

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 President, Advocate Manzill Murshid, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
3. Advocate Sarwar Ahad Chowdhury, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh, and 3/14 Bashbari Bosila Road, Mohammadpur, P.S.: Mohammadpur, Dhaka.
4. Advocate Md. Aklas Uddin Bhuiyan Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 3 Agamashi Lane, P.S.: Kotwali, Dhaka.
5. Advocate Mahbubur Rahman Khan Lodi, Son of Golam Rahman Lodi of 153/Gha East Raza Bazar, Police Station –Tejgaon, Dhaka, Bangladesh.
6. Advocate Sheikh Atiar Rahman, Hall No. 2 Supreme Court Bar association Building, P.S. Shahbag, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of Commerce, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Secretary, Ministry of Food, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
3. The Chairman. Trading Corporation of Bangladesh (TCB), TCB Bhaban 1, Kawranbazar, Dhaka-1215, bangladesh.

4. The Chief Controller of Export & Import, Office of the Chief Controller of Export & Import, 11-113 Motijheel C/A, Dhaka, Bangladesh.
5. The Chairman, Chittagong Port Authority, Chittagong Port Area, Chittagong, Bangladesh.
6. The Director General (D.G.), National Consumer Protection Directorate, Under the Ministry of Commerce, Bangladesh Secretariat, Dhaka, Bangladesh.
7. The Inspector General of Police (IGP), Police Head Quarter, Fulbaria, Dhaka, Bangladesh.
8. The Director General (D.G.), Rapid Action Battalion (RAB), RAB Head Quarter, Uttara, Dhaka, Bangladesh.
9. The President, Bangladesh Vegetable Oil and Bonospati Manufacturer Association, 48-A/D, Puranapaltan, Batiul Khair Building, P.S.- Paltan, Dhaka, Bangladesh.
10. The Secretary, Bangladesh Vegetable Oil and Bonospati Manufacturer Association, 48-A/D, Puranapaltan, Batiul Khair Building, P.S.- Paltan, Dhaka, Bangladesh.

.....Respondents.

GROUNDS

I. For that the duty and responsibility vested upon the administration to perform the duties for the people. 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 vested upon them under article 21 of the Constitution of Bangladesh. Hence respondents may be directed to take necessary steps to take immediate steps to stop increasing the price of Soya bin oil by way of illegal means.

II. For that the Soya bin oil is an essential commodities for the normal life living of the citizens of the country. So at this stage there is no alternative to stop increase the price of Soya bin oil, otherwise the peoples will suffer financially.

III. For that disregard to laws and legal provisions and failure to ensure proper steps the respondents have caused enough threat to the life of the citizen and adversely affecting to the right to life. Under these circumstances the respondents are legally bound to take all necessary steps to take necessary steps for increasing the price of Soya bin oil. Hence a direction may be given upon the Respondents to take appropriate steps to stop increasing the price of Soya bin oil.

IV. For that without any precautions to save the life of the citizen, the respondents has sent the life of the people in a dangerous situation, which is violation Article 18(1) of the Constitution of Bangladesh. Moreover the right to life is a fundamental right guaranteed under Article 32 of the Constitution of Bangladesh but it is violating by way of failure to stop increasing the price of Soya bin oil.

V. For that as per section 3(1) of The essential Commodities Act. 1957 it is the duty of the Government to organize availability at fair prices of any essential commodities. As per section 3(2)(a) of the essential commodities Act. 1957, the duty of the Government is to control the prices of any essential commodities

bought or sold in any area. But in the case of price of Soya bin oil, the Government has failed to perform his duties, hence the respondents may be directed to take appropriate steps to stop increasing the price of Soya bin oil.

VI. For that as per section 21 of the *১৫৩১ আদিকি মসি ৭১১ আবিব*, 2009, the function of the Director General is to protect the right of the consumers. But despite of illegal and unreasonable increasing the price of Soya bin oil the Director General has not taken any steps to stop or control the price of Soya bin oil. Hence the respondents may be directed to take appropriate steps to stop increasing the price of Soya bin oil.

VII. For that the procedure of increasing the price has been laid down in section 20(4) of Standard of Weights and Measures Rules, 2007. It was specifically stated that before increasing the price notification must be published in the news paper as well as the consumers must be informed. Without following the procedure the respondent's no. 9 and 10 increased the price and the other respondents did not take any steps to stop illegal increasing of the price of Soya bin oil. Hence the respondents may be directed to take appropriate steps to stop increasing the price of Soya bin oil.

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 inaction of the respondents to take necessary steps to stop increase of price of Soya bin oil and failure to take necessary steps to ensure the reasonable price and supply in the market for the citizens of the Bangladesh, should not be declared illegal and without lawful authority,

AND

Why a direction should not be given upon the respondents to form a price control commission in order to fix the price and control the price of essential commodities within the purchasing the capacity of the citizen of Bangladesh.

b) Pending hearing of the Rule direct the Respondent No. 1 to form a high power committee within 7(seven) days consisting of the representative of Ministry of Food, Ministry of Home Affairs, Ministry of Commerce, representative of Export Import Bureau, representative of Trading Corporation of Bangladesh, representative of Consumers Association of Bangladesh(CAB), representative of FBCCI, renowned Economist, Professor of Business Administration and representative from Soya bin oil importer to formulate guideline to control the price of Soya bin oil and submit the report within 4 weeks before this court.

c) Pending hearing of the rule direct the respondent no. 4 and 5 to submit a detail reports within 4 (four) weeks mentioning the quantity and price of the imported Soya bin oil from different

countries in different dates by the different importers of Bangladesh for the last 6 months.

d) Pending hearing of the rule direct the respondent no. 9 and 10 to collect the sale price of the different brand of Soya bin oil to the dealers during last 6 (six) months and submit a report within three 4 (four) weeks before this court.

e) Pending hearing of the rule direct the respondent no. 3 to submit a report within 2 (two) weeks before this court stating the reason why TCB is unable to perform the effective role in case of smooth supply of essential commodities in order to control the price of the market.

f) Pending hearing of the rule direct the respondent no. 7 and 8 to activate their field administration to monitor the supply of essential commodities in the locality and taking action in case of hoarding of the goods at the time of crisis of essential commodities.

Present Status

The case was filed 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 matter is pending before the Hon'ble High Court Division.
