

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

WRIT PETITION ON OF 2012

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 its Secretary Advocate Asaduzzaman Siddiqui, 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 Finance, Bangladesh Secretariat, P.S. Shahbag, Dhaka – 1000, Bangladesh.

2. The Secretary, Ministry Banking Division, Bangladesh secretariate P.S. Shahbag, Dhaka – 1000, Bangladesh.

3. The Governor, Bangladesh Bank, Bangladesh Bank Head Office, Motijheel, Dhaka, Bangladesh.

4. The Chairman, Board of Directors of Janata Bank, Head Office, Motijheel Commercial Area, Dhaka, Bangladesh.

5. The Managing Director, Janata Bank, Head Office, Motijheel Commercial Area, Dhaka, Bangladesh.

6. Mr. Nazimuddin, General Manager, Industrial Loan Division, Head Office, Janata Bank, Motijheel Commercial Area, Dhaka, Bangladesh.

7. Mr. M. A Rashid, Assistant General Manager, Industrial Loan Division, Head Office, Janata Bank, Motijheel Commercial Area, Dhaka, Bangladesh.

8. The Chairman, Anti Corruption Commission (ACC), ACC Head Office, Shegunbagicha, Dhaka, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Failure/inaction of the respondents to stop corruption and illegal loan sanction by the Janata Bank and also negligence to take appropriate legal

action against the officers of the Janata Bank who are engaged in corruption and caused of misuses of public money.

GRUNDS-

I. For that the duty and responsibility vested upon the respondents to serve the people and initiate lawful steps and the respondents are also duty bound to obey the provisions of law. But the respondents have failed to perform the duties and responsibility as vested upon them and also failed to take steps against the corruption. Hence the respondent no. 6 and 7 should be restrained from any duties in the process of loan sanction of the Janata Bank.

II. For that the fundamental rights of the citizens declared in the part III of the Constitution is to be enforced and protected by the judiciary. If the officials maintain their corrupt practice in return of bribe then people will lose hope on administration and as well as the society will be affected. Hence the respondents should be directed to take legal action against the corrupt practice of the bank officers serving under the Janata Bank..

III. For that under Article 21 of the constitution the respondents and concern officials are duty bound at all time to serve the people and to perform the public duties. Nevertheless, they have failed to do their duty because they have failed to take steps against the corruption as reported in the news paper.

IV. For that the respondent no. 6 and the respondent no. 7 as Manager and General manager has been entrusted by the public fund but in order to personal benefit they are engaged themselves with corruption not only much loan was also sanctioned to fake persons, which is illegal. Hence the respondents should be directed to take appropriate action against the corrupt bank officers.

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 failure/inaction of the respondents to stop corruption and illegal loan sanction by the Janata Bank, should not be declared illegal and without lawful authority.

AND

Why a direction should not be given upon the respondents to take appropriate legal steps against the officers of the Janata Bank who are engaged in corruption and caused of misuses of public money as reported in Jugantar dated 22.11.12..

b) Pending hearing of the rule directs the respondent no. 4 and 5 to withdraw the respondent no. 6-7 from performing any duties/responsibility related to any kinds of loan of the Janata Bank because of allegation of corruption brought against them and submit a compliance report within 10 (ten) days before this court..

c) Pending hearing of the rule directs the respondent no. 1 to form a committee within seven days consisting of three members chaired by a retired Governor of Bangladesh Bank along with two others high official serving under the

Respondent No. 1 and 2 to investigate the allegation of corruption against Janata Bank officials and also to prepare a guide line to stop corruption in the office of the Janata Bank in respect of loan and submit the report three months before this court through the Registrar of the Supreme Court of Bangladesh .

d) Pending hearing of the rule directs the respondent no. 2 to prepare a detail statement of remission of loan to the parties for the last 10 (ten) years and submit it within three months before this court through the registrar of the supreme Court Of Bangladesh.

e) Pending hearing of the rule directs the respondent 3 to submit a report about the steps taken by Bangladesh Bank in performing their regulatory functions in respect of irregularities of loan of Janata Bank.

f) Pending hearing of the rule directs the respondent 5 and 6 to submit a report within one month stating the steps taken the them against the corrupt bank officers about allegation of corruption reported in daily Jugantar dated 22.11.12.

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 matter is pending before the Hon'ble High Court Division.
