

CONCLUSIONS

In order to explore and understand the present status of writ petition under article 102 of Bangladesh Constitution basically, a legacy of the English Writs and now the judges as well as practitioners of the Supreme Court of Bangladesh look back to the English and sub continental case laws while exercising the writ jurisdiction. While exercising writ jurisdiction the judges must keep in mind that no one should be condemned unheard and no one can be a judge of its own case which are embodied in the principle of natural justice. It is rule of policy and practice that a writ can be issued against parliament and legislature of states.¹ It is the duty of court to see that the judicial process should not be abused or misused in the name of public interest litigation or with a view to gaining private goals or political objectives. M. A. Fazal wrote in *Judicial Control of Administrative Action in India, Pakistan, and Bangladesh* which is as follows:

The Indian Supreme Court verdict that fundamental rights specified in the Constitution a series of other constitutional rights which are not only political in content but also of a socio-economic nature, such as equal pay for equal work; the right to shelter; the right of the rural of the rural people to have an easy access to rural areas; the right to environmental protection; right to privacy; the right against sexual harassment at work; the right to equal treatment at work; once employed; and the right to health and medical care.²

In *Human Rights and Peace for Bangladesh (HRPB) v. Bangladesh*,³ is perhaps the most important development in the field of public interest litigation in the year of 2009. Actions of the State, now the state performs only the 'law and order' functions, but in every step of the government should be in the direction of democratic way which is the ultimate object for a welfare state.

¹ AIR 1965 SC 745.

² M. A. Fazal, *Judicial Control of Administrative Action in India, Pakistan and Bangladesh*, 3rd ed, p. 162.

³ Judgment on 25 & 26th June 2009, Writ Petition No. 3509/ 09.

In *Bangladesh and others v. Matiur Rahman*,⁴ when a writ petition is filed for enforcement of fundamental rights under article 102 (i) of the Constitution there is no question of exhaustion of their equally efficacious remedy being available in the matter under any law a writ petition for enforcement of any of the fundamental rights appears to be maintainable.

In *Karnaphuli Rayon and Chemical Ltd. v. Govt of Bangladesh*,⁵ the Court has the power to modify the language used in a statutory provision or its meaning to bring it in conformity with the intention of the law maker when literal interpretation of the words used leads to absurdity or injustice.

Due to political vendetta in Bangladesh, parliament and Supreme Court already forget that what act have to be done or should be done for a welfare state. I am doubt, whether judges and parliament member did work for state on the basis of constitutional responsibility. As stated above, writ, it is the very soul of the Constitution and high standard remedy to fulfill human desire. Writ and living well are really two sides of the same coin and they cannot be dissociated from each other.

⁴ 52 DLR (AD) 149.

⁵ 28 DLR (AD) 116.