

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

**Suo Moto Rule No. 6 of 2018**

In the matter of :

An application under Article 102 (2) of the  
Constitution of the People's Republic of  
Bangladesh.

-And-

In the matter of :

The State

..... Petitioner

-Versus-

Ministry of Home Affairs, Dhaka and others.

..... Respondents

Ms. Sharmin Akter, Intervener

Mr. Sk. Shaifuzzaman, DAG

..... For the respondent

Present:

Mr. Justice Zubayer Rahman Chowdhury

And

Ms. Justice Kazi Zinat Hoque

Date of Hearing : 04.11.2021

Date of Judgment : 04.11.2021

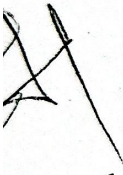
**Zubayer Rahman Chowdhury, J :**

The instant Suo Moto Rule was issued by this Court following the publication of a news item in the Daily Ajker Comilla, an online daily, captioned “মনোহরগঞ্জ মাদ্রাসায় ৫ বছরের শিশুকে নির্যাতন করল শিক্ষক”.

Consequent upon issuance of the Suo Moto Rule, the local administration took some positive steps in the matter. The student in

question, namely Abdullah Al Noman, son of Khorshed Alam hailing from Monohorgonj, Comilla, was taken to the Upazila Health Complex, where he was treated by the attending doctor and thereafter he was discharged. Some medicines were prescribed for him with an advice to follow up after one week. Furthermore, an FIR was lodged on 10.05.2018 by the ASI of the concerned Thana against the teacher, one Emdadullah alias Emdad, under section 70 of the Child Act, 2013 on the basis of which Monohorgonj Police Station Case No. 02(5)2018 was recorded.

During pendency of the Rule, Bangladesh Legal Aid and Services Trust (BLUST) was impleaded as Intervener in the matter.

 Ms. Sharmin Akter, the learned Advocate appearing on behalf of the Intervener submits that in the meantime, charge-sheet has been submitted against the accused Teacher which has been accepted and the matter is now pending in the Court below. She also submits that Abdullah Al Noman is now well and is pursuing his education in another Madrasha.

The issue of corporal punishment is a matter of serious concern in our society. This is not the first time that such an issue has been brought to the notice of this Court. It is pertinent to observe that there are several decisions of the Apex Court that corporal punishment cannot be inflicted on any student studying in any educational institution, be it a School or a Madrasha, both public and private. In view of the categorical

pronouncement of this Court on the issue of corporal punishment, we feel that no further elaboration is necessary on the issue which has already been dealt with by the highest Court of the country. However, we wish to add, with concern and anxiety, that the directives issued previously by this Court do not appear to be followed or observed.

We are also aware of the fact that of late, several news items have appeared in the national dailies to the effect that young children, working in factories, garages and shops, are being beaten brutally by their employer and/or their representatives. Although in such cases the local administration had acted promptly to take the concerned person(s) into custody, we feel that such measures had not been able to prevent or reduce such incidents. In our view, strong and deterrent punishment need to be prescribed for such offence and the persons guilty of such heinous conduct should be tried promptly and punishment must be imposed immediately so as to make the people aware that such incidents shall not go unpunished. Once again, we reiterate our view that corporal punishment in any form in any institution of the country is unacceptable and deplorable.

In our view, the Ministry of Women and Child Affairs (মেহিলা ও শিশু বিষয়ক মন্ত্রণালয়) should take positive steps to set up a monitoring cell in each and every district of the country to monitor such activities in future.

With the observations and directions made above, the *Suo Moto* Rule stands disposed of.

There will be no order as to cost.