

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

WRIT PETITION NO. OF 2014.

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:

Human Rights and Peace for Bangladesh (HRPB), represented by its 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 Civil Aviation, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka, Bangladesh.

2. Biman Bangladesh, a statutory body corporate operating pursuant to Bangladesh Biman Corporation Ordinance, 1977, represented by its Managing Director, Biman Bangladesh Airlines, Head Office, Balaka Bhaban, Airport Road, Dhaka, Bangladesh.

3. Anti Corruption Commission, represented by its Chairman, Shegunbagicha, Dhaka, Bangladesh.

4. National Board of Revenue (NBR), represented by its Chairman, Shegunbagicha, Dhaka, Bangladesh.

5. The President, CBA, Biman Bangladesh Airlines, Head Office, Balaka Bhaban, Airport Road, Dhaka, Bangladesh.

6. The General Secretary, CBA, Head Office, Balaka Bhaban, Airport Road, Dhaka, Bangladesh.

.....Respondents.

AND
IN THE MATTER OF:

Refusal of the Respondents to appear before the Anti Corruption Commission which has issued summons against the 17 (seventeen) CBA leaders, Central Committee, Biman Bangladesh Airlines to interrogate/investigate them about corruption and irregularities in Biman Bangladesh Airlines in accordance with law, should not be declared illegal as being violative of the Articles 21 and 31 of the Constitution of Bangladesh.

GROUND S

- I. 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. That under Article 31 of the Constitution of Bangladesh every one is to be treated in accordance with law. According to the news report the provisions of Article 21 and 31 of the Constitution of Bangladesh has been violated.
- II. For that the duty and Responsibility vested upon the administration to protect the life of the persons. 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 responsibilities as per the Constitution. Hence a direction may be given upon the respondents to conclude the investigation as early as possible.
- III. For that the Respondent nos. 1-4 were failed to bring the Respondent nos. 5-6 before the Respondent no. 3 to investigate/interrogate them about the corruption and irregularities in accordance with law. That as per section ১৭(৩) the Anti-Corruption Commission Act, 2004 the power was vested upon the Commission to determine the procedure of enquiry, investigation, filing of corruption cases. That according to the said provision of section ১৭(৩) of the Anti-Corruption Commission Act, 2004, the Respondent nos. 5-6 are bound to appear before the Commission, as Commission issued summons against the Respondent nos. 5, 6 and others. Hence, such kinds of refusal of the CBA leaders along with the Respondent nos. 5 is illegal.
- IV. For that as per section ১৯(১)(ক) of the Anti-Corruption Commission Act, 2004, the Commission shall have the powers in matters of enquiry or investigation against corruption to issue summons and ensure attendance of witness and ask

questions to witness upon administering oath. That according to section ১৯(২) of the aforesaid Act, the Commission may direct any person to furnish information relevant to enquiry or investigation and the person so directed shall be bound to furnish such information. Moreover, as per section ১৯(৩) of the Anti-Corruption Commission Act, 2004, if any person offers any resistance to a Commissioner or an officer duly authorized in exercise of his power under sub-section (১) or willfully disobeys any direction given there under, such act of the person shall be an offence punishable with imprisonment for a term not exceeding 3 (Three) years or fine or with both. Hence refusal to appear before the Commission may be declared illegal.

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 refusal of the Respondents to appear before the Anti Corruption Commission which has issued summons against the 17 (seventeen) CBA leaders, Central Committee, Biman Bangladesh Airlines to interrogate/investigate them about corruption and irregularities in Biman Bangladesh Airlines in accordance with law, should not be declared illegal as being violative of the Articles 21 and 31 of the Constitution of Bangladesh.

AND

Why a direction should not be given upon the respondents to take steps as per the provision of section ১৯(৩) of the Anti-Corruption Commission Act, 2004, against the respondent no. 5 and 6.

b) Pending hearing of the Rule direct the Respondent no. 5 and 6 to appear in person before this Court on 19.02.2014 at 10.30 am to explain their conduct.

c) Pending hearing of the Rule direct the respondent no. 2 to submit full particulars of the CBA members of Biman Bangladesh Airlines before this court within seven days.

d) Pending hearing of the Rule direct the Respondent no. 3 and 4 to take steps within

two weeks against the Respondent nos. 5, 6 in accordance with the provision of law.

e) Upon hearing the cause if any shown makes the rule absolute.

f) Pass such other or further order or orders as your Lordships may deem fit and proper..

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