petition is maintainable. Therefore, the submissions those have been categorized questioning the maintainability of the writ petition on that score is not required to be addressed by this Division.

The respondent Nos. 1 to 6 unequivocally have stated in their affidavits that it was a bonafide mistake on the part of the Bangladesh Bank for not including the photographs of the Father of the Nation in the book “বাংলাদেশ ব্যাংকের ইতিহাস”. As per direction of this court at the time of the issuance of the Rule, the respondent No. 1, have submitted compliance on 04.02.2019 wherein they have admitted that “বাংলাদেশ ব্যাংকের ইতিহাস বইয়ে জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান এর ছবি না ছাপানোর বিষয়ে সম্পাদনা কমিটির সদস্য জনাব শুভংকর সাহা, জনাব জোবায়দা আফরোজ বলেন, বাংলাদেশ ব্যাংকের সাথে সংশ্লিষ্ট জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান এর ছবি খুঁজেছেন কিন্তু টিম বঙ্গবন্ধুর ছবি সংগ্রহ করতে পারেননি। এ কারণে ছবি ছাপাতে পারেননি। বাংলাদেশ ব্যাংকের ইতিহাস গ্রন্থটি পরীক্ষালে দেখা যায় যে, রাষ্ট্রপতির আদেশ নং ১২৭/৭২ মূলে বাংলাদেশ ব্যাংক প্রতিষ্ঠিত হয়। রাষ্ট্রপতির আদেশ মূলে

বাংলাদেশ ব্যাংক প্রতিষ্ঠিত হওয়ায় জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান এর ছবি বইয়ে অন্তর্ভুক্ত করা আবশ্যিক ছিল। এছাড়া জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান কর্তৃক স্বাধীনতার ঘোষণায় সাড়া দিয়ে বাংলাদেশের মহান স্বাধীনতা অর্জনের লক্ষ্যে পাকিস্তানি হানাদার বাহিনীর বিরুদ্ধে দীর্ঘ ৯ মাস রক্তক্ষয়ী মুক্তিযুদ্ধের মাধ্যমে ৩০ লাখ শহীদের রক্ত এবং দুই লাখ মা-বোনের সম্মের বিনিময়ে বাংলাদেশ স্বাধীন হয়। বইটির দ্বিতীয় অধ্যায়ে 'বাংলাদেশের স্বাধীনতা ও বাংলাদেশ ব্যাংক' এর ইতিহাস বর্ণনা করা হয়েছে বিধায় স্বাধীন বাংলাদেশের স্থপতি জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান এর মুক্তিযুদ্ধ সংশ্লিষ্ট অথবা বঙ্গবন্ধুর অন্য যে কোন ছবি বইয়ে অন্তর্ভুক্ত করা যেতো। কাজেই, বাংলাদেশ ব্যাংকের সাথে সংশ্লিষ্ট বঙ্গবন্ধুর ছবি খুঁজে না পাওয়ার যে যুক্তি উত্থাপন করা হয়েছে তা মোটেই গ্রহণযোগ্য নহে।

বাংলাদেশ ব্যাংকের ইতিহাস, বইয়ে জাতির পিতা বঙ্গবন্ধুর শেখ মুজিবুর রহমান এর ছবি না ছাপানোর বিষয়ে সম্পাদনা কমিটির সদস্য জনাব শুভংকর সাহা, নির্বাহী পরিচালক (অবঃ), বাংলাদেশ ব্যাংক তার বক্তব্যে স্বীকার করেছেন যে, বাংলাদেশ ব্যাংকের সাথে সংশ্লিষ্টবিহীন বঙ্গবন্ধুর যে কোন ছবি বইটির আলোকচিত্র অংশে সন্নিবেশ করা যেত। বিষয়টি সংশ্লিষ্ট কারো মনে আসেনি। সেটি সংশ্লিষ্ট সকলের ভুল মর্মে তিনি স্বীকার করেছেন। এতে বাংলাদেশ ব্যাংকের ইতিহাস বইয়ে জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান এর ছবি না দেয়ায় বাংলাদেশের ইতিহাস সঠিকভাবে উপস্থাপিত হয়নি মর্মে প্রতীয়মান হয়।”

It is apparent from the aforesaid admission in the affidavit in compliance filed by the respondent No. 1 that the respondents have committed gross mistake in not including the name of the father of the nation Bangabandhu Sheik Mujibur Rahman in the said publication.

Further in the inquiry report at page 24 it has been stated:



“বাংলাদেশ ব্যাংকের ইতিহাস বই প্রণয়নে ও প্রকাশনার সাথে সংশ্লিষ্ট কমিটি ও কর্মকর্তা/ব্যক্তিদের বক্তব্য এবং রেকর্ডপত্র পরীক্ষালে কমিটির মতামত নিম্নরূপঃ

৮.১ জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান বাংলাদেশ ব্যাংকের নামকরণ করেন। বাংলাদেশ ব্যাংক প্রতিষ্ঠিত হয় পি.ও নং- ১২৭/৭২ মূলে। গ্রন্থটির দ্বিতীয় অধ্যায়ে মহান মুক্তিযুদ্ধের ইতিহাস বিবৃত রয়েছে। এ কারণে স্বাধীন বাংলাদেশের স্থপতি হিসেবে জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান এর ছবি বাংলাদেশ ব্যাংকের ইতিহাস বইয়ে অন্তর্ভুক্ত করা আবশ্যিক ছিল। বাংলাদেশ ব্যাংক সংশ্লিষ্ট বঙ্গবন্ধুর ছবি খুঁজে পাওয়া যায়নি- এ যুক্তিতে বঙ্গবন্ধুর ছবি বইয়ে অন্তর্ভুক্ত না করার বিষয়টি অনাকাঙ্ক্ষিত ও অনভিপ্রেত। গ্রন্থটি জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমান এর ছবি অন্তর্ভুক্ত না করায় ইতিহাস বিকৃত হয়েছে মর্মে কমিটি মনে করে (কার্যপরিধি-ক)।

Upon conclusion of the inquiry into the matter the inquiry committee opined that by not including of the photographs of the Father of the Nation in the said book a distortion of the history have been committed. It further contended that the respondents No. 4 by supplementary affidavit dated 09.04.2019 submitted internal communication of the Department of Communication of Publication (DCP) dated 02.04.2019 wherein at paragraph 3 and 4 it was admitted that “০৩। ডিসেম্বর ২০১৭ তে প্রকাশিত “বাংলাদেশ ব্যাংকের ইতিহাস” গ্রন্থটির প্রকাশনা বাংলাদেশ ব্যাংক কর্তৃপক্ষ ৩১.১০.২০১৮ তারিখে বাতিল করেন এবং এ গ্রন্থের বিতরণকৃত কপি ফেরত আনার নির্দেশ প্রদান করেন। এ নির্দেশের প্রেক্ষিতে ডিপার্টমেন্ট অব কমিউনিকেশন্স এন্ড পাবলিকেশন্স (ডিসিপি) কর্তৃক গ্রন্থের বিতরণকৃত কপি ফেরত আনার পদক্ষেপ গ্রহণ করা হয়। অদ্য ০২.০৪.২০১৯ তারিখ পর্যন্ত উক্ত গ্রন্থের ২৫০ (দুইশত পঞ্চাশ) কপি

ফেরত আনা সম্ভব হয়েছে। উল্লেখ্য, এ প্রকাশনার বিতরণকৃত কপি ফেরত আনার কার্যক্রম এখনো অব্যাহত রয়েছে।

০৪। বর্তমানে ডিপার্টমেন্ট অব কমিউনিকেশন্স এন্ড পাবলিকেশন্স (ডিসিপি)-এ অত্র ইতিহাস গ্রন্থের মোট মুদ্রণকৃত ২০০০ (দুই হাজার) কপির মধ্যে ১৫২৯ (পনেরশত উনত্রিশ) কপি সংরক্ষিত আছে” যা ব্যাংক কর্তৃপক্ষের অনুমোদনক্রমে বাতিল করা হয়েছে। এ বিষয়টি এফিডেভিট আকারে আদালতে পেশ করার জন্য আইন বিভাগের মাধ্যমে সংশ্লিষ্ট আইনজীবীকে জানিয়ে দেয়া যেতে পারে। উল্লেখ্য, এ তথ্য প্রদানে ব্যাংক কর্তৃপক্ষের অনুমোদন রয়েছে।”

It is evident from the aforesaid internal communication of the Respondents that the publication was cancelled almost after one month from the date of issuance of the Rule Nisi in the instant writ petition. Thereby, it is clear that they have not given enough effort to rectify the mistake despite knowing that there is a gross distortion of the history in the aforesaid book.

Be that as it may we have heard the counsel appearing for the petitioner and the respondents at length. In our anxiety we have gone through each and every word of the writ petition, affidavit-in-opposition, supplementary affidavit-in-opposition and other materials on record meticulously and with precision. From a plain reading of all these affidavits-in-opposition it appears that all of them are trying to impress upon us that before issuance of the Rule on 02.10.2018 all the respondents have taken steps in this regard and collected the books in question and they

have admitted that a palpable wrong has been committed on behalf of Bangladesh Bank in the publication of the said book where the photographs of the Father of the Nation did not find its place. It is our feeling and at the same time our view that on whatever manner the respondents tried to convince that by mistake the omission, as it has been seen was done, was not at all wilful and an ordinary mistake. Our question is why this sort of act of such an impact should not be viewed that simply due to gross negligence that was committed. We cannot reconcile why a book of this kind when decided by Bangladesh Bank to be published with so many persons who were involved in compiling and editing the book this unpardonable omission took place which is really unfortunate.

However, at one point of time of hearing, we directed the respondents that all the books so far collected should be destroyed in presence of the learned Counsel of the petitioner. It reminds us that late Mr. Mahbubey Alam who was the Attorney General at that time appeared for respondent No. 1 who also assertively submitted that this kind of callousness should not be viewed with impunity.

However, the leaned Senior Advocate Mr. Ajmalul Haque QC personally took ambit and on several occasions he appeared and assured us that they have already destroyed all those copies after collection which have already been circulated and finally by affidavit dated 18.08.2020 has

drawn our notice on paragraph 6 of the said affidavit wherein it has been stated that on 25.02.2020 from 12:00 pm to 5:00 pm in presence of the members of the committee in presence of learned Advocate Mr. Syed Hasan Zobair destroyed 1597 copies of “বাংলাদেশ ব্যাংকের ইতিহাস” books by cutting into pieces at Olympic Products Printing and Packaging, 165, Arambag, Motijheel, Dhaka. Thereafter, 357 copies were destroyed after 01.03.2020 as per Court’s order. Thus (1597+357) copies i.e. 1954 copies were destroyed till date. In the meantime, again Bangladesh Bank collected 22 copies including the learned Advocates’ copies by providing them (the advocates contesting the writ petition for Bangladesh Bank) the photocopies of the book. It is mentioned here that 2 copies are kept in the Court’s files and 2 copies are kept in the petitioner’s file i.e. 4 copies will be collected by providing photocopies of the same. Subsequently, these 26 copies will be destroyed soon. Thus, almost all the copies will be destroyed in compliance with the Court’s order. The Deputy Director on 12.08.2020 communicated the report for submitting before the Court (Annexure-‘XVII’).

Further Mr. Hassan Zobair also informed us that on 01.09.2020 further 22 copies of the books have been destroyed. However, for better understanding we reproduce the Annexure-XVII below:

“০১। উপর্যুক্ত বিষয়ে আইন বিভাগের ০৩.০৩.২০২০ তারিখের সূত্র নং- আইন- ১৫৭৩/২০২০-৫৫৭ এর মাধ্যমে আইনজীবী এডভোকেট সৈয়দ হাসান যুবাইর কর্তৃক ০২.০৩.২০২০ তারিখে প্রেরিত ই-মেইল দ্রষ্টব্য।

০২। মহামান্য আদালতের নির্দেশনা মোতাবেক ডিসেম্বর ২০১৭-তে প্রকাশিত ‘বাংলাদেশ ব্যাংকের ইতিহাস’ গ্রন্থের ১৫৯৭ কপি বিগত ২৫.০২.২০২০ তারিখে ধ্বংস করা হয়েছে। মহামান্য আদালতের ০১.০৩.২০২০ তারিখের শুনানী মোতাবেক উক্ত গ্রন্থের অবশিষ্ট কপি সংগ্রহপূর্বক তা ধ্বংস করে মহামান্য আদালতকে অবহিত করতে Judgment প্রদান করার প্রেক্ষিতে ইতোমধ্যে সংগৃহীত উক্ত গ্রন্থের আরো ৩৫৭ কপি গভর্নর মহোদয় কর্তৃক ১৮.০২.২০২০ তারিখে গঠিত উক্ত ইতিহাস গ্রন্থ ধ্বংস কমিটি দ্বারা একই প্রক্রিয়ায় ধ্বংস করা হয়েছে। এ পর্যন্ত উক্ত গ্রন্থের মোট ১৯৫৪ (১৫৯৭+৩৫৭) কপি ধ্বংস করা হয়েছে।

০৩। আদালতের আদেশ মোতাবেক ডিসেম্বর ২০১৭-তে প্রকাশিত ‘বাংলাদেশ ব্যাংকের ইতিহাস’ গ্রন্থের ফটোকপি বাদি/বিবাদীর আইনজীবী এবং কোর্টের রেকর্ডে রক্ষিত কপির স্থলে ফটোকপি সংরক্ষণ করার লক্ষ্যে উক্ত গ্রন্থের ০৪(চার) কপি ফটোকপি আইন বিভাগের মাধ্যমে ইতোমধ্যে যথাযথভাবে প্রেরণ করা হয়েছে। COVID-19 মহামারীর কারণে মহামান্য আদালতের কার্যক্রম বন্ধ থাকায় কপিগুলি সংগ্রহ করা সম্ভব হয়নি। এ পর্যায়ে বাদি/বিবাদীর আইনজীবী এবং কোর্টের রেকর্ডের ০৪(চার) কপি ফেরত পাওয়া সাপেক্ষে ইতোমধ্যে সংগৃহীত ২২ কপিসহ মোট ২৬ কপি পূর্বের ন্যায় ধ্বংসপূর্বক যথাশীঘ্র সম্ভব এতদসংশ্লিষ্ট নথিসহ এফিডেভিট আকারে সংশ্লিষ্ট আইনজীবীর মাধ্যমে মহামান্য আদালতে উপস্থাপন করা হবে।

We have already mentioned that the said publication not only trembled our judicial conscience but also hurt our feelings to observe these entire untoward event that took place and subsequently those were taken

care of in the manner as we have stated above. Certainly, we find force in the submissions of the learned Attorney General that this sort of act should not be tolerated at any point and not to be viewed with impunity.

Let us glean some relevant insights from the celebrated publication on the father of the Nation Bangabandhu Sheikh Mujibur Rahman's Autobiography, *THE UNFINISHED MEMOIRS* (The University Press Limited, UPL, Bangladesh, 2012) wherein the Hon'ble Prime Minister Sheikh Hasina's Preface enshrines the following notes on traits and tenets of her father's immaculate personality:-

*“How for the sake of the country and its people a man can sacrifice everything, risk his very life, and endure endless torture in prison. We discover a personality who gave up the prospects of happiness, comfort, relaxation, wealth-everything. How he had forsaken all for the sake of ordinary people.....Throughout his life, the cause of his people was dearest to his heart. Their sufferings would sadden him. The only vow he ever took was to bring smiles on the faces of Bengal's impoverished people and build a golden Bengal. He believed that by enjoying their basic rights to food, clothing, accommodation, education and health they would be able to lead an honourable life. The one thought that was constant in his mind was freeing them from the shackles of poverty. That is why he gave up all comforts and happiness and fought ceaselessly and selflessly to attain the rights of his people through a continuous campaign till he was able to bring freedom to the Bengali nation. He was able to establish the Bengalis as a heroic race in the eyes of the world and create an independent and sovereign country. He was able to make the dream of freedom that Bengalis had been dreaming for a thousand years come true.”*

We want to share something relevant and very much pertinent in the context of this decision we are going to deliver. “That was not the best of time” as opposed to the same of Charles Dickens in his all time famous novel ‘A Tale of two Cities’. It was in the year of 2008. Democracy in the country was limping. A notification bearing memo No. 05.01.2001/বিধি/114 dated 3<sup>rd</sup> August 2002 was challenged from the Bar before the High Court Division. The said notification negated and cancelled observance of 15<sup>th</sup> August, as the National Mourning Day. Rule was made absolute and the same was reported in 28 BLD 412(Mr. Mozammel Haque vs. Government of Bangladesh and others) where fortunately one of us (Justice Md. Ashfaqu Islam) was a party. In that decision, we came down heavily and set aside the impugned notification negating and cancelling observance of 15<sup>th</sup> August as the National Mourning Day holding the same to have been passed without lawful authority and is of no legal effect. In the said celebrated Judgment we observed:

*“Before parting with the matter, we must put on record that Bangabandhu Sheikh Mujibur Rahman is now history beyond the reach of the mortal beings. His voice still reverberates in the hearts of millions. The nation may not find common ground to share the achievements in the struggle and victory of the nationhood but cannot be denied the right to remember in all solemnity the day of dastardly killing of the founder of the Republic. It would be minimum tribute due to the legend.”*

That was a really a daunting and almost a greatest thing to be achieved at the point of time but even in that period of time the feelings of the people was respected and the judgment was delivered on 27<sup>th</sup> July 2008 and the then government on the next day declared 15<sup>th</sup> August as the National Mourning day. The People of ours carry this feeling which should not be impaired at any cost from any corner at any point of time. However, our considered view is that since the act for which this matter has been brought before this Division as discussed above has been well taken of as per our direction and almost all the copies of the book in question have been destroyed by now and subsequent rectified correct printed version of the book has also been submitted before us, the act impugned against for the said reasons accordingly stands purged.

With these observations and discussions the Rule is disposed of.

Communicate at once.

Mohammad Ali, J

I agree.