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## Research Monograph

## Effectiveness, and Challenges of Public Interest Litigation in Bangladesh: A Case Study on Bangladesh Legal Aid and Services Trust

**Submitted by**

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**Certificate of Approval**

This is to certify that the thesis titled " **Effectiveness and Challenges of Public Interest Litigation in Bangladesh: A Case Study on Bangladesh Legal Aid and Seervices Trust** " has been thoroughly reviewed and approved in accordance with the academic and research standards set by Sajidur Rahman

This study has been assessed for its originality, methodological rigor, and contribution to understanding protest policing, civil movements, and law enforcement strategies. The research has adhered to ethical guidelines and maintained scholarly integrity in its data collection, analysis, and presentation of findings.

By granting this certificate of approval, Department of Peace and Conflict Studies, Faculty of Social Sciences, University of Dhaka recognizes the efforts and academic contributions of the researcher, in producing a well-researched and insightful study on the complexities of police response to the 2024 student-led uprising

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**Declaration of Researcher**

1, solemnly declare that this research paper, titled **Effectiveness and Challenges of Public Interest Litigation in Bangladesh: A Case Study on Bangladesh Legal Aid and Seervices Trust** ," is the result of my independent work and academic dedication. This study has been conducted with integrity, adhering to ethical research standards, and ensuring that all sources of information. are properly cited and acknowledged in accordance with APA guidelines.

I affirm that this research is free from plagiarism and that all data, analysis, and interpretations are based on credible sources, firsthand accounts, and scholarly perspectives. The findings, discussions, and recommendations presented reflect my own critical analysis, shaped by an objective review of events and existing literature.

This paper has been prepared with a commitment to academic honesty, and I take full responsibility for the authenticity of the content. Any limitations, biases, or potential areas for further study are acknowledged transparently I also affirm that no part of this research has been previously submitted for academic credit or publication elsewhere

By signing below, I confirm that this declaration is true and that I stand by the integrity of the work presented.

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**Effectiveness, and Challenges of Public Interest Litigation in Bangladesh: A Case Study on Bangladesh Legal Aid and Service Trust.**

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## List of Abbreviations and Acronyms

**Abbreviations Acronyms**

**ADM** Additional District Magistrate.

**ASK** Ain o Salish Kendra.

**BELA** Bangladesh Environmental Lawyers' Association

**BGMEA** Bangladesh Garments Manufacturers and Exports Association

**BNWLA** Bangladesh Mahila Parishad

**BLAST** Bangladesh Legal Aid and Services Trust.

**BRAC** Bangladesh Rural Advancement Committee.

**DOF** Date of Filing.

**DOJ** Date of Judgments /Order.

**ICESCR** International Covenant on Economic, Social, and Cultural Rights.

**NHRC** National Human Rights Commission

**PIL** Public Interest Litigation.

**SERAC** Social and Economic Enhancement and Resource Allocation Committee

**WP** Writ Petition.

## Abstract

This research aims to critically evaluate the efficacy of Public Interest Litigation undertaken by the PIL organization, and Bangladesh Legal Aid and Services Trust, with a focus on its effectiveness. The study delves into the analyze success rate in the execution of PIL cases in Bangladesh Jurisdictional procedure , explaining the sequential steps involved while shedding light on the challenges encountered throughout the process. Employing a qualitative research approach, the investigation draws on primary data gathered through Key Informant Interviews and discussions with PIL advocates, primarily engaging BLAST officials as respondents. Complementing this primary data, secondary data is sourced from diverse outlets, including journals, books, articles, websites, case studies, and annual reports. In accordance to the research, BLAST handles PIL matters inside the legal framework of the Bangladesh High Court, particularly addressing major issues like women's rights, the condition of deprived people, socioeconomic concerns, human rights, and environmental issues. The complexity of expressing case urgency to the court, dealing with high caseloads, dealing with uncertain date adjournments, negotiating jurisdictional changes, and struggling with barriers in the execution of post-verdict rulings are among the stated problems. This in-depth examination contributes to a more nuanced understanding of the dynamics behind BLAST's PIL initiatives, putting light on both its praiseworthy efforts and the challenges that it faces in the quest of justice and public welfare.

### Keywords:

Public Interest Litigation, PIL, Bangladesh Legal Aid and Services Trust, BLAST, Writ petition, Effectiveness, Success, Challenges, Bangladesh, High Court**.** Supreme Court of Bangladesh

## Chapter One: Introduction

### Introduction:

In the jurisdiction of legal advocacy in Bangladesh, the pursuit of justice through PIL stands as a challenging force, with the BLAST at its forefront (Farid, 2013). This research endeavors to undertake a critical evaluation of the effectiveness of PIL Organizations initiatives, delving into the procedural details that define its operations within the legal framework of the Bangladesh High Court. The study not only sheds light on the successive steps involved but also unties the challenges faced by PIL organization in addressing critical issues such as women's rights, the plight of deprived communities, socioeconomic concerns, human rights, and environmental issues.

The beginning of PIL in Bangladesh after its independence in 1971 marks a pivotal tool in the governance landscape, advocating for policies that uplift marginalized (Hoque, 2011). BLAST, a significant non-governmental organization established in 1993, has been a pioneer in this pursuit of justice. The study not only focuses on the successes and creditable efforts, but also precisely examines the challenges encountered in the quest for justice and public welfare. As PIL emerges as a crucial mechanism to address multifaceted challenges in Bangladesh (Siddiqui, McPhail, & Rahman, 2020), this research aims to contribute to a understanding of PIL initiatives. The background of the study contextualizes the journey of PIL in addressing issues ranging from environmental conservation to human rights abuses, reflecting its symbolic impact on global governance. The research methodology employed is distinctive, employing a dual-method approach involving qualitative and secondary data analyses. Through in-depth interviews with key stakeholders, including BLAST, and BELAs’ representatives, lawyers, and legal aid beneficiaries, the study seeks to capture the complex narratives, experiences, and obstacles associated with it's PIL initiatives. The qualitative depth ensures a comprehensive examination that goes beyond mere statistical data, providing insights into the subjective characteristics often overlooked by quantitative studies.

Nevertheless, it is imperative to acknowledge the limitations of the study, given the vast scope of PIL that encompasses the interests of the entire society. The research adopts a case study methodology, focusing on the specific challenges encountered by BLAST in the processing of PIL cases. The limitations, including the complexity of gaining insights from BLAST, and other entities and challenges in data collection, underscore the need for a thorough investigation of the barriers present in PIL case processing. In exploring the intersection of BLAST and PIL, the research highlights the organization's proactive engagement since 1996, initiating distinct writs in the Supreme Court of Bangladesh. These petitions not only reflect BLAST's commitment to public welfare but also showcase tangible outcomes in the form of judicial orders that compel governmental compliance and shape the interpretation of fundamental rights.

The impact of PIL in Bangladesh is indicative of the global significance of this instrument for promoting good governance, the rule of law, and human rights, as we continue our research. The strategic litigation employed by PIL organization of Bangladesh has a substantial impact on it's legal landscape, varying and expanding the understanding and application of fundamental rights in addition to influencing legislative duties. By taking a close look at these PIL projects, we hope to shed light on the dynamics at play and celebrate BLAST's accomplishments while also recognizing the obstacles that continue to stand in the way of the pursuit of equity and justice.

#### Background of the Study:

Following the country's independence in 1971, PIL is a key tool in Bangladesh's governance landscape, advocating for policies and programs to improve marginalized communities (Ahmed et al., 2014). PIL also advocates for environmental conservation, sustainable development, and strict enforcement of environmental laws. It provides a pathway for victims of human rights abuses, including extrajudicial killings and disappearances. PIL also challenges discriminatory laws, advocates for gender-sensitive policies, and promotes women's rights. Access to essential services like healthcare, education, clean water, and sanitation is a fundamental right, and PIL has been used to address these shortcomings. Its role in promoting transparency and justice is significant.

PIL is a legal mechanism that enables people and groups to use the legal system to pursue justice on behalf of the general public and address pressing societal issues. PIL has grown significantly in popularity as a tool to defend human and constitutional rights, advance social justice, and hold the government responsible for its deeds or inactions. PIL has become a vital weapon for promoting social and environmental justice in the setting of Bangladesh, especially with the active involvement of groups like the BLAST (Farid, 2013).

Bangladesh, a South Asian nation, faces numerous challenges such as poverty, corruption, environmental degradation, human rights violations, gender inequality, and limited access to essential services. PIL has emerged as a solution, empowering citizens and organizations to seek legal remedies for these issues. PIL, often championed by organizations like the BLAST, has led to groundbreaking judicial decisions and policy changes, reshaping the nation's trajectory.

BLAST is a significant non-governmental organization in Bangladesh that provides legal assistance and support to marginalized and underprivileged groups (Hassan, 2015). It was established in 1993. It has been at the vanguard of PIL issues for many years, working to safeguard the rights of vulnerable persons and communities. Their efforts have resulted in historic decisions, policy improvements, and enhanced legal rights knowledge among the Bangladeshi people. In the year 1996, it began exploring the potential of PIL with the objective of securing collective justice to the disadvantaged.

The impact of PIL in Bangladesh is symbolic of its global significance as a tool for good governance (Ghai, 2002), the advancement of the rule of law and the protection of people. Its success story resonates beyond the borders of Bangladesh, serving as an inspiration for other countries facing similar challenges. By giving voice to the marginalized (Sen, 2014), and holding authorities accountable, PIL embodies the principles of participatory democracy and reinforces the idea that access to justice is a fundamental human right. In an increasingly interconnected world, where societal challenges cross borders, the global relevance of PIL as a mechanism for driving positive change cannot be overstated. Its ability to address multifaceted challenges and promote social justice remains a beacon of hope for a more just and equitable world. (Pateman,1974).

#### Statement of the problem

The complexity of PIL cases in Bangladesh is compounded by the fact that these cases, more often than not, involve governmental bodies or large corporations as defendants. Rather than being directly managed by government entities, these cases are frequently undertaken by non-governmental organizations (Hayman et al., 2013). As a result, the legal proceedings can become protracted and cumbersome, with cases extending over significant durations. The root of this problem lies in the intricate nature of the issues at hand and the challenges faced by justices in comprehending them. This prolonged legal process can lead to frustration among those seeking justice, as it postpones the resolution of matters of public interest.

Additionally, once PIL cases are finally resolved, another set of issues emerges. Understanding the practical execution of court decisions becomes a challenge, as the roles and responsibilities of various ministries, departments, and organizations are often unclear (Luseka, 2012). This lack of clarity can hinder the effective implementation of court orders and the realization of the intended impact of the litigation. Furthermore, the communication and dissemination of information regarding new laws and policies face resistance from the general population, who may be hesitant to embrace these changes due to deeply ingrained beliefs or a lack of understanding about how the new policies will affect their lives. This communication gap presents a significant obstacle to enacting policies designed to enhance the well-being of the citizens.

### Objectives of the study

This thesis aims to explore the dynamics of PIL in Bangladesh with a specific focus on BLAST's role and impact. The study seeks to achieve the following objectives:

* + - To analyze the effectiveness of PIL in Bangladesh.
    - To assess the success of the BLAST in the cases of Public Interest litigation.
    - To identify the challenges faced by BLAST and other organizations in the field of PIL in Bangladesh.

### Rationale of the Study:

The study of the development of PIL in Bangladesh, as well as the vital role performed by BLAST in resolving social concerns through legal procedures. PIL has become an important outlet for individuals to address issues of public concern, including human rights, equality in society, and the protection of the environment.

This study delves into the effectiveness of PIL organization in handling PIL cases, shedding light on the organization’s successes and challenges. BLAST, as a non- governmental entity, has been instrumental in providing legal support to marginalized communities, filing PIL cases to address systemic problems, and advocating for transformative change. Understanding it's achievements and challenges associated with these cases are important because it illustrates the dynamics of PIL in a developing judicial system. The research focuses into key issues , such as those concerning land rights, environmental protection, and labor rights, and which resulted in favorable conclusions.

Moreover, this research also uncovers the multifaceted challenges faced by PIL organization in the Bangladeshi High Court, from bureaucratic obstacles to political interference, underscoring the complex nature of public interest litigation in the country. This study helps to our understanding of how PIL is evolving in Bangladesh and how organizations like BLAST play an important role in campaigning for the rights of vulnerable communities through considering the route of these cases. The findings are important not only for the legal and human rights communities, but also for policymakers and stakeholders interested in advancing justice and equity in Bangladesh.

### Limitations of the study

Since the wide scope of PIL, which encompasses the interests of the entire society, carrying out in-depth individual study becomes a difficult task. As a result, this social science research adopts a case study methodology to concentrate on the specific challenges that arise during the acquisition and processing of PIL cases, with a focus on the BLAST. The process of gaining insights from BLAST , and required organization has proven to be a complex journey. This required navigating through several levels, which consumed a significant amount of time, stretching over several weeks, then disposal of PIL was not routine even though it was a routine matter. It can be seen that some cases are solved in one day and some are not solved after two ages. In that case, during the data collection, their annual report could not make the data that way.

Moreover, the research encountered substantial challenges in collecting data from BLAST's website. Some of the sources proved to be non-functional or inaccessible, adding another layer of complexity to the data gathering process. These challenges highlighted the necessity of a thorough and in-depth investigation of the barriers that are present in PIL case processing and go beyond the regular nature of the cases themselves.

### Conclusion

This chapter aims to critically assess the PIL landscape in Bangladesh, emphasizing PIL organizations' pioneering significance in particular. The analysis shows how, PIL has had a major influence on tackling a wide range of societal issues, from women's rights to environmental conservation. The dual-method approach, incorporating qualitative interviews and secondary data analysis, while acknowledging the limitations of the study, such as the vast scope of PIL and complexities in data collection, the research underscores the importance of PIL in promoting good governance, the rule of law, and human rights in the global context..

## Chapter two: Literature Review

### Introduction:

This literature review critically explores the key findings, arguments, issues, pertinent ideas, theories, and existing gaps (Paul & Criado, 2020), specifically in the context of PIL. The purpose is to contextualize these insights in relation to the identified problem statement and the overarching research objectives of the study. The literature review is “critical component of the research process that provides an in-depth analysis of recently published research findings in specifically identified areas of interest” (Houser, 2018). By delving into the existing body of literature, this review aims to provide a comprehensive understanding of how conflicts within organizations, particularly those engaged in PIL, are perceived, addressed, and potentially impact the overall dynamics of public interest legal proceedings. The analysis seeks to identify patterns, theoretical frameworks, and areas where the current understanding may be lacking, ultimately contributing to the formulation of informed research questions and guiding the subsequent investigation into organizational conflict management within the PIL domain.

### Literature Review:

A paper by Ahmed, Naim (1998), Claimed that the development of Public Interest Litigation (PIL) in Bangladesh faces challenges such as a lack of grassroots support, a focus on political rights over socio-economic justice, the misuse of PIL by the elite, limited scope of cases, and the influence of constitutional developments. The success of PIL depends on alignment with the country's Constitution, which emphasizes social and collective justice. The representation of the common people and reinterpretation of constitutional provisions are also crucial. Assessing the extent to which these groups have genuinely represented the interests of the common people and whether their contributions have led to meaningful change for marginalized communities is essential. In conclusion, the challenges facing PIL in Bangladesh include its lack of grassroots support, focus on political rights, misuse by the elite, and the need for alignment with the Constitution to serve the common people's interests.

Deva, Surya (2009) in his paper asserted, Public Interest Litigation (PIL) in India faces numerous challenges and complexities, including frivolous cases, balancing judicial activism and restraint, resource constraints, political misuse, disposal delays, lack of uniform standards, subjective scope and definition of public interest, proper legal representation, monitoring and implementation of orders, balancing individual rights, and public expectations. Frivolous cases can clog the judicial system and divert resources away from pressing matters, while judicial activism and restraint are crucial. Resource constraints limit access to justice and hinder the full potential of PIL. Political misuse can undermine PIL's credibility and dilute its genuine public interest focus. Delays in disposal can impede timely justice delivery, especially in urgent cases. Lack of uniform standards for admitting PIL cases can lead to forum shopping. Balancing individual rights and addressing unrealistic public expectations are also essential challenges. A thoughtful and balanced approach is needed to preserve PIL's essence while safeguarding against misuse and ensuring efficient judicial processes.

Goldston, James A. (2006) studied the emergence of Public Interest Litigation (PIL) in Central and Eastern Europe, primarily post-Communism. He claimed that PIL was virtually nonexistent before 1990 due to Communist rule, which viewed the state as the embodiment of public interest. Key factors include political transitions, EU membership, dissenting traditions, financial support from external donors, increasing demand from civil society, and improvements in domestic court systems. The study also highlights the ongoing growth of PIL in the European Court of Human Rights, despite challenges posed by an expanding caseload.

**A** paper by Hoque, Ridwanul (2006) narrate that the Bangladeshi public interest litigation (PIL) system has faced criticism for its elitist usage and narrow focus on social rights. The underperformance of PIL in Bangladesh is attributed to traditional norms of judicial activism, inability to enforce decisions, and a lack of a unified judicial philosophy. Increased judicial activism could boost non-elitist public interest litigants' confidence in using the judiciary for justice. The paper advocates for a broader understanding of social justice and constitutionalism-based PIL for public accountability. PILs rooted in

constitutional principles can achieve social-constitutional justice, making the Constitution a transformative tool for society. The debate should shift towards assessing whether broader constitutional justice principles are upheld by those in power.

Scott L. Cummings, and Ingrid V. Eagly in their said, Public interest law has evolved significantly over the past three decades, becoming a crucial but controversial element in our democratic system. Founded in the mid-20th century, it has gained recognition for advocating for marginalized groups and has established career paths in this field. The field has seen significant court victories and academic interest in representing underrepresented groups. However, the landscape has changed significantly, with a conservative judiciary less receptive to liberal public interest lawyers' rights claims. Decentralization and privatization have shifted regulatory authority, posing challenges to federal-level administrative rulemaking. Large law firm pro bono programs have gained prominence, and the ideology of social reform in public interest law has been replaced by skepticism about the effectiveness of legal strategies for social change. The academic sphere no longer has a consensus on the practice of public interest law, with various camps using distinct labels like because lawyering, critical lawyering, and progressive lawyering.

SMA Naznin (2021) in her paper, Claimed that The Supreme Court of Bangladesh faces challenges in addressing Public Interest Litigation (PIL) and ensuring access to justice for women. Overwhelming caseloads and judges' reluctance to prioritize PIL hinder timely case resolution and constitutional justice development. Limited programs addressing women's access, lack adequate funding, and government agencies' lack of cooperation hinder PIL efforts. Non-implementation of court directives and political will contribute to non-compliance with court orders. Addressing these challenges and considering strategies for improving women's access to justice is crucial to maximize the potential of PIL as an effective advocacy tool. Recent developments in public interest litigation in Hong Kong reveal potential challenges, with a notable focus on the issue of standing. While the standing requirement doesn't seem overly restrictive, there is an

underlying need to reevaluate and potentially adjust the criteria for establishing 'sufficient interest' to initiate public interest judicial review cases. The cases of Society for Protection of the Harbour, Clean Air Foundation, and Ng Ngau Chai illustrate a generally receptive stance towards standing, but the call for a more inclusive interpretation is evident. Relaxing the standing requirements is seen as crucial to enabling effective representation by public interest advocacy groups and individual applicants, thereby fostering a legal framework that encourages robust public interest litigation in Hong Kong and ensures a more comprehensive response to societal concerns (Kong, 2009).

The difficulties facing pro bono programs in legal firms, with a particular emphasis on two important issues: inadequate oversight and accountability and unclear priorities. Examined is the inherent challenge of balancing conflicting aims in pro bono projects, especially when it comes to matching up cases that provide younger associates with useful experience with the firm's visibility or community impact goals. This aspect comes into sharp relief when pro bono lawyers raise objections to established guidelines on positional conflicts or declare their intention to take up contentious issues like LGBTQ+, abortion, and affirmative action. assessing philanthropic guidelines and criteria such as the ABA's Pro Bono Program criteria. Notwithstanding these, a conspicuous deficiency of methodical data about service quality, outcomes, customer contentment, and enduring influence is noted. In philanthropic situations when demand outpaces supply, the evaluation draws attention to accountability difficulties that result in a lack of incentive to prioritize cost- effectiveness or recipient pleasure. It also talks about how media rating systems that prioritize quantity over quality could deter supervising partners from stopping labor- intensive tasks that could have a negative effect on the firm's rankings. The assessment also looks at the difficulties public interest groups have in obtaining funding and influencing policy across a range of industries. Technology businesses, women's rights organizations, civil rights organizations, and environmental groups all struggle to articulate compelling causes (Cummings, & Rhode, 2009).

A paper by Khatun, F (2021), particularly focusing on BLAST, underscores its pivotal role in promoting social justice and addressing the pervasive issues of violence against women. Scholars highlight the indispensability of legal aid for the economically

disadvantaged and illiterate, emphasizing BLAST's multifaceted approach, including alternative dispute resolution and legislative advocacy. The literature delves into the impact of BLAST's initiatives, exploring both quantitative outcomes and qualitative dimensions. Concurrently, challenges faced by BLAST, such as logistic deficiencies and political threats, are subjects of scholarly inquiry, providing insights into the broader landscape of legal aid organizations in similar socio-political contexts. Comparative analyses with legal aid models in other countries enrich the literature, offering perspectives on best practices and areas for improvement within the Bangladeshi legal framework. Overall, the literature review provides a nuanced understanding of legal aid's significance in empowering marginalized populations, particularly women, in the pursuit of justice and human rights.

A paper by Harrold, D.K. (2007),focus on legal empowerment, exemplified by the initiatives of organizations like the Bangladesh Legal Aid and Services Trust (BLAST), reveals a comprehensive exploration of efforts to transform justice-seeking behavior and bring about systemic change in Bangladesh. The study assesses the success of legal empowerment by identifying indicators of improvement for women and the poor. BLAST's multifaceted approach at macro, meso, and micro levels is scrutinized, emphasizing its unique role in modifying national laws alongside enforcement efforts. The literature highlights tangible impacts, such as preventing forced evictions through Public Interest Litigation (PIL), and underscores the transformative potential of legal empowerment initiatives in fostering gender-sensitive and accountable informal institutions.

### Conclusion

The literature study explores the difficulties and achievements of PILs, or public interest litigation. It examines problems in Bangladesh, India, Central and Eastern Europe, and Hong Kong, emphasizing the necessity of balanced measures, constitutional alignment, and resolving concerns like caseloads and standing standards. It traces the development of public interest legislation, highlighting changes in ideology. Research on BLAST demonstrates comprehensive strategies and observable effects in tackling violence against women and encouraging legal empowerment. Collectively, the literature opens the door to more investigation by offering a sophisticated grasp of the nuances and changes in PIL, legal assistance, and legal empowerment.

## Chapter three: Conceptual Framework

### Introduction

PIL is a significant, and new shift in the legal system, focusing on public interest and rights violations. This shift has redefined the role of courts and has been a catalyst for social change in Bangladesh. PIL empowers citizens to engage with the apex court, addressing public interest concerns. Despite its shortcomings, PIL plays a crucial role in safeguarding human rights and advancing the rule of law. This analysis examines the nuances of access to justice through PIL and the judgments in the Bangladeshi legal landscape.

### Concept of PIL

PIL, typically stands for Public Interest Litigation. The 'actio popularis', a concept from ancient Roman law, allows individuals or groups tao pursue remedies on behalf of the public or morality without direct authorization. This system serves as the historical foundation for contemporary public interest litigation. The 'writ', a written order issued by a body with administrative or judicial jurisdiction, has played a crucial role in upholding justice globally. As governmental functions expanded, the writ evolved into a prerogative of the people. Public Interest Litigation encompasses various legal strategies and approaches aimed at addressing issues of broader societal importance rather than individual grievances. Public Interest Litigation (PIL) is a legal strategy that aims to bring about social change through court-ordered decrees. It goes beyond resolving individual disputes and reforms legal rules, challenging discriminatory laws, and advocating for the enforcement of existing legal frameworks. PIL aims to shape societal norms and values by articulating public expectations through court judgments. Its transformative agenda uses the legal system to address specific grievances and instigate broader changes in laws, policies, and society. Courts play a crucial role in issuing decrees that contribute to the evolution of legal principles, making PIL a powerful tool for advancing social justice and human rights. According to Helen Hershkoff, defining feature of PIL as “seeking to precipitate social

change through court-ordered decrees that reform legal rules, enforce existing laws, and articulate public norms.” (Hershkoff,1998)

According to Stroud’s Judicial Dictionary “Public Interest- A matter of public or general interest does not can that which is interesting as gratifying curiosity or a love of information or amusement; but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected (Rao, 2004).”

The American Bar Association has expansively defined Public Interest Law concerning lawyers' involvement in pro bono work. According to this definition, Public Interest Law encompasses legal services offered without charge or at a significantly reduced fee, spanning various areas of practice. such as;

1. Poverty law;
2. Civil Rights Law;
3. Public Right Law;
4. Charitable Organization Representation;
5. Administration of Justice.

PIL is often described as "litigation designed to reach beyond the individual case and the immediate client, (Beddin Rex, Bachak, & Terjeeva, 2000)" involving "court-driven approaches in producing significant social reform (Schuck, 1993, p. 1769)." Essentially, PIL amounts to "espousing causes through litigation." Advocates of PIL contend that its objective is "to help produce systemic policy change in society on behalf of individuals who are members of groups that are underrepresented or disadvantaged (Hershkoff & McCutcheon, 1998)

In the U.S. context, where a substantial portion of PIL originated, the term "public law litigation" has been employed to characterize cases that encompass "allegations broadly

implicating the operations of large public institutions, such as school systems, prisons, mental health facilities, police departments, and public housing authorities; and remedies requiring long-term restructuring and monitoring of these institutions" (Sabel & Simon, 2004; Chayes, 1976).

In Bangladesh, PIL has been instrumental in promoting social justice and accountability. The concept is rooted in the legal framework and constitution, allowing individuals and NGOs to file petitions in the High Court Division of the Supreme Court for judicial intervention in matters of public interest. PIL cases often focus on human rights, environmental protection, and government accountability, aiming to uphold citizens' rights and ensure law-abiding actions. The judiciary in Bangladesh is open to PIL cases to address systemic issues and promote the rule of law. PIL provides a platform for citizens to voice concerns and seek legal remedies for societal issues.

BLAST involves engaging in PIL to address a spectrum of societal issues. Through PIL cases, BLAST actively pursues justice and protection for marginalized communities. This includes advocating against human rights violations such as police brutality and discrimination. They also utilizes PIL to champion environmental causes, seeking court intervention in matters related to pollution, deforestation, and other environmental concerns. Another crucial aspect of PIL organization efforts is to ensure access to justice, especially for individuals from underprivileged backgrounds. By filing PIL cases, It works towards dismantling legal barriers and advocating for reforms that enhance the accessibility of justice. Additionally, the organization employs PIL as a tool to hold government authorities accountable, challenging policies and practices that may be detrimental to the public interest. In essence, BLAST's engagement in PIL reflects its commitment to using the legal system as a means to foster positive societal change and protect the rights of individuals and communities in Bangladesh.

### Types of PIL cases

Public Interest Litigation refers to a wide range of legal proceedings intended to address societal concerns. There are several forms of PIL, each aimed to address specific problems and promote the public interest. Examples of major Public Interest Litigation include:

* + 1. **Human Rights Public Interest Litigation,** is a legal field that focuses on redressing human rights violations and upholding civil liberties, drawing inspiration from international treaties and constitutional provisions. It empowers individuals, advocacy groups, and non-governmental organizations to litigate on behalf of those whose rights have been infringed. PIL cases cover issues such as freedom of speech, education, gender equality, and protection against torture. The discipline delves into the complexities of legal doctrines, procedural intricacies, and evolving jurisprudential standards that shape human rights litigation. It also explores the role of international human rights norms in domestic legal frameworks and the transformative potential of PIL in fostering a just and rights-based society.
    2. **Environmental Public Interest Litigation,** is a legal field that addresses significant environmental issues through judicial mechanisms. It operates within a legal framework informed by national environmental laws, international conventions, and constitutional provisions. PIL's distinctive feature is the expansion of standing, allowing affected parties, citizens, and environmental organizations to initiate legal actions. Cases under PIL cover issues like air and water pollution, deforestation, habitat destruction, and climate change impacts. The litigation seeks remedies like injunctions, compensation, or enforcement of environmental regulations. PIL adopts both preventive and remedial measures to mitigate potential harm and rectify existing environmental damage. Emphasizing public participation, it provides a platform for individuals and communities to voice concerns and engage in legal proceedings. Given the global nature of environmental challenges, PIL may incorporate international perspectives to address transboundary issues. In essence, PIL serves as

a crucial academic and practical tool to navigate environmental injustices, promote sustainable development, and advance environmental protection goals.

* + 1. **Health-related Public Interest Litigation,** is a legal branch that addresses public health issues through judicial interventions. It aims to safeguard and promote public health rights within legal frameworks, drawing legitimacy from national health laws, international health standards, and constitutional provisions. PIL is inclusive, allowing individuals, advocacy groups, or public interest organizations to initiate legal actions to address health-related grievances. Issues covered include access to healthcare services, availability of essential medicines, disease prevention, and healthcare infrastructure. PIL seeks remedies such as ensuring equitable healthcare distribution, challenging discriminatory policies, and rectifying systemic deficiencies. It also plays a crucial role in amplifying the voices of marginalized communities and vulnerable populations in health-related matters, emphasizing the importance of a robust and inclusive healthcare system. Health-related PIL serves as an academic and practical conduit for navigating complex health issues, promoting health equity, and fulfilling the right to health for all.
    2. **Labor and Employment Public Interest Litigation,** is a legal field that focuses on the intersection of law and labor rights, addressing issues related to workers' rights, workplace safety, and fair labor practices through judicial interventions. PIL is rooted in national labor laws and international labor standards and often emerges in response to systemic labor market violations. It encompasses cases addressing minimum wage disputes, workplace discrimination, collective bargaining rights, and employee welfare. PIL plays a crucial role in safeguarding workers' rights and enabling individuals, labor unions, or advocacy groups to bring cases that impact not only the individuals involved but also the broader working population. It delves into the complexities of balancing employer and worker interests, ensuring workplace equity, and contributing to labor laws and regulations.
    3. **Corruption and Governance Public Interest Litigation,** is a specialized academic field that focuses on addressing corruption and governance issues through judicial means. It examines the relationship between legal mechanisms and societal values, aiming to combat corruption, misappropriation of public funds, and electoral malpractices. PIL is rooted in national legal frameworks, international conventions, and constitutional provisions, and seeks to understand the challenges posed by corruption and inefficiencies in governance. It examines the role of the judiciary in holding public officials accountable, often in collaboration with civil society organizations. PIL addresses issues such as political accountability, the rule of law, and institutional reforms, seeking legal remedies that not only address specific instances of corruption but also contribute to broader governance enhancement.
    4. **Media and Freedom of Expression Public Interest Litigation,** is a legal field that focuses on the protection and promotion of press and expression freedom. It is grounded in constitutional principles and international human rights standards, aiming to safeguard fundamental rights that underpin democratic societies. PIL cases often involve challenges to censorship, media regulations, or restrictions on journalistic activities. The aim is to ensure that individuals, media organizations, and journalists can exercise their right to disseminate information without undue interference. The field navigates the delicate balance between freedom of expression and societal legitimate interests, acknowledging media's crucial role in disseminating information, fostering public discourse, and holding those in power accountable. Key aspects of study include legal precedents, constitutional provisions, and international frameworks shaping media freedom. The field also explores the evolving nature of media, considering the impact of digital technologies and the challenges posed by media freedom and issues like privacy, hate speech, and national security.

These specific PIL categories, which I've taken the effort to identify and describe, stand out because of their direct connection to existing concerns, the scope of their public effect, and their ability to affect positive change in our society. My appraisal of the relevance of these various PIL categories is clearly connected with our local

context, which includes social, political, and legal considerations. Given our country's particular issues and demands, what is most important in our country may not be as important elsewhere.

### When and where PIL case filed.

PIL serves as a crucial mechanism to address societal concerns and ensure the well-being of the community at large. The following key areas have been identified as potential grounds for filing a PIL,

##### Criminal Justice Reform:

1. Challenge arbitrary arrests and police remand, seeking guidelines for the protection of individuals in custody.
2. Address delays in trials for under-trial prisoners.

##### Children and Foreigners' Rights:

1. Challenge the incarceration of children in prisons.
2. Contest the continued detention of foreigners overstaying their sentences.

##### Human Dignity and Housing:

1. Prevent forced eviction and displacement.
2. Advocating for alternative rehabilitation of slum dwellers.

##### Worker and Gender Rights:

1. Secure workers' rights for safety in the workplace.
2. Challenge gender discrimination in public employment.

##### Judicial and Administrative Accountability:

1. Ensure safety and security for women by addressing extra-judicial penalties.
2. Secure accountability for sexual harassment, pushing for action against government servants.
3. Advocate for effective local government and the separation of the judiciary from the executive in the Chittagong Hill Tracts.
4. Enforce safety standards in public transport.
5. Ensure the accountability of public representatives by addressing the payment of dues to public bodies.

Moreover, PILs play a multifaceted role in advocating for societal welfare. They serve as instrumental tools in addressing pressing issues within the criminal justice system, advocating for reforms such as the segregation of prisoners and expeditious resolution of trial delays. Another vital facet of PIL is its role in championing the abolition of child labor and forced labor, underscoring its commitment to safeguarding the vulnerable. Additionally, PILs stand as defenders of the rights of working women, offering legal recourse against sexual harassment in the workplace. The scrutiny of corruption and crime involving high-ranking government figures is essential for upholding public trust in the institutions. Beyond individual rights, PILs extend their reach to matters of public infrastructure, ensuring the maintenance of essential elements like roads, canals, fields, and drainage for the overall well-being of the community. Furthermore, PILs showcase their adaptability by addressing daily challenges, such as traffic congestion, through petitions for the removal of imposing billboards and signboards from busy thoroughfares. This comprehensive approach underscores the versatility and efficacy of PILs in navigating a diverse array of social issues for the betterment of society at large.

### Conclusion

PIL, emerges as a powerful force for societal change in Bangladesh, redefining the role of courts and empowering citizens. Through the lens of Organizations, PIL addresses a spectrum of issues, including criminal justice reform, children's rights, and worker and gender rights. The historical roots of PIL, drawing from ancient Roman law, highlight its enduring significance. BLAST's active engagement in diverse PIL cases reflects a commitment to justice and protection of marginalized communities. The adaptability of PIL to local contexts underscores its effectiveness in navigating specific societal challenges. In Bangladesh, the judiciary's receptiveness to PIL cases provides a platform for citizens to seek legal remedies and contribute to broader changes in laws and norms. Ultimately, PIL stands as a catalyst for social justice, human rights, and positive societal transformation in the country.

# Chapter Four: Research Methodology

### Introduction

This study focused on the success, and challenges of PIL in Bangladesh. For this I chose different types of paper work and interview as well as qualitative tools as research methodology. The major sources of information of this study were in-depth interview, literature-review. Literature-review was done using different sources like, PIL organization BD, BLAST web-portal, Annual Report, Google scholar, online library, different journal and books and others.

### Research Design

This study employed a qualitative research design to gain in-depth insights into the experiences, perceptions, and challenges faced by the organizations, works with PIL cases. Qualitative methods are well-suited for understanding complexity of the case procedure and exploring the success rate of PL cases. This research has been conducted on the basis of primary data acquired through various data collection techniques that are face to face interview and observation.

### Research Strategy

A research strategy is a comprehensive plan that directs investigators during the design, implementation, and evaluation of a study (Johannesson & Perjons, 2014). According to Grix (2002), a research strategy is an approach—such as inductive or deductive—to a study issue that influences the development of research questions or hypotheses, the choice of level and units of analysis, and the sources of data to be gathered. The selection of an appropriate research approach has significant importance as it impacts the relevancy of research questions, the project's viability, and the ethical issues relevant to the situation (Johannesson & Perjons, 2014). Two primary approaches to social research are distinguished by Clark et al. (2021): qualitative and quantitative, drawing from ontological

and epistemological viewpoints. They also recognize mixed methods as a research strategy, which is a combination of qualitative and quantitative methodologies.

### Variables

##### Dependent: Independent:

**Dynamics of PIL, and BLAST in Bangladesh.**

Effectivness of PIL cases in Bangladesh.

Success of BLAST in handling PIL cases.

Challenges faced by BLAST and other

organizations in the field of PIL in Bangladesh.

Figure-1: Variables.

These variables encompass the various aspects of the study, including the strategies and actions of BLAST, the outcomes and impact of PIL, challenges faced, and the broader legal and social context in Bangladesh. They provide a framework for analyzing and understanding the dynamics of public interest litigation with a specific focus on BLAST's initiatives.

### Quantitative Design

The 'deductive' perspective on the relationship between theory and research, emphasizing a 'natural science approach' and endorsing an 'objectivist' conception of social reality, characterizes the quantitative method (Clark et al., 2021). This method involves the impartial and conclusive investigation of observable phenomena to understand correlations (Babbie, 2020). However, biases in research design and sampling may lead to biased findings, and the influence of decisions on what to research and how questions are formulated can impact the received answers (Yauch and Steudel, 2003). By gathering and analyzing numerical, static, and detailed data, the quantitative method addresses questions related to who, what, when, where, how much, and how many, aiming to explain phenomena (Creswell, 2011). Despite its strengths, such as time efficiency, comparability among organizations and groups, and the ability to assess agreement or disagreement among respondents, this method has limitations. Clark et al. (2021) argue that its reliance on instruments and procedures creates a static view of social life, hindering its application to real-world problems. Moreover, it is less compatible with feminist values, as quantifiable attributes may not capture the complexity and richness of experience required by feminism.

### Qualitative Research

This method is a subjective approach to understanding how people choose to live and explain how they behave (Walsh, 2003). In qualitative research, participants' feelings, opinions, and experiences are thickly described, and their actions are interpreted (Denzin, 1989). However, while much qualitative research involves interviewing, this is not normally a natural environment for most people, even if interviews occur at their homes or places of work (Clark et al., 2021). It aims to produce in-depth insights about a particular topic. The qualitative method addresses questions related to 'what,' 'why,' and 'how' questions, and focuses on the key features, including a concern with 'what,' 'why,' and 'how' questions (Ritchie et al., 2014). This approach sometimes neglects contextual sensitivity to emphasize meanings and experiences (Clark et al., 2010). Collecting subjective and detailed data, this method holistically analyzes the human experience in particular contexts (Denzin and Lincoln, 2002). Smaller sample sizes raise questions regarding

generalizability to the entire population (Harry and Lipsky, 2014; Thompson, 2011). The qualitative method has some strengths and weaknesses. It aims to produce in-depth insights about a particular topic. It emphasizes how events and patterns unfold in a social system (Clark et al., 2021), and their actions are interpreted (Denzin, 1989). Given the elusive nature of the data and the strict requirements for analysis (Berg and Lune, 2012), data interpretation and analysis may be more challenging or complex (Richards and Richards, 1994), taking a significant amount of time (Flick, 2011). However, this method sometimes neglects contextual sensitivity to emphasize meanings and experiences.

### Why Qualitative Method has been chosen

A qualitative research approach for this study was chosen because qualitative methods are especially useful in discovering the meaning people give to events they experience (Merriam, 1998). The qualitative research methods applied for this study and focused on open-ended, conversational communication to keep it constructive and interpretative. This study required a detailed understanding of the effectiveness of PIL in Bangladesh, success of PIL procedure and its challenges, what actually faced by the organization like BLAST to resolve the Public Interest on this perspective. The qualitative research methods used for this study include open-ended interviews, and systematic data gathering and analysis processes.

Qualitative methods, such as in-depth interviews and case studies, provide a nuanced understanding of the complex legal, social, and political issues inherent in PIL. This approach allows to capture the subjective perspectives and experiences of key stakeholders, including lawyers, judges, and litigants, offering a more authentic representation of their motivations and challenges. The study's longitudinal analysis spanning from 1997 to 2023 is well-suited for qualitative research, enabling the exploration of changes and trends over time. Moreover, the contextualization of challenges within Bangladesh's legal system is facilitated by qualitative methods, shedding light on the unique factors influencing PIL cases in the country. The use of in-depth interviews and case studies allows for a detailed examination of individual cases, contributing to a comprehensive understanding of the dynamic nature of PIL. Ultimately, qualitative research offers the depth and flexibility

needed to unravel the complexities of PIL in Bangladesh and generate insights with direct policy and advocacy implications.

The thesis methodology, Effectiveness, and Challenges of Public Interest Litigation in Bangladesh: A Case Study on Bangladesh Legal Aid and Services Trust," is distinguished by a comprehensive and advanced dual-method approach which includes both qualitative and secondary data analyses. The research begins with an in-depth review of secondary data sources, such as annual reports, studies, and relevant publications, in order provide an adequate basis and contextual understanding of public interest litigation, legal empowerment, and the specific initiatives undertaken by Bangladesh Legal Aid and Services Trust.

### Case Studies

A case study is a comprehensive description of an individual case and its analysis; i.e., the characterization of the case (Starman, 2013).Case studies were one of the first types of research to be used in the field of qualitative methodology (Mills et al., 2010). Out of all the instances, I have chosen four cases in particular to proceed. I conducted interviews with those who had firsthand experience with the judicial system and brought a few noteworthy examples to the Bangladesh PIL Organization. The case study, being a qualitative method, is essential in providing answers and support for the primary challenges and findings that reinforce the framework.

### In-depth Interview

In the pursuit of comprehensive data collection for my academic thesis, I employed the semi-structured in-depth interview method. This approach, as outlined by Fontana and Frey in 2005, involves a flexible yet focused interaction between the interviewer and the participant, allowing for a deeper exploration of individual experiences and perspectives. The semi-structured nature of the interviews provided a framework of key questions while allowing room for participants to elaborate on their responses, ensuring a richness and nuance in the gathered data (Fontana & Frey, 2005). This method facilitated a more

profound understanding of the complexities surrounding the research topic, contributing to the depth and authenticity of the insights obtained for my thesis. I conducted interviews with four individuals who have been actively engaged in numerous Public Interest Litigation (PIL) cases.

### Unit of Analysis

Primary data is gathered through qualitative approaches such as interviews and observations to supplement this complete assessment. In-depth interviews are done with the appropriate stakeholders, which include BLAST representatives, lawyers, and legal aid beneficiaries. The purpose of this qualitative investigation is to capture the complex and numerous viewpoints, experiences, and obstacles involved with BLAST's public interest litigation initiatives.

This research approach prioritizes qualitative depth in order to go beyond simple statistical data and get into the nuances of stakeholder narratives and lived experiences. It provides a more comprehensive and holistic examination of public interest litigation, putting light on subjective characteristics that quantitative studies may ignore. This qualitative method contributes to a broader and more comprehensive examination of the role and impact of public interest litigation in Bangladesh's legal environment by providing a sophisticated knowledge of BLAST's successes and challenges.

### Sampling Techniques and Respondent Selection

Qualitative research strongly emphasizes identifying specific cases and individuals who may be able to offer insightful and pertinent information (Oppong, 2016). In the current study, purposeful sampling was adopted to select respondents for gathering in-depth and rich information. Cluster sampling was initially thought about with a two-step procedure. Initially, the overall population was selected and divided into varied clusters. Then random samples were selected from them and formed two groups/clusters, i.e., I) Some PIL organization employees II) Advocates). This technique selects participants who have experience or expertise in the topic. However, considerable controversy regarding an acceptable minimum sample size has surrounded qualitative research, which involves deciding about contexts and cases for their representativeness. Following that, 4(four) respondents were allotted purposeful sampling in in-depth interviewing.

### Area of the Study

As the research is qualitative, it automatically demands in-depth and varied information. The respondents of lawyers’ interviews were used as a study tool to find the answer to the research questions. The study was conducted in the BLAST head office, Segunbagicha, Dhaka, and Bangladesh High Court.

### Ethical Consideration

This ethical approach emphasizes the importance it is to maintain the individuality that respondents have and make sure they are fully informed and ready to participate in the study. The process involved obtaining both verbal and written consent from each participant, emphasizing transparency about the study's objectives, title, and the expected contribution from the participants. In addition to providing this information, the consent form—which is an essential document in this process—also made clear that participation is voluntary, enabling participants to make informed decisions regarding how much of cooperation. In order to improve understanding and assure that participants were well- informed and at ease with their decision to participate, the authors provided both written documents and verbal explanations. The permission form's appendix placement reassures accountability and openness even further by providing a thorough record of the ethical standards that were followed to throughout the study process. (See Appendix-03)

### Conclusion

A dual-method approach was used in this study to examine the difficulties and efficacy of PIL in Bangladesh, with a particular emphasis on the BLAST. Through the use of in-depth interviews and case studies, the qualitative study approach captured subjective viewpoints that are sometimes ignored by quantitative studies, offering subtle insights into the intricacies of PIL procedures. Deductive reasoning and a numerical emphasis define the quantitative design, which was presented along with its advantages and disadvantages. The study strategy, directed by Grix, Perjons, and Johannesson, acknowledged the distinct contributions of both qualitative and quantitative methodologies. The selection of qualitative methodologies seemed appropriate in order to determine the significance that individuals attribute to PIL events. The analytical unit was stakeholder-centered, thus it was a comprehensive look. Ethical considerations are prioritized, emphasizing transparency and voluntary participation.

## Chapter Five: History of Public Interest Litigation

### Introduction

In the 1970s, India experienced a legal transformation marked by the suspension of fundamental rights during the Emergency, as illustrated by the ADM Jabalpur v Shiv Kan Shukla case. Post-Emergency, a shift towards judicial activism led to the emergence of PIL, empowered by constitutional provisions. The Indian judiciary's response to societal dynamics and the need to redefine the relationship between government authority and citizens' rights laid the foundation for PIL, a powerful tool addressing socio-economic challenges. In Pakistan, PIL originated in the late 1980s to counter basic rights violations. The courts transitioned from a limited, wealth-favoring approach to a more active role, overcoming hurdles like strict locus standi. Influenced by Indian counterparts, the evolution of PIL in Pakistan involved relaxing formalism, liberalizing locus standi, and addressing various rights through landmark cases like Darshan Masih and Shehla Zia, reflecting a growing effectiveness in tackling societal issues. After all these regime and Post-colonial era, Bangladesh has emerged PIL in their Jurisdiction, here in this Chapter I’ll discuss about the PIL journey of Bangladesh.

### Journey of PIL in Bangladesh

The legal system in Bangladesh, derived from Mughal influences, has witnessed relative continuity despite experiencing two instances of gaining independence within the past fifty years. Historical attempts by the British to reform the legal framework by introducing the common law system and Anglo-Saxon jurisprudence encountered challenges stemming from disparities in societal, cultural, political, and religious contexts. The primary impetus behind this endeavor was the establishment of an efficient governance system within the colony. In British India, the integration of Indian lawyers and judges into a burgeoning Indian aristocracy, versed in English law and advocating the indispensability of the common law system for Indian society, further underscored the complexities of legal transplantation. The 19th-century colonial legal system persisted post-1947, inherited by

both India and Pakistan, leading to contested interests and a dearth of democratic processes. Subsequent constitutional upheavals, marked by repeated arrogations and rewrites, impeded the natural evolution of legal principles. Post-independence, the legal trajectories of Pakistan and India diverged, with Pakistan encountering challenges in upholding democratic norms in comparison to India.

PIL in Bangladesh emerged as a post-democratic phenomenon, starting around 1991. Its establishment in the Bangladeshi legal framework in the mid-1990s was greatly influenced by political changes during that period. However, unlike their Indian counterparts, Bangladeshi judges initially showed reluctance to embrace PIL. They followed a conservative approach and were hesitant to adopt this legal concept, not because they were unaware of PIL developments in other countries, but because they resisted breaking away from colonial legal thinking and departing from a strict interpretation of the constitution.

In 1974, a significant legal precedent was set in the case of Kazi Mukhlesur Rahman v. Bangladesh (Mashrafi & Lubaba, 2023), often referred to as the "Berubari" case, which provided an early glimpse of Public International Law (PIL) principles within the context of Bangladesh. This landmark case allowed an individual citizen to challenge the constitutionality of a treaty involving territorial cession, marking a notable departure from conventional legal norms. Nevertheless, it is essential to note that this decision did not fully establish PIL as it is comprehended in contemporary terms. The subsequent course of judicial developments displayed a degree of inertia, and the requirement for a "person aggrieved" to seek constitutional remedies, as articulated in Article 102 of the Bangladeshi Constitution, posed significant obstacles to the full-fledged development of PIL within the country's legal framework.

During the early 1990s, a notable transformation occurred within the landscape of Bangladeshi jurisprudence, ushering in a pivotal era for the development of Public International Law (PIL) principles. This shift gained momentum with the landmark case of Dr. Mohiuddin Farooque v. Bangladesh (Farooq & Hasan, 1996), commonly referred to as "FAP 20," in 1996. This case held particular significance as it marked a turning point in the nation's legal approach. In FAP 20, the BELA was granted the legal standing to challenge a flood control project, citing rights violations and legal breaches (Hassan, S. M.,

1999).. What made this case truly remarkable was the assertion made by Justice Kamal, underscoring that any member of the public could invoke the court's jurisdiction in matters involving public injury or violations of fundamental rights. This momentous shift in judicial perspective not only signaled the growing influence of PIL but also set a precedent for broader access to legal remedies in cases of public interest and rights infringements.

It is of utmost significance to recognize that this paradigm shift in constitutional interpretation in Bangladesh was deeply influenced by the distinctive character of the country's Constitution, a product forged in the crucible of a historic war of independence. The judiciary, in recognizing the seminal importance of the people's welfare, undertook a momentous commitment to prioritize their interests. This commitment was notably manifested in the judiciary's pro-people interpretation of the term "a person aggrieved" as articulated in Article 102 of the Constitution. This liberal interpretation of locus standing, allowing individuals and groups to act on behalf of collective interests, effectively swung open the gates to the pursuit of justice through collective claims on behalf of the populace, marking a profound transformation in the country's legal landscape.

The evolution of PIL principles in Bangladesh was influenced by a confluence of factors that significantly reshaped the country's legal landscape. Notable among these factors were the growing independence of the judiciary, rising public expectations, and mounting pressure from civil society organizations. Drawing insights from the PIL developments in South Asian nations, particularly India, Bangladesh's legal framework was progressively molded. The country's unique Constitution, with its explicit emphasis on safeguarding the rights of the people, played a pivotal role in fostering a more expansive and liberal regime of locus standing.

The PIL movement in Bangladesh faced some uncertainties when it was first being started. But as time went on, it expanded to cover a wider range of constitutional concerns, which lessened the possibility that PILs would be abused for private gain. This revolutionary path

demonstrated Bangladesh's dedication to sustaining the values of justice and the rule of law while also bringing the nation's legal system into compliance with international standards.

In its initial stages, the PIL movement in Bangladesh exhibited a measured and cautious approach when compared to the experiences of other nations. This cautious outset, while marked by uncertainty and hesitation among legal activists, set the foundation for subsequent developments. During this period, PIL cases were relatively scarce, reflecting the initial reluctance to fully embrace this legal avenue.

Nevertheless, as time progressed, PIL in Bangladesh underwent a transformative evolution. It gradually extended its purview to encompass a broader spectrum of constitutional and public interest issues. This expansion of focus not only broadened the scope of PIL but also mitigated concerns about its potential misuse for self-serving interests. This metamorphosis highlighted Bangladesh's commitment to promoting justice and the rule of law through its evolving PIL jurisprudence.

### A Brief Discussion on Bangladesh Legal Aid and Services Trust

In 1992, at a national conference organized by the Bangladesh Bar Council, the concept of establishing a nationwide organization of lawyers offering free legal advice and representation for those facing obstacles due to poverty or disadvantage was introduced. This led to the formation of BLAST in 1993 (Malik,2000), dedicated to providing no-cost legal services for the economically disadvantaged. The board of trustees, comprising respected jurists, lawyers, professionals, and former judges from the Bangladesh Supreme Court, ensures diverse and knowledgeable leadership.

Since its inception, BLAST has adopted a decentralized approach with local involvement, placing elected leaders from each district Bar Association in charge of district Management Committees. Advisory Committees also include members from civil society. The founding members aimed to institutionalize the tradition of legal aid, and over time, It shifted its focus from court representation to alternative dispute

resolution. The organization expanded its scope to address systemic barriers to justice through research, advocacy, and public interest litigation.

BLAST not only conducts legal awareness programs for various groups on family, criminal, land, and labor laws but also collaborates with local administrations, justice system actors, and civil society organizations. Its services extend to low-income groups in informal settlements, rural areas, and hard-to-reach communities in hills and coastal regions. They are committed to addressing issues of exclusion and discrimination based on gender, caste, religion, race, language, and disability. With offices in 21 districts, It operates nationwide with specialized staff, including lawyers, paralegals, researchers, and advocates. Additionally, it collaborates with an enlisted panel of over 2600 lawyers who provide pro bono services. The vision of BLAST is to create a society free from discrimination, ensuring access to justice and upholding the rule of law. The mission is centered on providing non-discriminatory access to justice, especially for the disadvantaged and marginalized, while enhancing the responsiveness of both state and non-state mechanisms. The organization's objectives include administering a trust fund, establishing legal aid units, providing free legal aid, conducting training programs, coordinating activities with other organizations, publishing research articles, promoting legal education, and organizing relevant events such as seminars and conferences.

### The BLAST’s Expedition with PIL Cases

Since the year 1996, BLAST has been actively engaged in the pursuit of justice through the initiation of 42 distinct writs in the Supreme Court of Bangladesh under the banner of public interest litigation from 2011 to 2023 (PILbd.org, 2023). These petitions, emblematic of BLAST's commitment to the welfare of the public, have yielded tangible outcomes in the form of judicial orders. These orders, compelling government officials to adhere to their statutory obligations, reflect the effectiveness of the legal actions pursued by the respective organization.

Moreover, the impact extends beyond the confines of statutory duties, as the judicial interventions have led to an expansive interpretation of fundamental rights enshrined in Bangladesh's Constitution. Through its strategic use of litigation, BLAST has not only compelled governmental compliance but has also played a pivotal role in shaping and broadening the understanding and application of fundamental rights, thus contributing significantly to the legal landscape of Bangladesh. Furthermore, the influence goes beyond the scope of legislative obligations, since court interventions have resulted in a broad interpretation of basic rights guaranteed in Bangladesh's Constitution. BLAST's strategic use of litigation has not only pushed state cooperation, but has also played a key part in shaping and widening the understanding and implementation of basic rights, thereby significantly contributing to Bangladesh's legal circumstances.

### Conclusion

The evolution of PIL in Bangladesh reflects a transformative journey from initial judicial reluctance to a paradigm shift, exemplified by the landmark Dr. Mohiuddin Farooque case in 1996. BLAST, established in 1993, plays a crucial role, providing free legal services and actively engaging in PIL. With a decentralized approach and a shift towards alternative dispute resolution, BLAST's 42 PIL cases from 2011 to 2023 showcase its commitment to public welfare. The tangible outcomes contribute to a broader interpretation of fundamental rights, emphasizing justice, inclusivity, and the rule of law in Bangladesh's legal landscape.

**Chapter Six:** Findings and Data Analysis

### Introduction

This chapter will introduce you to findings of this research and give you an overview of findings analysis. For this, it sets down findings obtained from interviewing respondents, Annual Reports, Web-portal, Case studies and numerous other sources. These findings will be drawn in respect to research questions and research objectives.

### Presentation of Findings

To make this presentation easy to understand and follow the thread of the study, the findings, here will be presented in a manner that reflects the three research questions discussed in Chapter-1.

## Findings relating to research question-1

**The Effectiveness of PIL organizations in Bangladesh**

### Introduction

The realm of PIL in Bangladesh, epitomized by the PIL organizations like BLAST, presents a dynamic landscape marked by diversity in cases and timelines. The intricate tapestry of legal challenges, their varying durations, and the strategic approaches employed by organizations underscore the multifaceted nature of the pursuit of justice. This discussion delves into the breakdown of cases, highlighting the temporal nuances and the effectiveness of PIL organizations in navigating complex legal grounds. The PIL landscape in Bangladesh.

### Effectiveness of PIL in Bangladesh

In the context of organizational effectiveness within PIL organizations in Bangladesh, it is imperative to analyze the prevailing biases in the construction of organizational theory, particularly given the pro-managerial orientation often identified in broader discussions.

Organizational theorists examining entities like BLAST and many others PIL organizations of Bangladesh must be cognizant of the challenges faced by managers involved in public interest legal advocacy. The "administrative-technical" approach (Benson, 1977), offers a holistic view of organizational effectiveness, emphasizing the interconnected dimensions of administration and technical functions. Organizationally, the focus is on a well-designed framework, streamlining processes for efficient resource allocation and coordination. Simultaneously, the technical dimension highlights the organization's proficiency in specialized tasks and adaptability to technological advancements. While criticized for potential oversimplification and limited adaptability, the approach is widely employed for its structured evaluation of administrative structures and technical processes, aiming to synergize these elements for enhanced organizational efficiency and effectiveness.

While these organizations operate with a commitment to social justice and public welfare, the effectiveness considerations should extend beyond managerial perspectives. These PIL organizations play crucial roles in legal advocacy, impacting not only managerial decisions but also the lives of the clients they serve and the broader community affected by environmental issues. The empirical analysis serves as a relevant reference point (Brambor et al., 2006), urging a comprehensive examination that includes the realities faced by both managers and the organizational clientele.

In the context of PIL organizations, understanding the dynamics between managerial strategies and the actualization of legal objectives is crucial. The impact on workers, often lawyers engaged in public interest litigation, needs to be explored alongside the outcomes for the intended beneficiaries of these legal efforts. This approach would provide a more nuanced and holistic understanding of organizational effectiveness in the unique context of PIL entities in Bangladesh, avoiding the potential pitfalls of a solely pro-managerial orientation in organizational theory. Here according to the Bensons’ Organizational Effectiveness Theory, I affix and divided the study findings into four different forms, as Diversity in Cases and Timelines, Effectiveness in Resolutions, Organizational Commitment, and International Standards and Collaboration.

### Diversity in Cases and Timelines:

**Case Timeline**

|  |  |  |
| --- | --- | --- |
| **W.P. NO.** | **D.O.F** | **D.O.J** |
| **1. 10222 OF 2023** | 27-08-2023 | 05-09-2023 |
| **2. 10920 OF 2021** | 18-11-2021 | 22-11-2021 |
| **3. 9682 OF 2021** | 31-10-2021 | --- |
| **4. 4644 OF 2021** | 09-05-2021 | 29-06-2021 |
| **5. 4462 OF 2021** | 27-04-2021 | 04-05-2021 |
| **6. 4333 OF 2021** | 27-04-2021 | 04-05-2021 |
| **7. 458 OF 2020** | 12-01-2020 | 19-01-2020 |
| **8. 7758 OF 2020** | 01-11-2020 | 03-11-2020 |
| **9. 15237 OF 2019** | 30-12-2019 | 31-12-2019 |
| **10. 7177 OF 2019** | 27-06-2019 | 05-09-2023 |
| **11. 1809 OF 2019** | 17-02-2019 | 19-03-2019 |
| **12. 05 OF 2018** | 08-04-2018 | 08-07-2018 |
| **13. 14102 OF 2018** |  | |
| **14. 06 OF 2018** | 09-05-2018 | 24-05-2018 |
| **15. 14633 OF 2018** | 20-11-2018 | --- |
| **16. 03 OF 2017** | 14-02-2017 | |
| **17. 31 OF 2017** | 23-02-1997 | 09--04-2018 |
| **18. 12182 OF 2016** | 19-09-2016 | 10-01-2017 |
| **19. 4102 OF 2016** | 03-04-2015 | 15-11-2016 |
| **20. 1509 OF 2016\*** | 07-02-2016 | 08-08-2018 |
| **21. 76 OF 2015** | 02-06-2015 | 03-08-2015 |
| **22. 5541 OF 2015** | 23-05-2015 | 14-02-2017 |
| **23. 04 OF 2015** | 20-04-2015 | 16-04-2015 |
| **24. 3924 OF 2015** | 27-04-2015 | 05-07-2015 |
| **25. 1111 OF 2015** | 05-02-2015 | 18-02-2015 |
| **26. 11302 OF 2015** | 09-11-2015 | 30-11-2015 |
| **27. 12388 0F 2014** | 27-12-2014 | 05-08-2018 |
| **28. 9413 OF 2014** | 19-10-2014 | 28-12-2016 |
| **29. 7878 OF 2014** | 30-08-2014 | 25-08-2019 |
| **30. 10663 OF 2013\*** | 08-10-2013 | 12-14-2018 |
| **31. 4390 OF 2013\*** | 25-04-2013 | 07-03-2023 |
| **32. 5140 OF 2013** | 19-05-2013 | 29-07------- |
| **33. 3841 OF 2013** | 11-04-2013 | 16-04-2013 |
| **34. 3561 OF 2013** | 03-04-2013 | 04-04-2013 |
| **35. 17182 OF 2012** | 19-12-2012 | 03-03-2015 |
| **36. 15693 OF 2012** | 26-11-2012 | 26-11-2012 |

|  |  |  |
| --- | --- | --- |
| **37. 320 OF 2012** | 15-10-2012 | 05-05-2013 |
| **38. 44 OF 2012** | 12-07-2012 | 04-12-2013 |
| **39. 1576 OF 2012** | 12-02-2012 | 18-03-2012 |
| **40. 3814 OF 2012** | 17-01-2012 | 19-01-2021 |
| **41. 312 OF 2012** | 19-01-2012 | 14-11-2014 |
| **42. 7401 OF 2011** | 17-08-2011 | 02-01-2023 |

Figure-2: Case Timeline

- The breakdown of cases into different categories based on timelines (e.g., one week, one month, one year, 8-21 years, and 2-8 years) illustrates the varied nature of PIL cases. This diversity showcases the ability of organizations like BLAST to address a wide range of issues over different durations.

The majority of cases, 21.43%, are resolved within a week, indicating the organization's ability to swiftly address time-sensitive matters. The majority of cases, 9.52%, are adjudicated within a month, indicating a more deliberate and efficient resolution process. The remaining 19.05% of cases reach closure within a year, indicating a protracted yet committed approach to legal redressal. The majority of cases, 9.52%, span eight to twenty- one years, involving protracted legal entanglements, systemic intricacies, and protracted judicial processes. BLAST's persistence in these protracted legal battles demonstrates its resilience and commitment to addressing deeply ingrained issues. The majority of cases, 40.48%, are within the two to seven-year timeline, indicating it's ability to manage cases of moderate temporal duration. This spectrum likely captures legal procedures, systemic reform imperatives, and the need for substantive transformative measures. BLAST's ability to navigate this category demonstrates its versatility and effectiveness in advocating for public interest causes within the realm of judicial redressal.

### Effectiveness in Resolutions:

- The cases presented, such as WP No. 10663 of 2013, WP No. 4390 of 2013, WP No. 15693 of 2012, and Suo Moto Rule No. 04 Of 2015, demonstrate tangible outcomes achieved through PIL. These outcomes include the prohibition of the "two finger test," accountability for the Rana Plaza building collapse, seeking justice for victims of the Tazreen Fashion Limited factory fire, and intervention in cases of sexual assault during cultural celebrations. There are some highlighted Effective cases,

### Some Successful Cases

Since its inception, BLAST has filed more than half a hundred PIL cases in the High Court, among which some of the most important cases are highlighted here,

### Case No.-01

In Writ Petition No. 10663 of 2013, several prominent organizations, including the BLAST, ASK, BNWLA, BRAC, Manusher Jonno Foundation, and Naripokkho, along with medical experts, raised concerns about the "Two Finger Test" conducted on women and girls who had reported rape cases. They argued that this practice was unscientific and lacked forensic value. The petitioners contended that this test violated the physical and mental integrity and dignity of the victims, as well as their rights against cruel, inhuman, and degrading treatment, as guaranteed by the Bangladeshi Constitution.

The High Court issued a Rule Nisi, requesting responses from the Secretary of the Ministry of Health and Family Welfare, Secretary of the Ministry of Home Affairs, Director General of the Directorate of Health Services, and the Inspector General of Police. They were asked to explain why the "two finger test" should not be declared unlawful and of no legal effect. The Court also questioned why the failure to prohibit this test, which resulted in discriminatory and arbitrary treatment, should not be declared unlawful.

As a part of an interim order, the Secretary of the Ministry of Health and Family Welfare was directed to establish a committee within three months to develop comprehensive guidelines for the examination and treatment of women and girls who were victims of rape and sexual violence.

Over subsequent court dates, various forensic experts provided their opinions on the "two finger test." Some experts supported the test, citing its necessity for assessing injuries and determining whether a woman had been raped. Others, including international guidelines and medical jurisprudence books, argued against the test, stating that it had no scientific validity and should not be used.

##### After extensive discussions and expert opinions, the court ultimately issued several directives:

1. Prohibited the use of the "two finger test" in any examination of rape victims.
2. Required that a health care protocol be made available to relevant authorities and professionals.
3. Directed physicians/forensic experts not to use degrading language or inquire about a victim's previous sexual experience in medical certificates.
4. Suggested referral to a gynecologist for deep-seated intra-vaginal examinations.
5. Clarified that the bimanual test should not be practiced in rape victim examinations.
6. Required the appointment of trained doctors and nurses for rape victim examinations, conducted in the presence of female police and preferably by female physicians.
7. Mandated that privacy be strictly maintained during the examination ensured that lawyers did not ask degrading questions to rape victims that were unnecessary to ascertain relevant information.

The case aimed to protect the rights and dignity of rape victims and led to the prohibition of the controversial "two finger test" in such examinations, which shows the challenge faced by the respected organizations on this ground

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### CASE NO. -02

In Writ Petition No. 4390 of 2013, filed on April 25, 2013, the petitioners, BLAST and ASK, brought a case against various government entities, building owners, and others in response to a tragic incident. On April 24, 2013, the Rana Plaza building, which housed several garment factories, collapsed, resulting in the deaths of 1,132 people and injuring many more. The collapse occurred after cracks were reported in the building's structure.

The court issued a Rule Nisi on April 28, 2013, directing all the respondents to show cause as to why they should not be required to take necessary actions to investigate, prosecute, and punish those responsible for the workers' deaths and injuries in the Rana Plaza incident. Additionally, the respondents were to explain why they should not be instructed to take measures to prevent such occurrences in the future.

The court specifically directed respondents No. 8 to 12, who were the owners and managing directors of factories in Rana Plaza, to show cause as to why they should not be required to compensate the victims of the collapse. If they failed to do so, respondents No. 6 and 13 were to be directed to pay the compensation.

The court issued interim directions to the Bangladesh Bank, instructing it to restrict the withdrawal or transfer of funds from the accounts of Rana Plaza's owner and the owners of the factories housed there, while ensuring that workers' salaries were paid.

Over the course of subsequent hearings and applications, the court addressed various matters, including the freezing of accounts, payment of compensation, and other related issues.

This case highlighted the need for accountability and compensation in the aftermath of the Rana Plaza building collapse and the importance of ensuring the safety and welfare of workers in the garment industry in Bangladesh.

### CASE NO. - 03

In Writ Petition No. 15693 of 2012, several prominent organizations, including ASK, BLAST, Nijera Kori, and BRAC, filed a petition against multiple government entities and private organizations in response to a tragic incident.

On November 24, 2012, a devastating fire broke out at the Tazreen Fashion Limited factory in Ashulia, resulting in the loss of more than 110 lives. Following this tragic event, ASK initiated an investigation to determine the causes of the fire, aiming to assist in holding those responsible accountable within the justice system. The investigation included visits to the factory, interviews with victims, their families, witnesses, police officers, and fire department officials.

The investigation report revealed several key factors that contributed to the tragedy, including the absence of adequate emergency exits and fire safety systems, insufficient firefighting equipment, and unsafe practices within the factory.

In response to this incident and the investigative findings, a writ petition was filed, primarily targeting the failure of the government and various organizations to effectively enforce workplace safety laws, especially concerning the prevention of worker deaths and injuries due to fires in garment manufacturing factories.

On November 26, 2012, the High Court issued a Rule Nisi in this case. This rule called upon the respondents (including government officials and private industry representatives) to explain why they should not be directed to investigate, prosecute, and punish those responsible for the factory fire. The court issued several directions, including:

1. Requiring the BGMEA to submit a report on the compliance of garment factories with relevant laws, particularly regarding worker safety.
2. Requesting the NHRC and BELA to suggest names for a probe committee within ten days.
3. Inquiring about the government's actions to implement previous High Court directives related to the safety and security of garment workers.
4. Forming an inspection committee to monitor factory compliance with relevant laws.
5. Requiring Tuba Group and Tazreen Fashions Ltd to detail their actions regarding compensation for the victims and injured workers and their efforts to ensure medical treatment for the injured.

This case addressed significant issues related to workplace safety, especially within the context of the garment industry, and sought accountability and justice for the victims of the Tazreen Fashion Limited factory fire.

##### CASE NO.-04

Case Number: **Suo Moto Rule No. 04 Of 2015** Date of filing: April 20, 2015 Judgment Date: 16/04/2015

##### Petitioners:

* 1. Bangladesh Legal Aid and Services Trust (BLAST)
  2. Ain O Salish Kendra (ASK) (Appeared as Intervenor)

##### Facts:

The case revolves around a Suo Moto Rule issued on April 16, 2015, in response to an incident that occurred during the celebration of Bengal New Year 1422 (Pahela Baisakh) on April 14, 2015, at the Dhaka University campus (TSC Area). Despite the increased security measures, which included the installation of 19 CCTV cameras, women and girls were allegedly subjected to sexual assault and harassment at the TSC.

BLAST, along with Ain O Salish Kendra, applied to appear as intervenors in the case to assist the court. They argued that police failed to take prompt action to control the situation during the celebration, thus violating the Police Act 1861 and infringing on fundamental rights guaranteed under Article 31 of the Constitution. Additionally, they claimed that the police's inaction amounted to a violation of the right to freedom of assembly, as protected

by Article 37 of the Constitution. Furthermore, they asserted that the state had an obligation to uphold Article 15(a) of the IICESCR, which ensures citizens' right to freely participate in cultural life.

The High Court issued a Suo Moto Rule on April 16, 2015, calling upon the respondents to explain why sufficient security measures and proper steps were not taken for the safety of women and citizens during the celebration of Pahela Baisakh, a festival representing Bengali Nationalism. The Rule was returnable within four weeks.

The Court also directed the Ministry of Home Affairs and the Inspector General of Police to submit an inquiry report regarding the departmental proceedings against four police members within 30 days. Additionally, the editors and reporters of the Daily Jugantor, Daily Amader Somoy, and Daily Star were instructed to submit a report with an Affidavit within 15 days to confirm the truthfulness of the incident's news and facts. May 17, 2015, was fixed for the next order in this case.

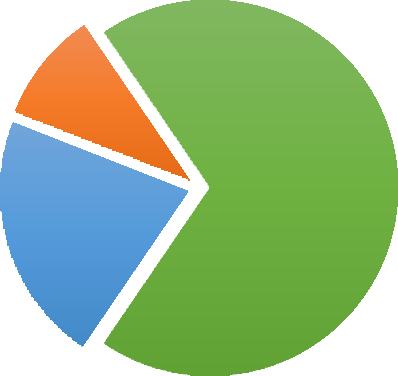
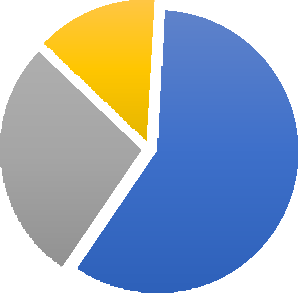
This case highlights the Court's intervention in response to an incident of sexual assault during a cultural celebration and the efforts to hold the authorities accountable for ensuring the safety of citizens, especially women, during such events.

### Organizational Commitment:

The dedication of organizations like BLAST, to not release cases until they are successfully resolved a commitment to the principled legal efforts. This commitment adds to the credibility and effectiveness of these organizations.

Highlighting specific cases with the longest durations, such as WP No: 310 of 2017 and WP No.: 7401 of 2011, emphasizes the tenacity required to pursue justice over extended periods. These examples underscore the dedication of PIL organizations in seeing cases through to resolution, despite the obstacles.

##### Disposal of Writ Petition:



Two- Eight years

Eight -Twenty one years

One Year

One Month

One Week

40.48%

21.43%

19.05%

69.05%

9.52%

9.52%

**Forty-two Cases**

Figure-3: Disposal of Writ Petition in Percentage.

##### There are a total of 42 cases, and here’s the breakdown for each category:

One week has 9 cases, which represents approximately 21.43% of the total cases. One month consists of 4 cases, making up roughly 9.52% of the total. One year encompasses 8 cases, accounting for approximately 19.05% of the total cases. The category of eight to twenty-one includes 4 cases, which is about 9.52% of the total. Lastly, the most significant category is two to seven years, with 17 cases, making up approximately 40.48% of the total cases. So, the overall percentage distribution of cases shows a variation in the duration of cases, with the larger proportion falling into the two to seven years category, followed by one week, one year, one month, and finally eight to twenty-one days. Here largest timeline for the cases of one year, Eight to twenty one years, and Two-Eight Years approximately 69.05% of total 42 cases, which is the highest number of this table and shown on Chart.

The analysis of **Forty two** (42) PIL cases spanning from 1997 to 2023 reveals an intricate timeline and presents a distinctive perspective on how these cases progress from their initiation to disposal. Over this 26-year period, the pace at which these cases have

been adjudicated varies significantly, raising intriguing challenges for organizations like BLAST, which champion public interest causes.

Out of the total 42 cases, a mere 9 cases were resolved within a week, indicating that expedited judicial action in PIL cases is a rarity. Moving on to monthly resolutions, only four cases were adjudicated within this timeframe, underscoring the complex and time- consuming nature of the issues being addressed. Furthermore, a yearly perspective shows that only 8 cases managed to reach closure within a year, emphasizing the enduring nature of PIL cases.

Perhaps the most striking aspect of this analysis is the significant number of cases taking eight to twenty-one years to reach resolution, constituting a substantial 17 cases out of the total. This extended duration can be attributed to the intricacies of the legal process, the complexities of the issues at hand, and the backlog of cases within the judicial system. Additionally, there are 4 cases that found closure within 2 to 8 years, demonstrating a moderate pace of resolution in this category.

However, it is important to remember that a majority of these cases remain unresolved, underlining the difficult and prolonged nature of PIL petitions. This lengthy trail of cases highlights the ongoing challenges faced by organizations like BLAST have in their pursuit of justice and the protection of the public interest. These difficulties include the necessity for legal reform, dealing with the backlog of cases, and ensuring prompt access to justice for pressing public problems. This analysis’ broad and diversified timeline of PIL cases serves as a poignant representation of the complexity and nuances inherent in the legal system, underlining the continuous need of lobbying and legal efforts in the field of public interest litigation.

* The case with the longest duration, identified as WP No: 310 of 2017, was originally filed in the High Court in 1997, ultimately reaching a resolution in 2018 after almost 21 years.
* WP No.: 7401 of 2011 stands out as well, taking a duration of 12 years to reach its resolution, having been filed in August 2011 and finally settled in January 2023.
* Another case, WP No.: 3814 of 2012, was initiated in 2012 and concluded nine years later in 2021.

Organization specialized to PIL issues, has a distinct and excellent track record. The period for these cases, from first filing to conclusion, varies enormously, ranging from a single day to a startling two decades. What characterizes its constant dedication to not release cases until they have been successfully resolved. This practice, while admirable, contributes to the length of these judicial confrontations. Numerous variables come into play throughout these protracted judicial proceedings. Courts may change, justices may be replaced, and new advocates may be appointed, but BLAST is committed to taking these cases through to completion. When there are changes in the legal staff, they take the time to re-explain the matter to the new board. Surprisingly, there are times when a resolution is reached in an unexpectedly short amount of time, sometimes even in a single day.

Nevertheless, there are also cases that continue for an extended period, spanning years and sometimes even decades. Notable examples include WP no. : 7401 of 2011 and WP no. : 31 of 2017, which endured for 12 and 21 years, respectively. Throughout its existence, BLAST has tenaciously fought for cases filed in the High Court, collaborating with allied organizations to uphold the principles and objectives they hold important.

### International Standards and Collaboration:

The reference to international standards, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and collaboration with allied organizations, indicates a strategic approach to addressing issues on a broader scale and aligning with global human rights standards.

### Conclusion

The exploration of PIL cases in Bangladesh, particularly through the lens of organizations like BLAST, reveals a tapestry woven with dedication, resilience, and strategic advocacy. The diverse timelines, ranging from urgent interventions to prolonged legal battles, exemplify the versatility of PIL organizations. The tangible outcomes achieved in significant cases, coupled with the commitment to international standards, underscore the impact these organizations have on legal reforms and the pursuit of justice. As Bangladesh's PIL landscape continues to evolve, organizations like BLAST stand as pillars of advocacy, advocating public interest cases and contributing to the broader arras of legal advancements. The data and cases presented reflect the effectiveness of PIL organizations in Bangladesh, particularly BLAST, by showcasing their ability to navigate diverse cases, confront challenges, achieve tangible outcomes, and contribute to legal reforms and justice. The dedication to upholding principles and objectives, even in the face of extended timelines, underscores the impactful role these organizations play in advancing public interest causes in the country.

## Findings relating to research question-2

**Success of PIL Cases**

### Introduction

The timeline and disposition of PIL cases, as outlined in the provided data, offer a comprehensive overview of the legal landscape navigated by organizations like BLAST. With 42 cases spanning from 1997 to 2023, the analysis delves into the intricate details of case initiation, duration, and resolution. This examination sheds light on the challenges and successes encountered by BLAST in their pursuit of justice and protection of public interest through PIL.

### Evaluation of Data

The claim that BLAST has an astounding 100% success rate in cases that they have assessed witnesses to the organization's constant commitment and effectiveness in pursuing PILs, or public interest litigation. The fact that some pending cases—a meager 4.46%— are acknowledged highlights the organization's transparency regarding the difficulties they experience. The remarkable figure of 95.24% cases successfully resolved shows that BLAST is consistently committed to figuring out legal complexities and overcoming challenges even in the face of numerous pending cases. This high success rate highlights their determination and perseverance in upholding justice in addition to their legal skill. Regardless of how much time passes or how many challenges arise, BLAST's dedication to PIL cases is proof of their relentless pursuit of justice through the legal system.

Total Case - 42

1997-2023

4.76%

**95.24%**

Pending Cases

Successfully disposed cases

Figure-4: Pending and resolved cases.

After evaluating their cases, they concluded that they had **a remarkable 100% success rate**. Though there are some Pending cases exist, shown on chart total of 4.46% of pending cases, and 95.24% disposed successfully. BLAST’s in keeping commitment to these PIL cases, regardless of time or hurdles, demonstrates their dedication to the cause and the pursuit of justice in the judicial system.

### Conclusion:

In evaluating BLAST's track record, the data reveal a striking 100% success rate in resolved cases, underscoring the organization's commitment and effectiveness in navigating the complexities of PIL. Despite a small percentage of pending cases, BLAST's unwavering dedication to these legal battles, irrespective of time or obstacles, emphasizes their relentless pursuit of justice. The timelines also highlight the prolonged nature of PIL cases, illustrating the enduring challenges faced by organizations like BLAST in their ongoing commitment to upholding justice and the public interest within the legal system.

## Findings relating to research question-3

**Challenges of PIL cases in Bangladesh**

### Introduction

In Bangladesh, PIL is a powerful tool for pursuing justice. Organizations (like BLAST) are leading this initiative, however PIL faces a number of difficulties that make it difficult to settle cases. These difficulties add to the complexity and delays in the legal system. These difficulties range from the difficulty of communicating the urgency of a case to the weight of a heavy caseload, erratic date adjournments, jurisdictional shifts, and challenges to post- verdict implementation. This essay explores the complex problems PIL groups confront, illuminating the wider ramifications of these difficulties for Bangladesh's legal system and democratic ideals.

### Challenges of PIL

The PIL system is essential for upholding justice and protecting citizens' rights. It is not, however, without difficulties that might delay the effective settlement of legal matters and the subsequent execution of court rulings. The purpose of this article is to analyze the different issues that afflict the legal system, particularly in the context of the BLAST, and the far-reaching effects of those challenges. The difficulty in expressing the urgency of cases to the court, large caseloads, date adjournments, jurisdictional changes, and post- verdict implementation obstacles are all,

##### Challenges in Conveying Case Urgency

One of the most pressing challenges encountered by PIL organizations like BLAST is the uphill battle of conveying the urgency of cases to the court. These organizations often deal with situations where immediate action is essential to rectify pressing issues. While both the public and PIL advocates may clearly understand the urgency of these matters, the court, unfortunately, doesn't always share the same perspective. This disconnect becomes evident in numerous cases where justices struggle to fully grasp the immediate need for

action, resulting in protracted legal proceedings and substantial difficulties in achieving timely justice. The consequence is that cases that demand urgent attention can languish in the legal system, potentially leading to irreparable harm or irreversible consequences, which undermines the very purpose of PIL organizations and the principles of justice they aim to uphold. Bridging this gap in understanding and ensuring that the courts recognize the time-sensitive nature of certain cases is pivotal for the effective functioning of PIL organizations and for ensuring that justice is served in a timely and meaningful manner (Rabeya, 2023)

##### High Caseloads and Delayed Disposals

The overwhelming caseload faced by the High Court presents a formidable challenge within the legal system, leading to a significant backlog of cases and hindering efficient resolution. This issue is especially pronounced in the context of PIL cases, which are designed to tackle matters of public concern. Unfortunately, these cases often languish in the legal system for extended periods, sometimes stretching into years or even decades. Such delays not only impede the administration of justice but also erode the very essence of PIL, which is intended to provide timely remedies for urgent societal issues. As a result, the efficacy of PIL in addressing pressing public concerns is severely compromised, and the legal system's capacity to respond to the needs of the community is hampered by this systemic problem. Reform and resource allocation within the legal system are crucial to address this issue and ensure the timely resolution of cases that hold significant public interest (Akter, 2023).

##### Unpredictable Date Adjournments

Securing a fixed court date is a persistent challenge for organizations like BLAST and others engaged in PIL. Even with careful and thorough preparations, court dates can be subject to sudden and unforeseen adjournments. This unpredictability can disrupt the meticulously laid-out plans of PIL advocates and introduce frustrating delays into the PIL process. What's particularly vexing is that many of these adjournments stem from factors beyond the control of PIL organizations, such as the unavailability of public advocates or

justices. This inherent unpredictability not only hampers the strategic execution of PIL cases but can also lead to significant setbacks in addressing urgent societal issues. It's imperative that efforts are made within the legal system to minimize such disruptions and ensure a more stable and expedited PIL process, enabling these organizations to effectively advocate for the public interest and swiftly respond to critical matters (Akter,2023)

##### Jurisdictional Changes and the Need for Re-Explanations

The frequent changes in jurisdictional boards and the transfer of judges from one court to another introduce a distinct and often frustrating set of challenges within the PIL system. When a new board or judge assumes control of a case, it often requires a comprehensive re-explanation of the case or issue from the very beginning. This not only consumes valuable time but also adds a layer of complexity to the legal process. As a result, the case may become more convoluted, and the proceedings can be significantly prolonged. This can have adverse consequences for the timely resolution of cases, especially in matters that demand immediate attention. The need for repeated explanations and the potential for varying interpretations of the case can introduce inconsistencies and inefficiencies into the PIL system, ultimately impacting the pursuit of justice. Finding ways to streamline and maintain consistency in legal proceedings despite changes in jurisdiction or judges is crucial for ensuring that cases are resolved in a timely and fair manner (Hasan, 2023).

##### Implementation Hurdles

The challenges within the PIL system extend well beyond the confines of the courtroom. Securing a favorable verdict is only the initial step, and the effective implementation of the new law or directive can be a formidable task. PIL advocates often find that when they reach out to the concerned ministry or authority for cooperation, their efforts are met with indifference and a slew of excuses. The practical implementation of legal decisions can be hampered as these relevant authorities may choose to prioritize other matters or exhibit reluctance to act promptly. This reluctance to carry out court orders poses a substantial challenge, as it not only hinders the intended impact of the legal victory but also erodes the faith in the legal system's ability to effect meaningful change. Addressing these

### 6.5 Recommendations

There are some focused recommendations aim to streamline processes, enhance efficiency, and ensure timely justice in PIL cases, specifically tailored to the challenges faced by the PIL Organizations in Bangladesh,

1. **Simplify Case Urgency Communication**: Create a uniform procedure and provide PIL advocates specialized training.
2. **Address Caseloads and Delays:** Provide more funding and put case management techniques into place to ensure timely resolution.
3. **Enhance Date Adjournment Management:** To reduce problems establish explicit rules and consider doing hearings virtually.
4. **Handle Jurisdictional Changes:** Put policies in place to lessen the frequency of changes and create an extensive case database.
5. **Overcome Implementation Obstacles:** Promote a specialized enforcement mechanism and enhance cooperation to ensure prompt implementation.

Overall, Organizations in the Bangladeshi PIL system can overcome their obstacles by combining improved procedures, resource allocation, technological integration, and increased collaboration. These suggestions are meant to improve workflow, boost productivity, and guarantee that the pursuit of justice in matters of public concern is not only timely but also successful.

# Chapter Seven: Discussion, and Conclusion

### Discussion

The landscape of PIL organizations in Bangladesh, demonstrated by entities like BLAST, unfolds as a dynamic weaving marked by diversity in cases and time-frames. In analyzing organizational effectiveness, while this approach provides a structured evaluation of policymaking decisions and technical expertise, a more comprehensive analysis, as encouraged by perceived references, demands consideration of the lived realities faced by both executives and the organizational custom. The breakdown of cases, ranging from instant resolutions within a week to protracted spanning over two decades, showcases the multifaceted nature of BLAST's engagement. This diversity underscores its ability to address a wide scale of issues with varying progressive distinctions. The organization's success in resolving cases within a week reflects its agility in handling time-sensitive matters, while the commitment to protracted legal procedure demonstrates resilience in undertaking deep-rooted issues. The majority of cases falling within the two to seven-year timeline highlights BLAST's versatility in navigating legal complexities and advocating for substantive measures. In essence, the effectiveness of PIL organizations in Bangladesh extends beyond managerial perspectives, weaving a complex narrative that intertwines legal advocacy, managerial strategies, and the impact on both the legal practitioners and the broader community affected by environmental issues.

The broad analysis of PIL cases in Bangladesh, with a focus on organizations like BLAST, unveils a narrative marked by unwavering dedication, flexibility, and strategic advocacy. The diverse timelines showcased, ranging from urgent interventions to protracted legal battles, underscore the versatility and tenacity of PIL organizations in addressing multifaceted societal challenges. The specific cases highlighted, such as the prohibition of the "two finger test," accountability for the Rana Plaza building collapse, justice for victims of the Tazreen Fashion Limited factory fire, and intervention in cases of sexual assault during cultural celebrations, exemplify the noticeable impact of these organizations on

legal reforms and the pursuit of justice. Moreover, the commitment to international standards, as evidenced by references to the ICESCR, and collaboration with allied organizations, reflects a strategic and global approach to addressing issues on a broader scale. As the PIL landscape in Bangladesh evolves, organizations emerge as pillars of advocacy, contributing to legal advancements and serving as catalysts for positive change. The data and cases presented not only highlight the effectiveness of PIL organizations but also emphasize their enduring commitment to upholding principles and objectives, even in the face of extended timelines, reinforcing their impactful role in advancing public interest causes in the country.

The comprehensive analysis of challenges faced by organizations in the realm of PIL illuminates the intricate landscape navigated by these entities. The success of PIL cases, highlighted by BLAST's remarkable 100% success rate in resolved cases, underscores their commitment and effectiveness in the pursuit of justice. However, the discussion also unveils a spectrum of challenges, ranging from conveying case urgency to addressing high caseloads, date adjournments, jurisdictional changes, and implementation hurdles. The difficulties in conveying the urgency of cases to the court, coupled with the burden of heavy caseloads, pose significant obstacles to the swift administration of justice in matters of public interest. The unpredictability of date adjournments, jurisdictional changes, and hurdles in implementing post-verdict decisions further compound the challenges faced by PIL organizations. The multifaceted nature of these challenges calls for targeted recommendations, including standardized processes for identifying urgent cases, allocation of additional resources, clear guidelines for adjournments, measures to minimize jurisdictional changes, and strengthened collaboration for effective implementation. These recommendations, if implemented, can enhance efficiency, streamline processes, and ensure timely justice in PIL cases, reinforcing the role of organizations like BLAST in upholding the rule of law and addressing pressing societal concerns.

### Conclusion

In conclusion, the exploration into the effectiveness of PIL, undertaken by the PIL Organizations reveal a nuanced landscape of legal activism and social justice pursuits. The research delves into the procedural intricacies of it's PIL cases, shedding light on both commendable efforts and the challenges encountered in the pursuit of justice and public welfare.

BLAST's role in PIL since 1996 has been pivotal, with 42 distinct writs initiated in the Supreme Court of Bangladesh from 1997 to 2023. These cases span a wide range of societal issues, from women's rights to environmental concerns, showcasing the organization's commitment to addressing multifaceted challenges. The impact of BLAST's strategic use of litigation extends beyond statutory obligations, contributing significantly to the legal landscape and the broad interpretation of fundamental rights in Bangladesh.

The analysis of 42 PIL cases from 1997 to 2023 presents a diverse timeline, highlighting the complex nature of these cases. While a notable 100% success rate is celebrated, the prolonged duration of some cases, spanning up to 21 years, underscores the persistent challenges faced by the organizations. The dedication to seeing cases through to completion, even in the face of changing legal landscapes, reflects BLAST's unwavering commitment to justice. The study acknowledges limitations, including the difficulty of individually studying the broad scope of PIL that encompasses the interests of the entire society. The challenges faced in data collection, particularly from BLAST's website, underscore the need for a thorough investigation of barriers in PIL case processing.

In essence, BLAST's journey in PIL is a testament to the enduring impact of legal activism in addressing societal challenges. The organization's success stories and the complexities revealed through this research contribute to a deeper understanding of the dynamics of PIL in Bangladesh. As it continues to navigate the intricate landscape of public interest litigation, its efforts remain a beacon of hope for a more just and equitable world.

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