

CCB FOUNDATION: PROJECTS AND ACHIEVEMENT

With the aim of promoting child rights and child education, CCB Foundation (Children's Charity Bangladesh Foundation) was formed and registered under the Societies Registration Act, 1860 in August 2004.

3 (Three) of its continuing projects are:

1. Legal Aid Project (for protection and promotion of human rights with particular emphasis on child rights)
2. TINUP (Talents Identification and Nurturing Project); and
3. Publications on Law and Children.

1. Legal Aid for Human Rights:

CCBF's top priority philanthropic projects are:

- defending and protecting child rights
- defending violence against women
- right to reparation for State's failure

Glimpses of some of the notable cases with Judgments: Achievements of Foundation:

Defending Child Rights

- Milestone in establishing "Public Law Compensation" for the tragic death of a 4-year old poor child



4-years' old boy, Jihad. Photo: Collected

CCB Foundation

3 Key Projects:

1. Legal Aid through PIL
2. TINUP (Talents Identification and Nurturing Project)
3. Publications on Law and Children

- Various notable cases on PIL, Rape and Sexual Offences, domestic help etc.

- Collaboration with BLAST and ASK.

- Publication on the issues of NHRC (National Human Rights Commission), RTI (Right to Information) etc.

- Provide scholarship to the meritorious students of different Upazilas.

- Provide interest free education loan to complete graduation.

- Participation in Ekushey Book Fair.

CCB Foundation v. Bangladesh and others (WP No. 12338 of 2014): [2017] 5 CLR (HCD) 278:

In this case Jihad, a 4-year-old boy of a poor family while playing in the field at Shahjahanpur Railway Colony, fell into a 16-inch shaft that was left uncovered by the Railway Authority. The tragic incident happened on 26th December 2014 where the whole country witnessed this nerve-wrecking rescue operation throughout the night that was telecasted by different television channels. There were showering of prayers and wishes from millions of hearts so that the life of this unfortunate boy could be saved somehow. Though the staffs of Fire Service and Civil Defence Authority failed to trace the body of Jihad into shaft after 12 hours' unsuccessful rescue operation, 5 young boys extended support by using their hand-made device through which they were able to pull up the dead body of the boy from the same shaft. When the dead body of the boy was pulled up, it was clear to all that the effort of the Fire Service authority was not at all effective and there was gross and patent negligence on their part. Local police also tortured the father of the ill-fated boy on the allegation that that he made false claim of falling his son into the shaft.



Photos on rescuing Jihad's dead body by a group of young with hand-made device

Initiatives taken by Foundation:

Following initiatives were taken by CCB Foundation in order to deal this case on the ground of human rights:

- The Foundation filed a PIL case on the matter by seeking some directions along with compensation of Tk. 30 lac (BDT 3 million) for gross negligence of the public officers and authorities of Bangladesh Railway and Fire Service and Civil Defence and the Supreme Court issued rule upon the authority as to why their negligence should not be declared

violative of right to life and why they should not be asked to pay compensation to the family for the breach of public duties.

Judgment by the Court:

- After a lengthy hearing (BLAST as an intervenor), the High Court Division declared the judgment in 2016 while it released its judgment on 7th October 2017 and it awarded Tk. 20 lac (BDT 2 Million) as compensation to be paid to the parents of Jihad within 90 days from the date of the receipt of the judgment (BDT 1 million by the Railway authority and 1 Million to be paid by the Fire Service Authority) for their gross negligence and breach of statutory duties. The judgment was first ever to open up the window for compensation for violation of the right to life of poor people.

Non-payment of Compensation and Two-stage Challenge for the Foundation to get the verdict implemented:

- Neither of the statutory bodies did comply with the order; rather they filed two appeals in the Supreme Court. CCBF protested the appeals and also in the Chamber Judge's Court. Ultimately and fortunately the Supreme Court rejected both the appeals and still then state bodies did not pay the compensation. State bodies in Bangladesh has tendency not to implement directions of the court on the ground that nothing would happen until and unless a contempt proceeding is drawn up by the court.

Contempt Proceeding:

- CCBF had to file a contempt of court proceeding against responsible officers of Fire Service and Railway Authority. It was only after contempt rule was issued by the Court, the State Bodies gave payment to the parents of Jihad through their bank accounts.
- In the entire 3 (Three) years' proceeding, CCBF worked selflessly without any financial support. The objective to work pro bono was to establish and start the jurisprudence of public law compensation (constitutional tort) in the country and finally CCB Foundation was able to establish it.

Impact of the Case – Development of “Constitutional Tort”:

This case could be considered as benchmark for the development of public law compensation in judicial system of Bangladesh. For the first time in the judicial activism in the Supreme Court, the High Court Division analysed the gross negligence and breach of statutory duty of government authority in the context of the Constitution-text and it also discussed all relevant cases from the Indian jurisdiction and applied most of the principles of Constitutional tort. It is pertinent to mention some parts of the judgment. The court states:

“The present case is a case of evident negligence on the part of the respondent Nos.3, 5 and 4 (Fire Service and Civil Defense and Bangladesh Railway), which led to violation of the fundamental right to life of the deceased Jihad. Consequently, the maxim res ipsa loquitur as well as strict liability principles apply. As such, the petitioner is entitled to take resort to a constitutional remedy for award of compensation in favour of the bereaved family members of the said boy. In this regard, it is pertinent to observe that in the Constitution of India the State has the defence of sovereign immunity as provided under Article 300 of the Indian Constitution. Despite the same the Supreme Court of India awarded compensation to the aggrieved person for infraction of fundamental right to life or liberty. In our

Constitution there is no such provision like Article 300 of the Indian Constitution; as such, there can be no bar to award compensation to the bereaved family members of Jihad for the injustice being caused to them due to the sheer negligence of the respondent's concern leading to violation of his fundamental right to life, guaranteed under Article 32 of the Constitution (Para 96)."

Undoubtedly this judgment was a remarkable step forward towards the further development of Constitutional tort or public law compensation in an appropriate case.

Impact and necessary Links:

Some of the leading national dailies highlighted the news on public law compensation where some of the links are below:

<https://www.thedailystar.net/city/bangladesh-supreme-court-upholds-high-court-verdict-over-jihads-compensation-1616245>

<https://www.thedailystar.net/news/city/jihad-family-receives-tk-20-lakh-compensation-from-government-1620571>

<https://www.thedailystar.net/news/law-our-rights/judicial-activism-constitutional-torts-1616731>
<https://www.dhakatribune.com/bangladesh/dhaka/2018/08/13/jihad-s-family-financially-compensated-at-last>

https://www.academia.edu/36448704/First_ever_Public_Law_Compensation_Judgment_in_Bangladesh_Childrens_Charity_Bangladesh_Foundation_Vs._Govt._and_Ors

Aftermath of Jihad case: Orders from the Apex Court:

Following the verdict of Jihad case, many lawyers and charitable organizations started to move PIL with different public issues and similar judgments and orders were coming from the Apex Court.



Seminars held in BILIA (Bangladesh Institute for Law and International Affairs) on Jihad Case

Some of the impacts were published into the newspapers where the news links are:

<https://www.thedailystar.net/law-our-rights/symposium-recent-tort-law-judgments-held-bilia-1480180>

<https://www.dhakatribune.com/bangladesh/court/2018/05/08/hc-provide-tk1cr-compensation-rajibs-family>

Follow up of the Judgment: Suo moto case by the High Court on Constitutional Tort: Compensation of BDT 5 Million to the family of Rajib:

It is to be noted that following the above judgment in Jihad case, another ground-breaking judgment was delivered by the High Court Division in ***Ruhul Kuddus Kajol Vs. Government of Bangladesh and others*** 7 CLR (HCD) 665. In this case Rajib, a second year student of Titumir College lost his arms in road mishap on 09.04.2018 due to reckless driving and collision by two buses. The High Court issued *suo motu* rule as to why a compensation of BDT 1 crore should not be paid to Rajib. While the rule was pending, Rajib died on 17.04.2018. The judgment in this case was pronounced on 26.06.2019 with direction to pay BDT 5 Million to the family of Rajib within 60 days from the date of judgment and the appeal being pending before the Appellate Division realisation of the compensation remains pending. Detail links are below:

<https://www.thedailystar.net/country/bangladesh-high-court-pay-taka-50-lakh-rajib-hossain-family-1759831>

<http://www.en.samakal.com/bangladesh/article/190671/%EF%BB%BFpay-tk--lakh-as-compensation-to-rajib%E2%80%99s-family-in--months-hc>

- **Compensation to Abrar's Family:** Compensation was also sought for Abrar Ahmed, a university student who was killed by negligent driving. The hearing of the case is under progress. News link is:

<http://www.theindependentbd.com/post/195089>

Khadija Torture Case: (CCB Foundation v. NHRCB and others): Defending rights of a 11-year-old domestic worker:

A domestic help Khadija was brutally tortured by her employer in Dhaka Mirpur back in 2010 and CCB Foundation lodged a complaint to the NHRC (National Human Rights Commission) to take appropriate legal action against the tormentor and police for not starting legal proceeding. However, the NHRC, instead of taking effective steps for violation of human rights of Khadija, was sending multiple letters to the Home Ministry and continued passing pointless orders. A Writ Petition (***CCB Foundation v. NHRCB and others***) was filed and moved before the High Court and the court in its order made observation that National Human Rights Commission is not discharging its due role under the law. This judgment is a wakeup call for the National Human Rights Commission (NHRC) as the Commission was traditionally claiming itself as a paper tiger rather than having any effective power to fight for gross human rights violations. The High Court Division in its judgment made some observations that the mode of handling of complaints on human rights violations by the

Commission is questionable and some important guidelines were laid down in this judgment to be followed by the Commission. Details are mentioned into the following links:

<https://www.thedailystar.net/city/news/nhrc-not-discharging-legal-responsibility-over-torture-househelp-khadija-hc-1711372>

<https://www.dhakatribune.com/bangladesh/court/2019/03/06/nhrc-role-over-hr-violations-irks-hc>

<https://www.thedailystar.net/frontpage/nhrc-report-immense-power-little-application-1763932>

Illegal Conviction of 121 Children by the Executive-run Mobile Court: *State Vs. Ministry of Parliamentary Affairs and other: CCBF as applicant and intervenor*:

A report of reputed daily the Prothom Alo on conviction of 121 children by the Mobile Court was published on 31st October 2019 which drew attention to the Foundation seriously as it was *prima facie* illegal and the Foundation sought intervention from the Court. The Chairman of the Foundation Mr. Abdul Halim and Ms. Ishrat Hasan, Director, Legal placed the newspaper report before the Court. The Court issued rule as to why the conviction imposed by the Mobile Court should not be declared illegal. After a full hearing, the Court pronounced its verdict on 11th March 2020 and declared it as illegal and unconstitutional punishment that was imposed on children by mobile court across the country. The court also scrapped the sentences levied on 121 children by mobile court. In its verdict, the HC Bench declared the actions of mobile courts in convicting children and sentencing them on different charges as illegal and unconstitutional. It also directed the respective authorities to release any such convicted children immediately. The HC Bench observed that those 121 children were deemed fully innocent following the annulment of their punishment. Important links are as below:

<http://m.theindependentbd.com/home/printnews/240547>

<https://thefinancialexpress.com.bd/national/hc-declares-sentencing-of-minors-by-mobile-courts-illegal-1583928821>

<https://unb.com.bd/category/Bangladesh/punishment-of-children-by-mobile-courts-illegal-hc/46750>

Establishing Baby care corner at Public Places and Other places with public access:

On 27th October, 2019 a petition was filed by the director of CCB Foundation Advocate Ishrat Hasan with rule and direction to establish breastfeeding corners at all public places and all other places having wider public access. The petition was moved by the Chairman of the CCB Foundation Barrister Abdul Halim and the High Court issued a rule asking the government to explain within four weeks why it should not be directed to set up breastfeeding corners and baby care corners at public and autonomous institutions, workplaces, hospitals, airports and other gathering places across the country. In response to the rule many of the authorities have already established breast feeding rooms at their work places and various stations. Necessary links are as below:

<https://www.thedailystar.net/country/breastfeeding-corners-at-public-places-1819360>

<http://www.theindependentbd.com/post/221342>

Similar Cases on Pipeline

1. Seeking Justice for Rape Victims in General:

Sharp rise of rape incidents particularly to children and young girls create grave dissatisfaction among common people towards law and order system of the country. As a part of commitment and social responsibility, CCB Foundation filed a PIL by collecting daily reports on horrifying rape incidents along with its sharp rise and sexual offences and sought to establish a State Fund to rehabilitate rape victims and survivors. Court ordered as to why a compensation scheme should not be framed from the State Fund for rape victims and rape survivors. At present, a rape victim is not treated as an essential part of criminal justice system, rather they are considered as a kind of offenders and consequently they lose all hopes to fight against rapists. Not only that, when a girl is raped and there are *prima facie* evidence, it is violation of her dignity as part of “right to life” and State’s responsibility cannot be limited into filing a rape case only. State has specific responsibility to rehabilitate the victim(s). Necessary link is:

<https://www.thedailystar.net/country/high-court-rule-compensating-kishoreganj-rajshahi-rape-victims-1755466>

<http://www.theindependentbd.com/printversion/details/202949>

<https://www.thedailystar.net/opinion/law/news/state-liability-pay-compensation-rape-necessary-ruling-1715395>

<https://www.thedailystar.net/opinion/law/news/state-liability-pay-compensation-rape-necessary-ruling-1715395>

Initiatives by CCBF by seeking justice for rape victims:

- Proposal to establish state fund to rehabilitate the victims
- First ever Public Law rule on compensation for gang-rape
- For the first time High Court recognized rape as a gross violation of fundamental rights

2. First ever Public Law rule on compensation for gang rape:

In February 2019 a college girl in Manikganj public rest house were gang raped by two police officers. Since the gang rape took place at public and by public officials, CCB Foundation and BLAST (Bangladesh Legal Aid and Services Trust) made a prayer for necessary orders and compensation. High Court issued orders and rule as to why compensation of Tk. 50 lac should not be paid to the victim of gang rape.

This is the first time High Court has recognised rape as a gross violation of fundamental rights guaranteed by our Constitution for which the State can be held liable to pay compensation. This has been one of our central demands in our #RapeLawReformNow

campaign. So, it is heartening to see it being given the light of day. And as part of legal advocacy efforts to expand justice and accountability for rape from beyond punitive measures on the perpetrator to ensuring preventive action and rehabilitative measures which empower the victim-survivor as well. All relevant links are given below:

<https://www.thedailystar.net/country/manikganj-rape-victim-high-court-rule-compensating-1713037>

<http://www.ourtimebd.com/beta/2019/03/13/government-needs-to-establish-a-state-compensation-fund-for-rape-survivors/>

http://www.ourtimebd.com/beta/2019/03/13/government-needs-to-establish-a-state-compensation-fund-for-rape-survivors/?fbclid=IwAR03WSBKD2-Gq1nX4NMuVj6re48QdHHBq84jL_exyyrpHttvwuS8aBkmRqI

3. Seeking Justice for Jishan, a 5-year-old poor boy: CCB Foundation Vs. Bangladesh WP No. 6634 of 2018)

Like Jihad case, this case was related to death of a 5-year-old boy Jishan who fell into a ditch during playing cricket with other playmates where the ditch was maintained by state bodies. When he was going to collect ball from the ditch, he suddenly fell into the ditch and his dead body was recovered by Fire Service from a long distance beside the mouth of river Buriganga but the ditch was not marked or fenced as a canal by the authority in order to avoid accident. The matter is in the hearing list in a Senior Bench. Important links with reports and news are given below:

<http://www.newagebd.net/article/41831/article/35972>

<http://www.theindependentbd.com/printversion/details/150994>

<https://www.thedailystar.net/star-weekend/water-bodies-or-death-traps-1548613>

4. Seeking justice for Nirob, a 5 year-old boy CCB Foundation Vs. Government and Others, WP No. 13148 of 2015:

While playing a 5-year-old child, named Ismail Hossain Nirob fell into an open manhole and was later found dead at the opening mouth of the manhole leading to Buriganga river. CCB Foundation filed a PIL (*CCB Foundation Vs. Government and Others*, WP No. 13148 of 2015) and obtained Rule as to why compensation of Tk. 30 lakh (BDT 3 million) should not be paid to the parents of Nirob. The Rule is pending for hearing in a senior Bench. Newspaper link is:

<https://www.thedailystar.net/country/hc-seeks-explanation-tk-30-lakh-compensation-nirobs-family-187603>

5. Seeking Justice for Pakhi, a 4-year-old girl: CCB Foundation Vs. Government and Others, WP No. 5791 of 2016:

While playing in the ground, victim Asma Akhter Pakhi - a girl child aged 4 fell into an open septic tank that was left uncovered by BITWA at Chandpur. CCB Foundation filed a PIL (*CCB Foundation Vs. Government and Others*, WP No. 5791 of 2016) and obtained Rule as to why compensation of Tk. 30 lakh (BDT 3 million)

should not be paid to the parents of Pakhi. The Rule is pending for hearing in a senior Bench. Detail link is below:

<https://www.thedailystar.net/country/death-septic-tank-hc-seeks-govt-explanation-compensation-1224214>

6. Illegal arrest, detention and violation of human rights - Seeking Justice for 2 Children:

In connection with the murder of a child, 2 (Two) children named Md. Yousuf (12) and Joy Dash (12) were arrested by the police while during arrest and detention the police did not follow the provisions of Children Act and this was highlighted in a daily newspaper. CCB Foundation filed a PIL (*CCB Foundation Vs. Government and Others*, WP No. 14940 of 2016) and obtained Rule as to why compensation of Tk. 20 lakh should not be paid to the parents of each of children for their illegal arrest and detention and violation of their rights to life. The news of this direction was broadcasted by BBC radio in an interview with Barrister Md. Abdul Halim who represented the case. The Rule is pending for hearing in a senior Bench. Link of the news is below:

<https://bdnews24.com/bangladesh/2017/01/15/high-court-tells-police-to-produce-two-minors-arrested-for-murder>

<https://www.thedailystar.net/country/why-no-compensation-arrested-children-hc-1322389>

<https://www.thedailystar.net/city/hc-grants-bail-two-children-orders-transfer-case-juvenile-court-1353250>

7. Illegal arrest, lack of protection - Seeking Justice for 9 children:

CCB Foundation filed a PIL (*CCB Foundation Vs. Government and Others*, WP No. 10517 of 2016) and obtained Rule as to why arrest of 9 (Nine) children who were hungry and needed food would not be declared illegal and why necessary protection should not be given to them. The Rule is pending for hearing in a senior Bench. Link of news that was published into a national daily is below:

<https://www.thedailystar.net/city/hc-questions-nine-kids-detention-1280779>

8. Compensation for road crash killing 5 children:

Leading national newspaper, the Daily Star as well as online based news portal bdnews24 made a report citing CCB Foundation's effort on seeking compensation for killing on road by reckless driving and links are below:

<https://www.thedailystar.net/star-weekend/news/right-redress-1714576>

<https://bdnews24.com/bangladesh/2019/02/12/high-court-orders-compensation-for-five-fatal-road-crashes>

9. Seeking justice for 4 children in road crash:

CCB Foundation and BLAST made an effort by seeking compensation for killing 4 (four) children on road by reckless driving where news links are below:

<https://www.thedailystar.net/country/road-accidents-in-bangladesh-taka-1-lakh-for-4-kids-families-1697773>

<https://bdnews24.com/bangladesh/2019/02/05/hc-rules-on-compensation-to-4-road-crash-victims>

10. Seeking compensation for 1 year-old Nabila:

As one of the initiatives, CCB Foundation sought compensation for killing 1-year-old girl on road crash where news is available in the following links:

<https://www.thedailystar.net/city/why-no-compensation-over-death-one-year-old-girl-road-accident-in-dhaka-bangladesh-1662643>

<https://unb.com.bd/category/Bangladesh/hc-rule-govt-to-explain-why-nabilas-family-shouldnt-be-compensated/6814>

<https://www.blast.org.bd/content/pressrelease/19-11-2018-Press-Release-Nabila-Eng.pdf>

11. Transport strike, death of a 7-day-old baby on the way to hospital – Seeking Justice:

News link on CCBF's step on the death of a 7-day-old child who died on the way to hospital due to transport strike is below:

<https://www.thedailystar.net/city/why-no-compensation-death-of-baby-during-transport-strike-1668574>

12. Seeking compensation for victims of flyover crash:

CCBF sought compensation for the victims of flyover crash where news link is below:

<http://en.ntvbd.com/bangladesh/58781/HC-rule-for-compensation-of-Malibagh-flyover-collapse-victims>

<https://www.dhakatribune.com/bangladesh/court/2017/06/07/malibagh-flyover-collapse-compensation>

<https://www.thedailystar.net/country/hc-ruling-national-human-rights-commission-disposing-human-rights-violation-complaints-1417351>

13. *Suo Moto* Rule against a teacher for torturing a 5-year-old boy:

As a lawyer of the Supreme Court, Md. Abdul Halim approached a Bench of the High Court Division with a local newspaper clipping that a 5-year-old student was mercilessly tortured by his teacher and the concerned Bench issued a *Suo Moto Rule* 06 of 2018 as to why the concerned officials should not be directed to take action as per law against the teacher. Available news link is below:

<https://www.thedailystar.net/country/bangladesh-hc-high-court-orders-probe-comilla-madrasa-student-torture-1574941>

14. Jobed Ali's illegal detention and Compensation Order:

The Foundation filed a PIL case on the basis of a newspaper report that a person named Jobed Ali was languishing in prison for 13 years even after he was acquitted from a murder charge by the High Court Division. The court issued rule as to why the 'inaction and negligence' of the respondents in handling the affairs of Jobed Ali of Kushtia shall not be declared 'contrary to the articles 31, 32, 35 and 36 of the Constitution. News links on Jobed Ali's illegal detention and compensation order are as below:

<https://www.observerbd.com/2016/05/24/152894.php>

<http://bdnews24.com/bangladesh/2016/05/24/why-no-damages-for-detention-even-after-acquittal-asks-high-court?fbclid=IwAR3Nlsny6jl1vFNKL6MS4THhEID46Cg9WXghW2jHRJ8fN1QBtV7EJE4E-NA>

15. Mirpur Rape Case: CCB Foundation V. Government of Bangladesh W.P No. 6364 of 2014):

CCB Foundation sought direction and action for a victim of gang rape in a running bus where news link is below:

<https://www.thedailystar.net/mirpur-dc-oc-summoned-over-rape-of-garment-worker-32575>

16. Protection against Ebola Virus: CCBF V. Bangladesh WP No. 09 of 2015:

CCBF filed a PIL case and the High Court sought explanation about measures by the government to screen pilgrims of Biswa Ijtema from Ebola affected African countries at Dhaka International Airport, Dhaka to prevent Ebola contamination. Children's Charity Bangladesh Foundation (CCBF) submitted the petition seeking its directives on the government to take steps for preventing Ebola contamination from the affected African people who attended the Biswa Ijtema in Tongi from January 9 to 18 in 2015. Necessary link is given below:

https://www.thedailystar.net/explain-steps-to-screen-ijtema-pilgrims-from-ebola-affected-nations-hc-58655?fb_action_ids=10153062778554015&fb_action_types=og.likes

17. **Works on Environment Protection: PIL on Environment Protection:**

Working in association with environment protection organizations like Bangladesh Paribesh Andolon (BAPA), Nijera Kori, Bangladesh Environmental Lawyers Association (BELA), Bangladesh Adibashi Forum, Kapaeeng Foundation, Association for Land Reform and Development (ALRD) Barrister Abdul Halim as expert-associate of these organisation moved a PIL on stopping extraction of stones from Sangu and Matamuhuri Rivers and their adjacent reserved forest areas in Bandarban district. This PIL was filed with the assistance of Advocate Jamiul Hoque Faisal, director of CCB Foundation. The court issued rule and direction to stop stone extraction immediately and also to report the same before the court within 60 days. Necessary link is given below:

<https://www.thedailystar.net/country/stop-stone-extraction-sangu-matamuhuri-rivers-in-bandarban-high-court-1706602>

- **Working with BLAST (Bangladesh Legal Aid and Services Trust):**

CCBF is working in collaboration with BLAST, one of the most renowned NGOs working for legal rights of disadvantaged people in the country.



In a seminar on Rape Law Reform in Bangladesh: Protection for rape victims in the country

- **RTI Activism:**

Right to information is a kind of people's power to make government transparent. Since its inception in 2006, there was common interest to see that RTI Commission works diligently for the better RTI disclosure in favour of common citizen of the country. Following initiatives were taken to get involved with RTI:

- At first information was sought from different government bodies and complaints were filing before the Information Commission. Around 300 applications were filed on RTI Act. After several initiatives, the Founder Chairman of CCB Foundation was remarked as RTI welcome ambassador by the First Chief Information Commissioner Mr. Dr. Zamir.
- Secondly, on the basis of experience a book on RTI and RTI Commission was published. The book depicted critically the activism, if any, by the RTI Commission and also the initiatives it should take for better RTI Regime in the country. The book was welcomed by

many researchers though not by the RTI Commission as the Commission and its leadership was criticized.



Right to Information and Information Commission: Realities, Problems and Prospects
Published in 2015 authored by Md. Abdul Halim (in Bengali language):

- **RTI Activism (First Rule from the High Court):**

The mandatory requirement of RTI Act is to appoint RTI Officers in all State Bodies including Constitutional Bodies within 60 days from the date of commencement of RTI Act in 2006. However, some important institutions like the Supreme Court, Attorney General's office did not have RTI officers. Following legal notices a PIL was filed against the followings offices:

- Attorney General
- Supreme Court's Registrar
- Secretary of Bangladesh Bar Council
- Dhaka District and Sessions Judge's Court
- Dhaka Chief Metropolitan Magistrate Court
- Secretary of Bangladesh Judicial Service Commission
- Concerned official(s) of Information Commission
- Information Commission Secretary and its Chief Information Officer, and
- Establishment Secretary.

Rule was issued and it was widely published in the media and following this RTI Officers were appointed in those bodies for greater transparency in those bodies. Information is available in the following link:

https://bdnews24.com/bangladesh/2013/09/26/sc-moved-over-rti-violation?fbclid=IwAR3QkqIW4VabRVXuBEqbjCy0_HKLyYW-QF8e2YuD6Z_zwUSXFDH--Zngtks

- **High Court questions IC's ex parte hearing legality (Second PIL on RTI):**

It is one of the cardinal rule of natural justice is to make sure that both the parties are heard before making any quasi-judicial decision. The RTI Commission started a new style of hearing which offended the right of the complainants in the form that decisions in complaint were passed without hearing the complainant and that was illegal and a PIL was filed by the Founder Chairman of CCB Foundation where the High Court issued rule. The rule is pending for hearing. Available link is below:

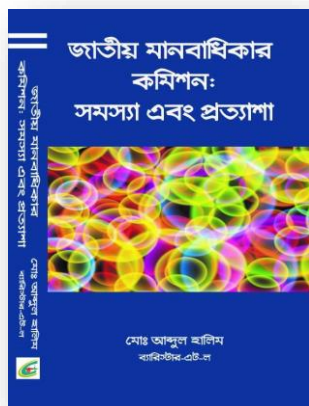
<https://www.observerbd.com/details.php?id=104560&fbclid=IwAR0VcUby7VG2yoOic32S9ELXCu0DIVKhT61Zm1pXxNMiNyUMxS8VKvU84g>



Participants of Regional seminar on RTI in Dhaka

- **National Human Rights Commission (NHRC): Human Rights Defender:**

The NHRC Act 2009 was enacted in 2009 and NHRC was formed in 2010 in the country. People were keenly interested to see the activism of NHRC as it is a statutory watchdog for protection of poor peoples' human rights violations. From its inception CCBF Founder Chairman and his team on behalf of CCBF started to file complaints to the Commission gathering gross violations of HR from different daily newspapers. CCBF filed as many as 150 complaints to NHRC and most of these were rejected summarily by the Commission. NHRC neither did disclose any of its decision (regarding HRVs) nor did it publish its decision on website. However, a book on NHRC was published by the Founder Chairman of CCBF where the book depicted the dismal picture of inactivity of NHRC for first 5 years. This book was relied on and referred to a report on inactivity of NHRC by the most reputed daily the Daily Star and the necessary links are given below:



Book on National Human Rights Commission: Problems and Prospects
Published in 2015 authored by Md. Abdul Halim (in Bengali language)

- **Landmark cases on Human Rights Violations:**

CCB Foundation represented a minor girl child (a rape victim) at National Human Rights Commission in Bangladesh (NHRC) back in 2014 and then in the High Court Division. Without the consent of victim or her mother, the Women Child Repression Tribunal released the accused of rape on bail on condition that the accused would marry the victim. Following was the scenario of the case that was handled by CCB Foundation:

- After getting threats by the accused, the victim and her mother took help from CCB Foundation in Dhaka.
- With a view to filing an appeal against the order of the Tribunal and to save the victim from the apprehended torture by the accused, CCB Foundation sought the certified copy of the order from the Tribunal.
- However, neither court keeper or officer or prosecutor from Tribunal assisted the victim or the Foundation in procuring certified copy of the Tribunal and finding no alternative CCB Foundation sent a letter to the NHRC to take steps so that the certified copy of the order could be obtained from the Tribunal.
- NHRC remained silent although letter was sent twice. Challenging the inactivity of NHRC, a notice demanding justice was sent to the Chairman, NHRC.
- Challenging the inaction of the NHRC, the Foundation filed a Writ Petition before the HCD (High Court Division) and Show cause notice (Rule nisi) was issued as to why the inaction of the NHRC should not be challenged and why NHRC shall not be directed to frame rule under section 30 of the Act for handling of Human Rights Violation complaints under the NHRC Act (WP No. 5562 of 2014).
- After issuance of the Rule the NHRC procured the order from the Tribunal and sent the same to CCB Foundation.
- It was revealed that NHRC resorted to fraud and malpractice as it obtained the order with backdates after issuance of the Rule by HCD.
- In the meantime, before the hearing took place, the victim and her mother were forced to go away from Dhaka without any reason.
- CCB Foundation realized that the victim party was forced to refrain from filing any application before the HCD by swearing affidavit where NHRC influenced the victim party.
- At the time of final hearing CCB Foundation did not find any affidavit and the victims party remained untraced so far.

- **Activities on NHRC (Articles, Group, PIL, Writ etc.):**

Some of the remarkable works on NHRC were done by CCB Foundation where some of them are mentioned below:

- **Some articles** were published on NHRC to make it effective for better protection of HRs (Human Rights) in the Country where links are below:

https://www.observerbd.com/2015/12/10/125225.php?fbclid=IwAR20btRkcbyYEPeIKYW3q_rLs2ahlNjuwGwj82mx0TYC2t4N5SV_4iLL3dg

- **Making NHRC Grow up:**

http://www.thefinancialexpress-bd.com/2014/12/11/70436?fbclid=IwAR1ZcABa79M50U2UEp73NU4q8n-rIZia-mqLfKfa03_Cs6SuF8J-dxZUQ3o

<https://www.observerbd.com/2015/12/10/125225.php>

https://www.academia.edu/36846951/IS_NATIONAL_HUMAN_RIGHTS_COMMISSION_NHRC_A_SHOW_AND_TELL_INSTITUTION_PART-I

- **PIL on Inaction of NHRC Minority rights:**

Rights of minorities were being violated by disciplined force continuously in the remote areas of the country but NHRC did not take any action even after sending complaints and legal notices. A PIL was filed in the High Court to get direction so that NHRC should work for the welfare of ordinary people. Detail information is available from the following links:

<https://www.thedailystar.net/country/hc-ruling-national-human-rights-commission-disposing-human-rights-violation-complaints-1417351>

<https://www.thedailystar.net/star-weekend/cover-story/human-rights-how-independent-and-effective-the-nhrc-1769992>

- **CCB Foundation defended rights of a housemaid brutally tortured by employer:**

Followings are the link to get information where CCB Foundation defended rights of a domestic worker who was brutally tortured by her employer:

Notable works on NHRC by CCBF

- Article publication

- PIL on Inaction of NHRC
- Minority rights
- Defending rights of a domestic worker
- Writ on NHRC etc
- Book publication on NHRC

<https://www.dhakatribune.com/bangladesh/court/2019/03/06/nhrc-role-over-hr-violations-irks-hc>

<https://www.thedailystar.net/frontpage/nhrc-report-immense-power-little-application-1763932>

- **Writ and NHRC Power: Reviewed by Daily Star and interview and book:**

CCB Foundation made a huge number of complaints before the NHRC in between 2011 to 2014 on gross human Rights Violations and many of the complaints were taken into cognizance by the Commission. On the basis of experience of the dealing with those complaints and also considering the success and achievements of NHRC at neighboring countries like India and Nepal, Chairman of the Foundation Barrister Halim published a research book titled National Human Rights Commission: Problems and Prospects and this book has been cited and relied on by reports published by Daily Star. The necessary link as given below:

<https://www.thedailystar.net/star-weekend/cover-story/human-rights-how-independent-and-effective-the-nhrc-1769992>

<https://www.thedailystar.net/frontpage/news/nhrc-sitting-draft-rules-decade-1763917>