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Public Interest Litigation in Bangladesh: Practice, Challenges & Future Directions

To put simply, Public Interest Litigation (PIL) is a type of litigation grounded on public interest. It refers to a kind of litigation filed by a 'public-spirited' or a socially conscious person in the interest of the public at large.

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Foundations of Public Interest Litigation in Bangladesh

1.1 Introduction to Public Interest Litigation (PIL)

To put simply, Public Interest Litigation (PIL) is a type of litigation grounded on public interest. It refers to a kind of litigation filed by a ‘public-spirited’ or a socially conscious person in the interest of the public at large. This allows a person who has not suffered a direct violation of his fundamental or personal right to pursue the court for an appropriate remedy to an issue that is affecting a group of people. As the said group of people remain incapable of instituting a litigation, a third party litigates on behalf of them, presenting them in the Court of law. Thus, the benefit of the public or the removal of a public grievance lies at the core of a PIL.

Public Interest Litigation is considered as a collaborative effort on the part of the petitioner, the State or public authority and the Court itself to guarantee the observance of the constitutional or fundamental rights of the vulnerable sections of the population. It is an extension of the legal aid movement to ensure equal access to the law and to bring social justice within the reach of the backward sections of the country, who are unable to file a litigation and maintain it. For example, those affected by a wrong cannot afford to bring a legal action themselves or because of not having sufficient access to the legal system. In such cases, PIL in the form of activist jurisprudence empowers a third party having sufficient access to the legal system, to bring a cause of action against the wrong that had occurred on behalf of them.

1.2 Origin of the Public Interest Litigation

The initial inspiration of PIL can be traced back to the American conception of public interest litigation and the 1960s class actions. Practiced as ‘Public Interest Law’, the USA is the real pioneer in the development of PIL which influenced activists around the globe who worked for public interest in the 1960s and 1970s. The pioneering American precedent which led to the emergence of PIL was the case of *Brown V. Board of Education*. Therefore, it has been termed as a litigation for the protection of public interest.

However, public interest litigation gained its structural development in England with the creation of the notion of ‘Sufficient Interest’ in the 1970s through the Blackburn cases that consisted of four successive cases, establishing that any person, who has a ‘sufficient interest,’ that is, the interest required for raising an issue before the court for hearing despite not getting the eventual benefit or remedy following the decision of the disputing matter, is deemed to have *locus standi*.

1.3 Constitutional Basis of PIL in Bangladesh

Across the subcontinent, the judges and lawyers being the fundamental legal actors have opined that PIL not only operates in the constitutional spirit and framework, but that the constitution itself makes PIL a mandated approach.

The constitutional foundations of PIL in Bangladesh are rooted in the broad remedial powers of the High Court Division, the guarantee of fundamental rights, and the expanding judicial interpretation of locus standing, that the right to appear in a court of law. Although the Constitution of Bangladesh does not explicitly mention PIL, the structure of its rights-protection framework allows the courts to hear petitions brought for the enforcement of collective rights, and not for personal grievances only.

The constitutional provision under which PILs are generally filed is Article 102 of the Constitution of the People's Republic of Bangladesh. Following any violation of the fundamental rights secured under Part III of the Constitution, Article 102 empowers the Court to pass an order necessitating the government to act in accordance with the law, or to omit an act in accordance with the law. In this case, an aggrieved person can approach the court for effective remedy under Article 102 of the Constitution. This wide remedial power makes the Court capable of interfering whenever a public body acts without lawful authority in violation of the Constitution, or in a manner injurious to public interest.

1.4 Distinguishing PIL from Ordinary Litigation

Although, the core focus of PIL is founded on public interest, there are various areas where a PIL can be filed. Few examples are violation of the constitutionally guaranteed rights, religious rights, or other basic fundamental rights.

PIL may be distinguished from ordinary litigation in the following ways:

Firstly, PIL is for the interest of a whole or a particular section of the society. There must be a public cause involved as opposed to a private cause. It is a mechanism for social and collective justice. For instance, where the matter in issue concerns a vulnerable segment of the society such as the eviction of slum-dwellers without any alternative arrangement for their accommodation. Another instance can be where the matter in issue affects one or more individuals; however, the gravity of the nature of the matter is such that it sends ripples across the conscience of the entire society.

Secondly, in the instances aforementioned, any individual or organization may approach the court. In other words, PIL undertakes a liberalised understanding of the of the rules of locus standi. This may also comprise cases initiated on a judge's own motion being a concerned citizen in such a case.

Thirdly, the court in case of a PIL adopts a non-adversarial approach contrary to the typical adversarial system of ordinary litigation. This gives rise to a relaxation of rigid procedural aspects as well as the aspects of granting relief. As a result, the court may treat letters as writ petitions, appoint commissioners, award compensation or supervise the enforcement of its orders.

Procedures, Strategies, and Practice of PIL

2.1 Key Characteristics of Public Interest Litigation (PIL)

PIL consist of cases where public interests are clearly identified and prioritised with the vision of delivering collective justice. It empowers courts to provide redress even when the affected individuals fail to approach the court and seek remedy.

The key characteristics of PIL are as follows:

Public interest is given priority over private, special, group, or individual interests.

PIL must involve a breach of a constitutional or statutory right or a failure of public authorities to perform their legal duties.

Courts may interpret facts broadly to protect collective rights, though mere moral claims or unfounded fears are not enough.

The boundaries of the case are not preordained; they evolve based on judicial direction and party submissions.

Parties consist of multiple stakeholders, NGOs, experts, and affected communities.

Remedies focus not only on past wrongs but on future reforms, often designed in flexible, ad-hoc, and corrective ways.

PIL addresses failures in governance, administration, or public systems, rather than private conflicts between individuals.

Judges play an active role by investigating facts, planning remedies, and ensuring long-term compliance to achieve justice.

Any bona fide citizen or organization acting in the public interest may bring a PIL, even if not personally affected.

Courts often accept letters, emails, newspaper reports, and even suo motu actions as valid petitions.

They may appoint investigative commissions, seek expert opinions, or invite amicus curiae for assistance.

2.2 Who and against whom PIL can be filled?

a) Who can file a PIL?

Previously, such a suit was competent to be instituted by a person who suffered a direct infringement of his interests or a direct violation of his fundamental rights. This has changed since then, and at present, any public-spirited person can file a lawsuit on behalf of a group of people whose rights have been so affected. The litigant need not have a direct or personal interest in the cause of action instituting the PIL.

b) Against whom a PIL can be filed?

A PIL can be filed only against the State, in some cases against municipal authorities. It cannot be filed against any private party.

However, a 'private party' can be included in a PIL as a 'Respondent' only after making the concerned state authority or authorities a party or parties.

2.3 Operational Boundaries of PIL

PIL functions within a boundary, and there are certain limitations that such a litigation cannot overstep. Unless certain requirements are met, the Court is reluctant to proceed with a PIL. In terms of determining the boundary, following factors are taken into account:

Whether there is a non-performance or violation of constitutional or legal duties.

Whether the matter in issue involves a judicial mechanism that the court is not designed to perform.

Whether the court is competent to provide an effective remedy.

Whether there is a scope for offering alternative remedies.

Whether the alternative remedy offered is effective or not.

However, it is to be noted that the Court is not essentially barred from entertaining the petition even if an alternative effective remedy exists for the matter in issue in the PIL.

2.4 Procedure of Filing a PIL in Bangladesh

In Bangladesh, a PIL is filed through a writ petition under Article 102 of the Constitution. The procedure generally follows the writ process but with expanded interpretation of the locus standi.

PILs can be initiated by any letters or telegrams sent to the court. The Court has power to admit these letters as writ petitions, and it is termed as 'epistolary jurisdiction of

The court'. The judge can also act suo motu and initiate a PIL case.

After initiating a case, a commission can be appointed to carry out an inquiry and investigation, and to present reports and recommendations upon the conclusion of the investigation. The court may also appoint any amicus curiae or expert's opinion to assist it during the process of providing relief to the victims.

Identifying Public Injury and Standing- The person filing the petition (petitioner) must show bona fide intention and that the matter in issue concerns public interest or rights of disadvantaged groups.

Drafting and Filing the Petition- The petition is drafted as a writ petition and filed in the High Court Division with an affidavit and supporting documents.

Submission of Evidence- Newspaper reports, documents, reports, photographs and other materials proving public injury are attached.

Admission Hearing- The Court decides whether the case qualifies as a PIL and if a prima facie case exists.

Issuance of Rule Nisi- If admitted, the Court issues Rule Nisi to government authorities and may grant interim orders.

Affidavits and Hearing- Respondents file affidavits, followed by hearing and legal arguments.

Judgment- The Court issues appropriate directions, orders, declarations, or guidelines.

2.5 When a Writ Petition may be Treated as a PIL

Generally, a writ petition filed by the aggrieved person, either on behalf of the group or together with the group can be treated as a PIL.

The primary requirement is that it must involve a question which affects the public at large or a certain group of people, and not solely a single individual. Additionally, there needs to be a specific prayer, asking the court to direct the concerned state authorities to acknowledge the complaint.

2.6 Strategic Practice of PIL in Advancing Social Justice

Ensuring Equal Access to Justice

Legal access to the marginalised communities of the society has been a prominent boon of PIL. PIL paves a way for equal access to law and remedy to be within the reach of such communities, ensuring that the legal system is not inclined only towards the people having the knowledge and resources to fight for their legal rights.

Upholding Inherent Rights

Because of PIL, the fulfilment of constitutionally conferred rights has been substantially ensured. PIL has been used to file cases, for example of human trafficking and child labor, with the aim to deliver justice in cases when human dignity and equal protection of law is compromised.

Environmental Protection and Sustainable Development

PIL to a large extent has encouraged the notion of environmental conservation through matters of environmental degradation or pollution affecting the public or a particular community. PILs have made envi-

ronmental issues justiciable. Formerly, environmental issues were majorly seen as a policy matter left to be disposed of by the government and policymakers, PILs have changed that conception.

Accountability and Good Governance

With public interest at its core, PILs seek to challenge governmental arbitrariness or misconduct. It is a vehicle of ensuring and questioning government accountability, and has been successful in bringing about administrative transparency and policy change.

Encouraging Social and Economic Reforms

PIL has been a great tool when it comes to shifting the Executive's focus on major social issues like women's rights, safety, harassment, education, health, and elimination of poverty. The courts have issued directions for the government to implement welfare schemes appropriately to ensure the advancement of the backward sections of the society.

Enhanced Scope for Judicial Activism

PILs have opened an avenue for judicial activism to flourish in Bangladesh's legal system, where courts go beyond the traditional role of adjudicating disputes between private parties and look into matters concerning the public at large. Courts have used PIL to compel authorities to perform public duties for example like cleaning rivers, relocating factories or stopping harmful practices such as extensive industrial pollution, contamination or adulteration of food and beverages, etc.

Landmark PIL Cases in Bangladesh

Thus far, it has been established that a PIL is a kind of litigation in the interest of public

and not in the interest of the litigant himself. It is traditionally filed through a writ petition. Out of the five writs, two writs namely habeas corpus and quo-warranto can be invoked by any person according to the provisions of the article 102 of the Constitution of Bangladesh. There remains literal bar to public in context of invoking other three kinds of writs which can only be invoked by any “aggrieved person” or the person who has the ‘locus standi’.

A person is said to be aggrieved:

When he has suffered a legal injury by reason of violation of his legal right or interest and,
when he has shown that he has a direct personal interest in the act which he challenges.

The Constitution of Bangladesh uses the term “any person aggrieved” not “aggrieved party”

or “any person personally aggrieved”. The Constitution does not define the phrase:

“person aggrieved”. However, by the phrase it is meant “a person who without being personally affected has sufficient interest in the matter in dispute”.

3.1 Earliest Case Law Shaping the Development of PIL: Kazi Muklesur Rahman v. Bangladesh (1974)

Before 1996, courts used to interpret ‘person aggrieved’ in a narrow sense, according to which person aggrieved means a man who has suffered legal grievance, wrong or violation of right.

In *Kazi Muklesur Rahman v. Bangladesh* (1974) 26 DLR (AD) 44, an advocate challenged legality of Mujib-Indira Treaty/Delhi Treaty of 1974 regarding demarcation of the land boundary between India and Bangladesh on the ground that without the Constitutional amendment such Treaty relating to handing over enclaves cannot be concluded. Appellate Division took liberal view of the locus standi as constitutional right of the appellant i.e. right to movement was violated by the activity of government despite the fact that he was not a resident of South Berubari Union No. 12 or adjacent enclaves involved in that treaty.

The key question that arose was whether the Appellant has the locus standi or not. The Respondent claimed that the Appellant not being resident of the part of the territories involved in the Delhi Treaty, could have no interest in the affected territories. Therefore, he is not a person aggrieved within the meaning of article 102 (2) of the Constitution. On the other hand, the Appellant contended that the remedies under 102(2) of the constitution are discretionary; the words ‘any person aggrieved’ should be construed liberally and given a wide meaning.

The Court accepted the Appellant's argument that indeed, the question of locus standi is discretionary.

The court held: It appears to us that the question of locus standi does not involve the

court's jurisdiction to hear a person but of the competency of the person to claim a hearing so that the question of is one of discretion which the court exercises upon due consideration of the facts and circumstances of each case.

Therefore, this case gave rise to key principles that laid the groundwork of PIL in Bangladesh. The principles are as follows:

- (1) the High Court Division does not suffer from any lack of jurisdiction under Article 102 to hear a person.
- (2) The High Court Division will grant locus standi to a person who arises a question affecting a constitutional issue of grave importance, posing a threat to his fundamental rights which pervade and extend to the entire territory of Bangladesh.
- (3) If a fundamental right is involved, the impugned matter need not affect a purely personal right of the applicant touching him alone. It is enough if he shares that right in common with others.
- (4) In interpreting the words "any person aggrieved", consideration of "Fundamental Rights" in Part III of the Constitution is a relevant one.
- (5) It is the competency of the person to claim a hearing which is at the heart of the interpretation of the words "any person aggrieved".
- (6) It is a question of exercise of discretion by the High Court Division as to whether it will treat that person as a person aggrieved or no Court Division will exercise that jurisdiction upon due consideration of the facts and circumstances of each case.

3.2 The Liberalisation of Locus Standi in PIL: Dr. Mohiuddin Farooque v. Bangladesh (1997)

The case originated from two writ petitions (Writ Petition No. 998 of 1994 and Writ Petition No. 1576 of 1994) filed by Dr. Mohiuddin Farooque and Sekandar Ali Mondol, respectively, in the High Court Division of the Supreme Court. The petitions sought to challenge the implementation of the Flood Action Plan, known as FAP-20 project in the Tangail District, which was adopted by the government following the devastating floods of 1987 and 1988.

The petitioners argued that the project threatened the lives, livelihoods, and environment of over a million people, and was being carried out with disregard of the law, and without adequate public participation. There was an unlawful acquisition of land for the so-called purposes of the project without due compensation paid to the affected people. In the writ petition, Dr Farooque prayed for a Rule Nisi to be issued to direct the statutory authorities to take acknowledgement of the allegations raised.

The High Court Division rejected his petition on the grounds of locus standi, stating that he was not an ‘aggrieved’ person within the meaning of article 102 of the Constitution. Subsequently, Dr. Mohiuddin Farooque filed an appeal petition to the Appellate Division of Bangladesh Supreme Court against the rejection order of the High Court Division.

The issue of locus standi in cases of PIL was finally settled by the Appellate Division, where it was upheld that any person suffering a common wrong, common injury or common invasion of fundamental rights of an indeterminate number of people or any citizen or an indigenous association assisting such causes has locus standi.

Two principles were established in this case, namely:

(1) that when there is a threat to a fundamental right of the citizens, any one of them can invoke the jurisdiction under article 102 of the Constitution, that any citizen from any part of the country may become a petitioner;

(2) that if a constitutional issue of grave importance is raised, a petitioner qualifies himself to be a person aggrieved.

3.3 Earliest Judicial Recognition for Environment Protection: Dr. Mohiuddin Farooque v. Election Commission & others

The Constitution of Bangladesh lacked any constitutional provision that provided safeguards for the protection of the environment until the 15th Amendment which inserted Article 18A in the Constitution.

The earliest litigation for an environmental cause was filed in 1994 in the form of a Writ Petition in the High Court Division of the Supreme Court of Bangladesh by a group of environmental lawyers called the Bangladesh Environmental Lawyers Association (BELA). This case becomes the first instance where protection of the environment was judicially recognized. The petition was filed to challenge the nuisance and sound pollution during the election campaigns which were being run for the 1996 general elections. Following the verdict, the court directed the Attorney General to take necessary steps for the prevention of public and private property damage in the guise of running election campaigns.

3.4 Guidelines on Arrest and Remand: BLAST and others vs. Bangladesh and others

BLAST, Ain o Salish Kendra, Shonmilito Shamajik Andolon and several individuals filed a writ petition in the High Court seeking to challenge the abuse of police powers to arrest without warrant under Section 54 of the Code of Criminal Procedure (CrPC) and the abuse of powers regarding taking the accused into remand (police custody) under Section 167 of the CrPC.

The petitioners referred to incidents of gross abuse of power, including allegations of custodial death, torture and inhuman treatment, particularly the killing of a young student, Rubel, in police custody during remand after arrest under Section 54 of the CrPC.

The High Court initially issued a Rule Nisi, and delivered its judgment during the full hearing on 07.04.2003. It was observed that Sections 54 and 167 of the CrPC were not fully consistent with constitutionally guaranteed freedoms and safeguards. Following its judgment, the Court laid down a comprehensive set of recommendations regarding necessary amendments to both sections of the CrPC, along with the Police Act, The Penal Code and the Evidence Act, and directed that these should be acted upon within a period of six months.

3.5 Comprehensively Defining Sexual Harassment and Judicial Lawmaking: Bangladesh National Women Lawyers Association (BNWLA) v. Government of Bangladesh

Following increasing reports of sexual harassment, the Bangladesh National Women Lawyers Association (BNWLA) filed a writ against the Government of Bangladesh before the Supreme Court having identified increasing reports of sexual harassment at workplace and educational institutions. The petition highlighted that there were no specific legislative provisions for addressing sexual harassment of women and girl children, and that there was an urgent need to address this issue.

The Court invoked its responsibility under Article 102 of the Constitution for enforcing fundamental rights in the absence of legislation. Thus the Supreme Court defined “sexual harassment” and laid down comprehensive directives in the form of eleven guidelines to protect women and girl children from sexual harassment at the workplace and educational institutions in both the public and private spheres, and mandated those to be observed until adequate legislation was introduced. These guidelines were drafted by taking into account various testimonials of sexual harassment, as well as on constitutional provisions, international instruments like CEDAW, and foreign case laws.

The evolution of PIL in Bangladesh reflects a gradual but decisive shift from a narrow, individual-centric notion of “person aggrieved” toward a broader, rights-based approach that embraces collective interest.

Beginning with *Kazi Muklesur Rahman v. Bangladesh* (1974), the judiciary took the first step in embracing a liberal interpretation of locus standi in matters of constitutional significance. This step took a tangible shape in *Dr. Mohiuddin Farooque v. Bangladesh* (1997), where the Appellate Division firmly recognized that any person or organisation acting bona fide on behalf of an affected community may seek judicial recourse.

Subsequent PILs in Bangladesh have been ranging from environmental protection to custodial safeguards and judicially formulated sexual-harassment guidelines, all demonstrating how the courts have used Article 102 of the Constitution as a tool for social justice, environmental governance, accountability, and protection of vulnerable groups.

Public Interest Litigation in Corporate, Commercial & Regulatory Sectors of Bangladesh

In the past, Public Interest Litigation (PIL) could only be initiated by individuals whose interests or fundamental rights were directly affected. However, this perspective has changed. Now, any person can file a lawsuit on behalf of a group of individuals whose interests or fundamental rights have been impacted by the actions of the State, Central Government, Local Government, or any private party acting under state authority. The term 'private party' can be included in a PIL as a 'Respondent' only after making the state authority or authorities concerned a party or parties. This means that corporate entities, commercial banks, companies, and firms can be involved in public interest litigation. As such, any individual may bring a PIL before the court on behalf of a group of people whose interests are affected by any private or public company which is authorised by law. Public interest litigation in Bangladesh traditionally centres on matters affecting the broader public welfare, including environmental protection, custodial justice, and the enforcement of fundamental human rights. In recent decades, corporate entities have increasingly become the subject of PIL, particularly in relation to environmental compliance. Notably, the Bangladesh Environmental Lawyers Association (BELA) alone has initiated over 350 PILs addressing various forms of environmental degradation, illustrating the expanding role of judicial intervention in corporate accountability.

4.1 Scope of Public Interest Litigation (PIL):

The scope of litigation is not determined exogenously but is primarily shaped by the court and the parties. Public interest litigation (PIL) cases frequently arise against the corporate, commercial, and regulatory sectors, encompassing both public and private entities that are authorised by state entities. Corruption and negligence within these sectors are prevalent and negatively impact the public and workers associated with these institutions. Most of the PIL filed against industry or corporate associations to spearhead the harmful impact on the environment, and negligence towards their employee.

Despite the existence of the Labour Act 2006, significant challenges persist in the enforcement of labour rights. Many workers remain unaware of their statutory protections or are deterred from asserting their rights due to fear of termination or other forms of employer retaliation. This enforcement gap often serves to benefit employers and corporate shareholders, while leaving workers vulnerable to exploitation. Consequently, PILs against corporate and industrial entities commonly arise from issues such as:

- Corporate Governance Failure

- Breaches of fundamental rights related to safe, humane, and equitable working conditions, including non-payment of the statutory minimum wage;
- Industrial pollution affecting communities and ecosystems;
- Conditions resembling forced or exploitative labour and
- Consumer Protection;
- Corporate Governance Failure:
- When an organisation fails to uphold its duty of accountability, the consequences often extend far beyond internal management, affecting stakeholders and the general public alike. Corporate governance encompasses the legal and regulatory frameworks that guide decision-making while ensuring a balance of interests among shareholders, employees, and society at large. Effective governance mechanisms serve to prevent conflicts of interest, breaches of fiduciary duty, and financial or ethical mismanagement. Nevertheless, historical and legal precedents demonstrate that even established organisations can falter.
- Bangladesh Securities and Exchange Commission (BSEC) vs. Bangladesh & others case, the stock market crashed due to the powerful investors' manipulated share prices, and BSEC failed to monitor them and was criticised for weak regulation and lack of coordination with DSE. As a result, many small investors lost their money market became extremely volatile; public confidence fell sharply. Several PIL cases were filed, and the High Court ordered reform to improve BSEC. This dynamic mirrors the role of Public Interest Litigation in Bangladesh, exemplified in cases where the High Court intervened to address systemic failures affecting public welfare. This case highlights how principles of corporate governance intersect with public interest litigation, ensuring that organisations remain answerable not only to internal stakeholders but also to society.
- Breaches of fundamental rights related to safe, humane, and equitable working conditions, including non-payment of the statutory minimum wage:
- The Rana Plaza tragedy in Bangladesh shows how the government's failure to regulate the fundamental rights of the workers resulted from the negligence of several bodies of state bodies. Around 1,138 garment workers were killed by a collapsed building which housed five factories. High issued a suo moto Rule nisi directing the several government authorities and individuals to explain why they should not be held responsible and required to compensate victims and their families. Accordingly, the central legal issue arises as to whether the persistent inaction, negligence, and regulatory failure of the State constitute a violation of the fundamental rights of workers and whether judicial intervention through PIL is required to ensure the enforcement of safety standards, accountability of responsible actors, and the establishment of effective mechanisms for compensation and prevention.
- Industrial pollution affecting communities and ecosystems:
- Bangladesh is the second most polluted country in the world, and Dhaka is the third most polluted city due to the substantial contribution of commercial establishments to environmental degradation caused by inadequate waste management. Such unchecked economic activities pose serious public harm, amounting to a violation of public interest. In response, BELA filed a writ petition challenging

pollution from 903 industries, including the Hazaribagh tanneries. In 2001, the High Court directed all 'Red' category industries to implement pollution-control measures within one year, followed by a 2009 order requiring relocation of the tanneries to Savar with proper treatment facilities. Continued non-compliance led the Court in 2017 to order the Department of Environment to shut down tanneries lacking environmental clearance and to ensure 24-hour operation of the Savar CETP, including installation of a salt-treatment module.

- Conditions resembling forced or exploitative labour
- Forced labour is strictly prohibited by the Constitution of the People's Republic of Bangladesh. Therefore, under Article 34 of the Constitution, any Law approving forced labour is Void ab initio as per the constitutional framework of legislation in Bangladesh. Though there is a law against forced labour in Bangladesh, we can still see forced labour in different forms in Bangladesh. The most common forms of forced labour in Bangladesh are: Child labour, sex labour, domestic worker, and human trafficking. In the household, in the informal labour market, and even in the leather industry, where many workers are exploited and denied fundamental rights, forced labour is still common. Such abuses are often highlighted in national newspaper reports. For instance, on January 26, 30 people, including women and children, who had been chained and made to labour at Ekota Brick Field in Savar were saved by RAB. The victims claimed that they were forced to labour, kept shackled at night, fed very little, and tortured if they attempted to flee. Some employees had been detained for months without pay, and the manager and contractor had been taken into custody. This case is just one example of the numerous covert forms of forced labour that are still prevalent throughout the nation.
- Consumer Protection:
- To protect consumers from deceptive advertisements, misleading claims, hidden conditions, and unfair trading practices in Bangladesh, the Consumer Rights Protection Act 2009 was enacted. Over time, commercial traders have become increasingly sophisticated, using modern marketing tactics to extract small amounts of money from each customer. As a result, consumers may feel that it is not worth filing a complaint, and many incidents go unreported. Ultimately, traders make substantial profits by exploiting millions of people through these practices. This was evident in Aarong's practice of charging customers for paper shopping bags prior to September 2025. In response, a Supreme Court lawyer served a legal notice on behalf of the public, highlighting the importance of legal intervention to protect consumer rights and ensure accountability. This issue serves as a dynamic example of how public interest litigation (PIL) can expose the failures of government entities.

Above the scope, Public interest litigation (PIL) extends beyond just commercial and corporate organisations. Any individual can file a lawsuit concerning public interest against a corporate or commercial institution.

Key Challenges in PIL Practice in Bangladesh

Public Interest Litigation (PIL) requires clearly addressing the public interest. The most important features of public interest litigation are its function as a mechanism for administering justice without necessitating that only the aggrieved individual pursue legal remedies through the courts, according to the landmark case *Dr Mohiuddin Farooque v. Bangladesh* (1996). Any legal or social activists voluntarily move the court claiming relief to the poor or the ignored section of society to secure public interest. In reality, practicing public interest litigation is not much easier; it often faces procedural challenges. These challenges prevent getting justice sometimes. Some of the key challenges are as follows:

- Conflict between the Marginalised and Dominant Class of People in Our Society

Especially in our country, where two well-known classes of people exist. One is an advantageous class who are small in number but very strong in power, and another is a disadvantageous class who are big in number but very weak in power. These are not the concerning issues; they are well-balanced in number and power. Often, the advantaged class of people abuse their position, leading to violations of the public rights of those who are disadvantaged. However, since the group that is affected cannot afford to uphold the right on their own, in those cases, public interest litigation works as the only weapon for relief. In most of the PIL cases, the respondent owns economic and political strength, and the public is the weaker party with limited access to courts. For clarity, let's see some cases:

Yet, despite the Supreme Court, the eviction drives continued. Kamalbagh, Lalbag, Basantak, and Kalyanpur, Dhaka, witnessed large eviction drives between March and July 2006. In contrast, 2003 recorded five eviction drives, 2004 recorded three, and 2005 recorded seven eviction drives. It can thus be said that the situation is aggravating.

On April 18, the Rajdhani Archipelago and Real Estate Development Authority (RAJUK), with the help of the police, forcibly evacuated the residents of the Bosti settlement, which lies along the banks of Gulshan Banani Lake, within the Mohakhali area. It appears that the residents were not given sufficient time to remove their possessions. The slum dwellers claim that they rented the area for money to various influential persons and that the matter lies in the courts, where a dispute over the ownership of the land is being adjudicated.

- Achieve Political Purposes

Political parties are crucial for a strong democracy. A candidate running for election is nominated by their political party, representing them in government. The presence of both the ruling party and the opposition is essential. The opposition plays a vital role in challenging any poor decisions made by the government. Sometimes a PIL was filed by the opposite party against a decision taken by the government, which may be

right, and sometimes it might seem wrong because several times it shows that they do not have concern for public interest, they just want to achieve their public goals. Even the PIL filed by a small political party to grab the attention of the bigger political parties and the public, not for the public interest.

The ruling political party may file Public Interest Litigations (PILs) to enhance their popularity and secure stronger positions within the party, often prioritising political motives over public interest. PILs can also be used to damage the reputation of opposing parties. The ongoing exposure of political corruption highlights the deep-rooted issues within governance, as slow investigations by authorities fail to deter such behaviour. Politicians exploit public authority for personal gain, violating the rule of law and undermining the principles of justice, human rights, and public service as enshrined in the Indian Constitution. This corruption catalyses PILs in the Supreme Court. PIL can be filed with any competent judicial authority for the cause of the public. It provides for a recognised procedure, whereby the judiciary is invited for judicial review for the purpose of providing relief to the people. The PIL should be moved for the sole purpose of protecting the public. Corruption of political authorities, when it affects the collective well-being of the people, is certainly included within the ambit of PIL.

The PIL can also be triggered when, through public disclosure by the parties concerned, corruption and improper behaviour on the part of politicians come into the open. The courts will also take media reports seriously and order the government to provide the needed support for the work of the ACC.

Future Directions & Policy Recommendations

In order to ensure fundamental rights apart from any individual or group of people, the High Court is given wider power to enforce them through the judicial process. When fundamental rights are infringed upon, no government authority should be permitted to interfere, as this would violate public interest, the rule of law, and natural justice. Moreover, the concept of Public Interest Litigation (PIL) is relatively new and still experimental within our legal system. It requires greater acceptance and some functional guidance. The following recommendations can be made regarding Public Interest Litigation:

- Lawyers often misuse Public Interest Litigation for personal gain. Public Interest Litigation should only be filed for genuinely serious matters.
- The Suo Motu power of judges concerning Public Interest Litigation (PIL) matters should be approached with caution. This is important because it relates to the principle of 'natural justice,' which states that no one can be a judge in their own case. However, this principle can be nuanced by the fact that PILs are not initiated for the personal benefit of the judges but rather in the interest of the public.
- Public Interest Litigation cannot be utilised to coerce the executive and legislature into performing or overseeing their daily tasks. Thus, the constitutional principle of separation of powers must also be upheld.
- Public Interest Litigation should extend beyond just the High Court Division and also be allowed to start at the district level. In this context, a notable claim was filed and won in the case of *K.M. Zahir v. Amanullah and others*.
- Public Interest Litigation is often filed based on newspaper or other news sources without verifying their authenticity. Therefore, the veracity of the news must be confirmed before submitting a PIL application.
- Bangladesh does not have a permanent Writ Bench in its High Court Division. Given that Public Interest Litigation heavily relies on the discretionary authority of judges, it is essential to establish a dedicated bench within the High Court Division specifically for handling litigation cases.
- In Public Interest Litigations, there is often a lack of adequate monitoring and supervision of court orders. Therefore, the court should establish an effective monitoring and supervision mechanism for matters related to Public Interest Litigation.

Conclusion

One of the most challenging aspects of Public Interest Litigation (PIL) is determining what constitutes "public interest." Before 1990, PIL was widely utilised across the country to protect the rights of the general public. However, in recent years, it has become evident that PIL is increasingly being filed by specific communities or individuals for personal gain rather than for the greater good. Additionally, many people in the country are unaware of PIL. Among those who do know, many do not file litigation due to financial constraints or poverty. As a result, the rights of citizens are often violated by political or more powerful entities in society.

To address these issues, the High Court Division needs to regulate certain PIL lawyers. The costs associated with filing PILs should be reduced. Politicians must refrain from filing PILs for their own benefit. The concept of PIL should be made more familiar to the general public, and the High Court Division should establish clear standards for granting PIL cases. Furthermore, NGOs and other private organisations should nominate experts in PIL. Government and local authorities must exercise caution when dealing with PIL matters. If any politician misuses the PIL for personal gain, they should face appropriate consequences.

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