

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

WRIT PETITION NO. OF 2011.

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.

2. 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.

3. Advocate Md. Aklas Uddin Bhuiyan
Publicity Secretary of Hall No. 2, Supreme
Court Bar Association Bhaban, Dhaka and
33 Abdul Hadi Lane, Police Station
Kotwali, District- Dhaka, Bangladesh.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of Finance, Bangladesh Secretariat Building no.7(3rd floor), P.S. Shahbag, Dhaka – 1000, Bangladesh.

2. Bangladesh Bank, represented by The Governor, Bangladesh Bank Head Office, P.S. Motijheel, Dhaka, Bangladesh.

3. The Joint Secretary (Banking Administration), Ministry of Finance, Bangladesh Secretariat, Building no.7 (3rd floor), P.S. Shahbag, Dhaka – 1000, Bangladesh.

4. The Joint Secretary (Banking Policy),
Ministry of Finance, Bangladesh Secretariat,
Building no.7 (3rd floor), P.S. Shahbag,
Dhaka – 1000, Bangladesh.

5. The Joint Secretary (Banking
Monitoring), Ministry of Finance,
Bangladesh Secretariat Building no.7 (3rd
floor), P.S. Shahbag, Dhaka – 1000,
Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

For a direction to take steps to print
Bangladesh currency notes in dissimilar

size and shape; and with dissimilar security marks in order to avoid counterfeiting the Bangladesh currency notes.

To,

Mr. Justice A.B.M. Khairul Haque, the Hon'ble Chief Justice of Bangladesh and his companion Judges of the said Hon'ble Court.

The humble Petition of the Petitioners above named most respectfully;-

S H E W E T H:

1. That the organization Human Rights and Peace for Bangladesh (HRPB) is a non profitable registered organization and the objects of the organization is to uphold the human rights of the citizen and to work for the poor people, to give legal support to the helpless people, and to build up awareness amongst the people about their rights etc.

That the organization is engaged in promoting and defending human rights, supporting the victims of human rights violations. It also works to protect environment and to protect health of the citizen and to establish rule of law.

2. That the petitioners are practicing lawyer of this Hon'ble Court, human rights activist and conscious citizen of the country. They are challenging the printing of Bangladesh currency note of different value in similar size and shape and with similar security marks. The petitioners also seek to bring this application by invoking Article 102 of the Constitution as public interest litigation in order to take necessary steps to stop counterfeiting the Bangladesh currency notes, who has failed to perform their duties as vested upon them as a government servant.

3. That the Respondent No. 1 is Bangladesh represented by the Secretary, Ministry of Finance, Bangladesh Secretariat Building

no.7(3rd floor), P.S. Shahbag, Dhaka – 1000, Bangladesh. Respondent

no. 2 is The Governor, Bangladesh Bank, Head Office, Motijheel,

Dhaka, Bangladesh. Respondent no. 3 is The Joint Secretary (Banking

Administration), Ministry of Finance, Bangladesh Secretariat Building

no.7 (3rd floor), P.S. Shahbag, Dhaka – 1000, Bangladesh. Respondent

no. 4 is The Joint Secretary (Banking Policy), Ministry of Finance,

Bangladesh Secretariat Building no.7 (3rd floor), P.S. Shahbag, Dhaka –

1000, Bangladesh. Respondent no. 5 is The Joint Secretary (Banking

Monitoring), Ministry of Finance, Bangladesh Secretariat Building

no.7 (3rd floor), P.S. Shahbag, Dhaka – 1000, Bangladesh. That the

addresses of the petitioner and the respondents given above are correct

for the purpose of service of notices.

4. That it is stated here that the matter is involved a public

importance. Though the Bangladesh currency notes are the vital

ingredient of economy and commerce of the country, but some

corrupted businessman are using the lacking of printing to counterfeit and using the irregularity in exchange of defective notes, thus the peoples are being aggrieved in generally and personally as they are being defrauded and deceived by these counterfeit notes. It is stated here that some businessman for their own interest and financial benefit use these loop wholes of monetary policy which is dangerous for our economy and commerce. That it is stated here that the matter is involved about the interest of the economy of the people which is related to right to property of the citizen. The effected people unable to come to enforce their fundamental rights, hence the petitioners move this Public Interest Litigation (PIL) before this Hon'ble Court. As it involves great public importance so this petition may be treated as public interest litigation.

5. That it is stated here that on 26th March 2010 a news was published relating to the circulation of counterfeits in "Daily Shomokal" with the heading, "20 Controllers of Counterfeits Scam"

where it was reported that there is a gang of at least 20 members who are responsible, along with several employees of Bangladesh Bank, for smuggling new 10 and 100 taka notes to Pakistan, for reprinting 10 taka notes to 50 taka notes and 100 taka notes to 500 taka notes. The god-father of this gang named Al-Amin is intimately associated with the owner of the factory named Waker, where these notes are being printed. It was also reported that Waker is also involved in printing counterfeit Indian Rupee and Dollar, and they use Bangladesh as the route to smuggle these counterfeits to India. In 2000 at Zia International Airport this Waker was arrested with huge amounts of illegal foreign currency and that time Al-Amin helped Waker to get bail and to arrange a forged passport to go to Pakistan. This report also states the names of other members of this gang who are, Al-Amin's brother Ahsan Ullah Khondokar, Al-Amin Dewan, Abul Hossain, Md. Babul, Md. Monwar Hossain, Abdur Hossain, Nurul Islam, Md. Rocky, Md. Basir Ullah, Md. Shumon, Sekandar Bhuiyan

(Gulistan), Khokon Majhi (Fotullah, Narayangong), Md. Rejaul and Shawpon. It was also reported that the borther of the god-father Ahshan Ullah has intimate connection with several officer's of Currency Management Department on the head quarter of Bangladesh Bank. Through the help of them he obtain new 10 and 100 taka note by paying 20000/= (Twenty Thousand Taka) extra in every 10000/= (One Lac Taka) and use these notes to print counterfeit. Abul Hossain and Al-Amin Dawan associated with Ramjan, Liton and Rahim, the employee of the Sadarghat Branch of Bangladesh Bank, are operating the counterfeit trade. One and half years back Ramjan was caught red-handed, while attempting to take away the "cutting notes", however due to pressure of CBA leaders, no actions were taken against him. Md. Babul is in charge of communication with the Khulna Branch of Bangladesh Bank and his father was employee of Bangladesh bank. Nurul Islam collects notes from Barishal Branch of Bangladesh bank with the assistance of some employees over there. The god-father of

this gang, Al-Amin Khondokar's main assistant, Md. Shumon frequently stopover in Bangladesh Bank. From Rajshahi branch of Bangladesh Bank Rocky, from Rangpur branch of Bangladesh Bank Abdar Hossain and Bogura branch of Bangladesh Bank Monwar hossain; collect 10 and 100 taka note to create counterfeit. An intimately associated person to this gang informed that this scam could not be stopped until the 500 taka note in circulation is withdrawn. Rather doing this, the Bangladesh Bank has taken an step to withdraw the small and old 100 taka note. A higher-ranking official of Bangladesh Bank agreed with the statement and said it is essential to take decision to withdraw the 500 taka note to prevent the identical size 100 and 500 taka note counterfeit scam. Because the general people identifies the counterfeit by spotting the security water mark and thread. However the counterfeit of 500 taka note by the 100 taka note has every single one of these security marks. Even though, the security machines could not authenticate these super counterfeits. Due

to this the general peoples are being deceived and the economy of the country is being affected. The Deputy Inspector General (DIG) of Criminal Investigation Department (CID) informed the Daily Shomokal that the charge sheet of numerous cases connected to recovery of counterfeit has been submitted. Several accused were even been convicted, nonetheless the counterfeit scams are not clogged.

Copies of the paper clippings are annexed herewith and marked as

“ANNEXURE- A Series”.

5. That it is stated here that the currency notes are the vital ingredient of the finance and commerce of a country. If the circulations of these bank notes are interfered in an illegal means, then it will affect the back bone of the country. Thus the fiscal policy of

the government, in recent times is defective and has loop wholes, which is being used by some corrupt businessmen for their personal gain. However their illegal monetary practices are endangering the economy of the country and citizens are being defrauded.

6. That it is stated here that the government has printed “100 taka” and “500 taka” bank notes with identical size and shape, and with indistinguishable security marks. Some businessman uses the 100 taka notes’ paper to reprint 500 taka note on that paper. Due to this there are shortages of 100 taka note in market and excess 500 taka notes are in circulation. Hence the government is losing millions of taka, due to which the finance and commerce of the country is being seriously affected.

Samples of the 500 taka note and 100
take bank notes are annexed herewith
and marked as **“Annexure –B”**.

7. That it is stated here that because the size shape and security marks of the both 100 taka note and 500 taka note is identical thus it cannot be indentified in any means. Commonly people identify the counterfeit by security silver thread, and water mark of “Royal Bengal Tiger” and Bangladesh Bank monogram, however in these counterfeit these marks are present so it is virtually impossible for any common people for distinguish between these counterfeit and original bank note. So due to these identical size, shape and security marks common citizens are being defrauded.

8. That it is stated here that because it is impossible for any common citizens to distinguish between the real bank note and

counterfeit, they receive these counterfeits in honest mistake.

However, whenever a person submits these counterfeits in any bank counter and if they could identify those notes as counterfeit, they “red mark” these notes. With due respect, it is required to emphasize that a 500 taka bank note is a high amount, so in such cases, people are suffering massive loss. So there should be easily distinguishable security marks which can easily be identified by general people.

9. That it is respectfully stated that as the 500 taka counterfeits are made on 100 taka bank notes, so the security marks are authentic, so these notes cannot be identifiable even in machines on bank to identify counterfeit. So these counterfeits also can be found in sealed bundles obtained by the counters and in ATM machines of all banks and people receive it in honest belief, thus being defrauded.

12. That it is stated here that the respondent are the experienced public servant and very much aware of the rules and instructions of the government. More over the issues of currency notes counterfeit is always reporting in media, but no steps has been taken to stop it. Under these circumstances a legal notice was sent to the respondents but received no reply.

Copy of the legal notice is annexed here
with and marked as 'ANNEXURE-C'

13. That it is respectfully submitted that it is unprecedented that two different notes with dissimilar value is printed on identical paper, size, shape and indistinguishable security marks. Due to this the economy of the country is being threatened and people are deceived by super counterfeits which cannot be easily detected.

14. That it is further submitted that due to the negligence of the respondents few dishonest persons has got an opportunity to create super counterfeits which cannot be easily detected and thus the economy and the interest of the citizens are being seriously endangered.

15. That it is submitted here that the respondents are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty because they have failed to take steps against counterfeiting of the bank note.

16. That it is stated here that Human Rights And Peace For Bangladesh (HRPB) is an organization working on different issues and many public interest litigations have been filed by them. In many cases the Hon'ble High Court Division has passed judgment such as i) VAT collection from the patient declared illegal, ii) directed to

constitute civil vacation court during civil vacation in every December in subordinate court, iii) directed not to set up any cattle hat on the street in Dhaka City during Eid-Ul-Azha and removing all slaughtering materials within 24 hours with a hygienic manner, iv) directed to form an inquiry commission about murder/rape /persecution/torture committed immediate after parliament election of 2001 upon the then opposition supporter and minorities, v) directed to set up food court in every city in order to prevent food adulteration, vi) directed to form an “Earthquake Preparedness And Awareness Committee” and collected the necessary earthquake rescue equipments as per their recommendation, vii) directed to protect river Buriganga, Balu, Turag and Shitallakha and to stop encroachment in the rivers as well as directed to remove all the structure from inside the rivers and etc. Many others cases are pending before the Hon’ble High Court Division. The organization is always bearing all the cost of the cases by its own fund which is raised by the donation of the

members. The organization received no fund from abroad or from any citizen of the country except the lawyer members. Due to present high volume of cases it is not possible to bear the cost of the cases filed before the Hon'ble High Court Division as public interest litigation. Under these circumstances it is necessary to exempt the cost of the cases filed by the organization as public interest litigation. Hence a direction may be given to the office to register the application as a writ petition and also notices may be served at the cost of office.

17. That being aggrieved by and dissatisfied with the inaction of the respondents to take necessary steps to take steps to print Bangladesh currency notes in dissimilar size and shape; and with dissimilar security marks in order to avoid counterfeiting the Bangladesh currency notes and having no other equally efficacious remedy the petitioners beg to move Your Lordships on the following amongst others:-

GRUNDS

I. For that it is unprecedented that two different notes with diverse value is printed on identical paper, size, shape, and indistinguishable security marks. Due to this the economy of the country is being threatened and people are deceived by super counterfeits which cannot be easily detected.

II. For that due to the negligence of the respondents few dishonest persons have got an opportunity to create super counterfeits which cannot be easily detected and thus the economy and the interest of the citizens are being seriously endangered.

III. For that the respondents are duty bound at all time to serve the people and to perform the public duties. But they have failed to do

their duty because they have failed to take steps against counterfeiting of the bank note.

IV. For that as the 500 taka counterfeits are made on 100 taka bank note so the security marks are authentic, so these notes cannot be identifiable even in machines on bank to identify counterfeit. So these counterfeit also can be found in sealed bundle obtained by the counters and in ATM machines of all banks and peoples receives it in honest believe thus being defrauded.

V. For that because it is impossible for any common citizens to distinguish between the real bank note and counterfeit, they receives these counterfeit in honest mistakenly. However whenever a person submit these counterfeits in any bank counter and if they could identify those notes as counterfeit they “red marked” these notes.

With due respect it required to emphasize that 500 taka bank note is a

high amount, so in such case peoples are suffering massive loss. So there should be easily distinguishable security marks which can easily be identified by general people.

Wherefore, it is most humbly prayed that

Your Lordships would graciously be pleased

to;-

a) Direct the office to register this application as a writ petition.

b) Issue a Rule Nisi calling upon the Respondents to show cause as to why inaction of the respondents to take necessary steps to stop counterfeiting of Bangladesh currency bank notes should not be declared

illegal and without lawful and why a direction should not be given upon the respondents to take steps to print Bangladesh currency notes in dissimilar size and shape; and with dissimilar security marks in order to avoid counterfeiting the Bangladesh currency notes.

c) Pending hearing of the rule directs the respondent no. 2 to submit a report before this Hon'ble Court within 4(four) weeks about the recommendation of the Bangladesh bank to stop counterfeit of different kinds of Bangladesh Currency Notes.

d) Direct the office to serve notices upon the respondents at the cost of office.

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.

And for this act of kindness Your Petitioner as in duty bound shall ever pray.

Name of the applicants-

Advocate Asaduzzaman Siddiqui -----

Advocate Md. Sarwar Ahad Choudhury--

Advocate Aklas Uddin Bhuiyan-----

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Submitted by:-

Manzill Murshid
Advocate
Supreme Court of Bangladesh.

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Manzill Murshid
 গব্বরজ তগব্বি ত্রম`
 Advocate
 Supreme Court of Bangladesh.

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Manzill Murshid
গব্বরজ তগবি তম`
Advocate
for the Petitioners.

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1. Bangladesh and others.

.....Respondents.

To
The Learned Attorney General
The Peoples Republic of Bangladesh

Dear Sir,

Please take notice that an application under Article 102 of the
Constitution, will be filed and moved before this Court, a copy of
which is enclosed herewith for your kind information.

Regards-

Manzill Murshid
গব্বরজ তগব্বিতম`
Advocate
Supreme Court of Bangladesh.