

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

WRIT PETITION NO. OF 2010.

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

1. Human Rights and Peace for Bangladesh (HRPB),
represented by it's Secretary, Advocate Asaduzzaman
Siddique, Hall No. 2, Supreme Court Bar Association
Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry
of Establishment, Bangladesh Secretariat , P.S.:
Shahbag, District: Dhaka.

2. The Secretary, Ministry of Commerce, Bangladesh
Secretariat, P.S.: Shahbag, District: Dhaka.

3. The Secretary, Ministry of Power, Energy and
Minarel Resources, Bangladesh Secretariat, P.S.:
Shahbag, District: Dhaka.

4. The Deputy Commissioner, Rangpur, District-
Rangpur.

.....Respondents.

GROUND S

I. For that the duty and responsibility vested upon the administration to follow the instruction of the government. The respondents are also duty bound to obey the provision of law. It is the duty of an officer to perform the duties in accordance with law, but they have failed to perform the duties and responsibility as per the constitution. Hence a direction may be given to take appropriate steps against the respondent no. 4.

II. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. According to the news report the provision of Article 21 of the Constitution of Bangladesh has been violated.

III. For that The Prime Minster directed the administration not to misuse the electricity in pick time due to shortage of electricity. The cause was to ensure supply of electricity for the farmer for cultivation of rice on which all the citizens are depending on. The Prime Minster also urged the people to consider the matter due to shortage of electricity and for much production of rice. Despite of that the respondent no. 4 along with other district administration misused the electricity in pick time by way of playing Lon tennis. Abusing the power of the respondent no. 4, the District administration misused the electricity by playing Lon Tennis in Floodlight hence is clear violation of the instruction of the government.

IV. For that the total production of electricity is less than the demand of the country and also hampers the industrial and agricultural production of the country. So at this stage there is no alternative to stop misuse of electricity which is reflected by the instructions of the Hon'ble Prime Minister. In many places electric connection was continuing by the illegal means of the corrupted people of the electricity department and the government is depriving huge. Many shop owners are using excesses bulb in their commercial place, which is totally unnecessary and creating obstruction to other users of electricity. Even they use 20-40 bulb in a small space and unnecessary consuming electricity by depriving others people. Both the illegal steps should be stopped for reducing the suffering of the citizens in respect of shortage of electricity. So it is necessary to direct the respondents to monitor the situation effectively by way of forming a committee in every City Corporation. It is also necessary to disconnect all the illegal electric lines and to stop use of excesses bulb in shops and commercial palace in order to improve the situation.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

- a) Issue a Rule Nisi calling upon the Respondents to show cause as to why the steps taken by the respondent no. 4 by abusing power of the district administration and violating the instruction of the government regarding the misuse of electricity, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondent no. 1 to take proper disciplinary action against the respondent no. 4 for his conduct.
- b) Pending hearing of the Rule an order may be passed directing the Respondent no. 1 to refrain the respondent no. 4 from performing any function as Deputy Commissioner in any District.
- c) Pending hearing of the rule direct the respondent no. 1 to form an inquiry committee to investigate the matter published in the news paper and submit a report before the Court within 15 (fifteen) days.
- d) Pending hearing of the rule direct the respondent no. 2 to form a vigilance team in all City Corporations consisting of members of law enforcing agencies, electricity department and local administration to stop misuse of electricity by way of disconnecting of illegal connection and to stop using excesses bulb in every shops and commercial place and submit a compliance report within 30 (thirty) days.

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The case was heard by the Hon'ble High Court Division and disposed of the rule with direction.
