

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 Md. 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
Hall No. 2, Supreme Court Bar Association
Bhaban, Dhaka and 3 Agamashi Lane, P.S.:
Kotwali, Dhaka.

4. Advocate Mahbubur Rahman Khan
Lodi, Son of Golam Rahman Lodi of

153/Gha East Raza Bazar, Police Station –
Tejgaon, Dhaka, Bangladesh.

5. Advocate Sheikh Atiar Rahman, Hall
No. 2 Supreme Court Bar association
Building, P.S. Shahbag, Dhaka,
Bangladesh.

6. Advocate Md. Mamun Aleem, Hall No. 2,
Supreme Court Bar Association Bhaban,
Dhaka, Bangladesh, and 208 Syed Nazrul
Islam Sarani, Bijoy Nagar, Paltan, Dhaka.

.....Petitioners.

-VERSUS-

1. The Secretary, Ministry of Power,
Energy & Mineral Resources Energy &

Mineral Resources Division, Building No. 6
(1st Floor), Bangladesh Secretariat, P.S.:
Shahbag, District: Dhaka.

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

3. The Secretary, Ministry of Planning,
Sher-E-Bangla Nagar, Dhaka, Bangladesh

4. The Chairman, Bangladesh Oil, Gas &
Mineral Corporation, (PETROBANGLA)
Motijheel, Dhaka, Bangladesh.

5. The Managing Director, Gas
Transmission Co. Ltd., Red Crescent, Borak
Tower, Eskaton, Dhaka, Bangladesh

6. The Managing Director, Titas Gas
Transmission & Distribution Co. Ltd.,
Kowranbazar, Dhaka, Bangladesh.

7. The Managing Director, Bangladesh
Petroleum Exploration & Production
Company Ltd.

8. The Director General (DG), National
Consumer Protection Directorate, Under the
Ministry of Commerce, Bangladesh
Secretariat, Dhaka, Bangladesh.

.....Respondents.

AND

IN THE MATTER OF:

Failure of the respondents to take
appropriate steps for supplying necessary

Gas in the household in Dhaka City and
failure to control the price of Cylinder L.P.
Gas and to ensure the supply of Cylinder
LP Gas in the market.

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 seeking directions to take necessary steps to supply necessary Gas in the household in Dhaka City and challenging the failure of the respondents to take necessary steps to ensure the reasonable price and supply of Cylinder LP gas in the market for the citizens of the Bangladesh. 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 against the people who are liable for insufficient Gas supply in the household in Dhaka city.

3. That the Respondent No. 1. The Secretary, Ministry of Power, Energy & Mineral Resources Energy & Mineral Resources Division, Building No. 6 (1st Floor), Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka. Respondent No. 2 is The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka. Respondent No. 3 is The Secretary, Ministry of Planning, Sher-E-Bangla Nagar, Dhaka, Bangladesh. Respondent No. 4 is The Chairman, Bangladesh Oil, Gas & Mineral Corporation, (PETROBANGLA), Motijheel, Dhaka, Bangladesh. Respondent No. 5 is The Managing Director, Gas Transmission Co. Ltd., Red Crescent, Borak Tower, Eskaton, Dhaka, Bangladesh. Respondent No. 6 is The Managing Director, Titas Gas Transmission & Distribution Co. Ltd., Kowranbazar, Dhaka, Bangladesh. Respondent No. 7 is The Managing

Director, Bangladesh Petroleum Exploration & Production Company Ltd. Respondent No. 8 is The Director General (DG), National Consumer Protection Directorate, Under the Ministry of Commerce, Bangladesh Secretariat, Dhaka, Bangladesh. That the addresses of the petitioners 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 price of cylinder LP Gas are playing an important role to the preparation of Food in the household in order to maintain normal life of the citizens but some corrupted businessman are involving increasing the price of LP Gas only for the their financial benefit. It is stated here that some businessman for their own interest and financial benefit are liable to increase the price of Cylinder LP Gas, which is illegal and without lawful authority. That it is stated here that the matter is involved about the interest of the common people which is related to right to life 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 a report was published in the Daily Prothom Alo on 01.01.2011 and the Daily Bangladesh Pratidin on 10.10.2011 on the following head line;- *Ryj vbx mskU mvi v` kÓ* Gas *ÒM`v`mi Rb` nvnvKvi Ó* It was reported in the dailies that many peoples are suffering for insufficient Gas in the household and they are unable to cook their food. It was reported that some businessman intentionally increase the price of Cylinder LP Gas by creating a so called demand in the market. By a way of taking the opportunity of insufficient Gas supply in the household in the Dhaka City, some businessmen increased the price of Cylinder LP Gas. It was also reported in the news paper that due to irregular and insufficient gas supply, many

families are unable to cook their food. It may be mentioned here that the life of the people depend on the foods and without food no one can survive. So it is related to right to life which is guaranteed as per Article 32 of the constitution of Bangladesh.

Copy of the paper clipping is annexed here

with and marked as **'ANNEXURE-A.**

6. That it is stated here that now a days millions of people are depending on Gas supply to household for their regular life living. Food is one of the most impartment factors for our life and very closely related with right to life. But due to illegal acts of the law violators and failure of the respondents to take effective steps to control the price of Cylinder LP Gas, the people are suffering. Without following any legal procedure the price of Cylinder LP Gas

increased and due to this cause all sections of people specially the poor are facing hardship.

7. That it is stated here that in every moment the life of the citizen are depending on food which has to cook but due to increasing the price of Cylinder LP Gas the peoples are suffering. It is necessary to stop increase the price of Cylinder LP Gas to save the life of the citizen, otherwise the people will suffer.

8. That it is stated here that after publishing the news about the insufficient gas supply to the household in Dhaka city and increasing the price of Cylinder LP Gas and considering the suffering of the peoples the petitioners sent a Legal Notice on 15.01.2011 to the respondents requesting them to take necessary steps to supply necessary gas for household in Dhaka city and to control the price of Cylinder LP Gas and to ensure the supply of Cylinder LP Gas in the

market but the respondents did not inform the petitioners about the steps .

Copy of the legal notice is annexed here

with and marked as '**ANNEXURE-B**'

9. That as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and has a duty to strive at all times to serve the people. According to the news report the provision of Article 21 and 32 of the Constitution of Bangladesh has been violated.

10. That as per the present crisis of gas in the household line in Dhaka city and other area it is necessary to set up a compressor at Ashugonj point, Bhairab, from which the pressure can be increased by way of more gas supply from different gas field such as Bakhrabad, Titas at Camilla and others gas field from Sylhet. So it is necessary to

take immediate steps to set up a compressor at Ashugonj, otherwise the sufferings of the people will not be solved. Moreover it is necessary to control the price of cylinder LP gas and make it available at the market so that the people can benefited.

11. That the duty and responsibility vested upon the authority to serve the people and initiate lawful steps and the respondents are also duty bound to obey the provisions of law. But in the present gas crisis the failure of the respondents in respect of gas supply for household and failure to control the price of LP gas cylinder are causing sufferings of the common people. Under these circumstances the respondents are liable to take immediate steps to solve the problem.

12. That it is stated here that the Gas Transmission Company Ltd. are getting gas supply from the different gas field from Haripur, Jalalabad, Fancugonj, Sylhet, Moulavibazar, Bibiyana, Habigonj, Rashidpur in grater Sylhet and also getting supply from Titas,

Bakrabad, Begumgonj, Sangu and others places. In the mean time the Gas Transmission Company is going to setup a compressor near Rashidpur Gas Field which may increase the gas supply from the Bibiyana gas field. Though earlier the proposal was made to set up compressor at Ashugonj point but without accepting the proposal the decision was taken to set up compressor near Rashidpur gas field. That the all gas pipe line of Dhaka city is getting lower gas pressure consequently the household line is facing problem. If the pressure of the pipe lines in Dhaka city can be increased in that case the solution may be found. It is stated here that if a Compressor is setup at Ashugonj point to increase the pressure towards the Dhaka city gas pipe line in that case gas supply to the Dhaka city gas pipe line will be able to get more pressure from the different gas fields of Habigonj, Rashidpur, Moulavibazar, Fancugonj, Bibiyana, Bianibazar, Koilashtila, Haripur, Jalalabad, Chatok and Sylhet.

Photocopy of the gas field and transmission network is annexed here with and marked as

“ANNEXURE-C”

13. That it is submitted 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 Cylinder LP Gas, the Government has failed to perform his duties, hence the respondents may be directed to take appropriate steps to stop increasing the price of Cylinder LP Gas.

14. That it is submitted that as per section 21 of the ~~†fiv^{3v} AwaKvi~~ msi ¶|b AvBb, 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 Cylinder LP Gas the Director General has not taken any steps to stop or control the price of Cylinder LP Gas. Hence the respondents may be directed to take appropriate steps to stop increasing the price of Cylinder LP Gas.

15. That it is submitted 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 price of Cylinder LP Gas has been increased and the other respondents did not take any steps to stop illegal increasing of the price of Cylinder LP Gas. Hence the respondents may be directed to take appropriate steps to stop increasing the price of Cylinder LP Gas.

16. That it is submitted here that without any precautions to save the normal life living of the citizens, the respondents has sent the life

of the people in a dangerous situation, which is violation of Article 18(1) of the Constitution of Bangladesh. More over right to life of the citizen is fundamental rights guaranteed under Article 32 of the constitution of Bangladesh but due to increase the price of Cylinder LP Gas, the normal life living of the citizen has been hampered. Hence the respondents may be directed to take appropriate steps to stop increasing the price of Cylinder LP Gas.

17. That it is submitted here that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. 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. It is the duty of the public servant to act legally but no law has been allowed them to do anything in an unlawful manner. But the respondent has failed to perform the duties and responsibility.

18. That it is submitted that the low pressure in gas pipe line in Dhaka city may be increased by way of more gas supply in the line and which is only possible by setting up a compressor near Ashugonj point, Bhoirab.

19. 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 immediately 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 it’s 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.

20. That being aggrieved by and dissatisfied with the inaction of the respondents to take necessary steps to stop increasing the price of Cylinder LP Gas, which is causing threat to the normal life living of the citizen. And to increase the gas pressure in gas pipe line in Dhaka city by way of setting up a compressor near at Ashugonj, Bhoirab, And having no other equally efficacious remedy the petitioners beg to move Your Lordships on the following amongst others:-

GROUND S

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 Cylinder LP Gas.

II. 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 Cylinder LP Gas, the Government has failed to perform his duties, hence the respondents may be directed to take appropriate steps to stop increasing the price of Cylinder LP Gas.

III. For that as per section 21 of the $\text{৳fv}^3\text{v AwAKvi msi ৳b AvBb}$, 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 Cylinder LP Gas the Director General has not taken any steps to stop or control the price of Cylinder LP Gas. Hence the respondents may be directed to take appropriate steps to stop increasing the price of Cylinder LP Gas.

IV. 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 price of Cylinder LP Gas has been increased and the other respondents did not take any steps to stop illegal increasing of the price of Cylinder LP Gas. Hence the respondents may be directed to take appropriate steps to stop increasing the price of Cylinder LP Gas.

V. For that without any precautions to save the normal life living of the citizens, the respondents has sent the life of the people in a

dangerous situation, which is violation of Article 18(1) of the Constitution of Bangladesh. More over right to life of the citizen is fundamental rights guaranteed under Article 32 of the constitution of Bangladesh but due to increase the price of Cylinder LP Gas, the normal life living of the citizen has been hampered. Hence the respondents may be directed to take appropriate steps to stop increasing the price of Cylinder LP Gas.

VI. For that the duty and responsibility vested upon the administration to serve the people and they are duty bound to obey the provisions of law. 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. It is the duty of the public servant to act legally but no law has been allowed them to do anything in an unlawful manner. But the respondent has failed to perform the duties and responsibility.

VII. For that the low pressure in gas pipe line in Dhaka city may be increased by way of more gas supply in the line and which is only possible by setting up a compressor near Ashugonj point, Bhoirab.

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 a direction should not be given upon the respondents to take appropriate steps to supply necessary gas to the household gas

line in Dhaka City and why a direction should not be given upon the respondents to set up a compressor at Ashugonj point, Bhoirab on order to increase the gas pressure in the gas pipe line in Dhaka City.

c) Pending hearing of the rule directs the respondents to control the price of Cylinder LP Gas and to ensure the supply of Cylinder LP Gas in the market and submit a compliance report within 2 (two) weeks before this court.

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 Chowdhury-----

Advocate Md. Aklas Uddin Bhuiyan-----

Advocate Mahbubur Rahman Khan Lodi-----

Advocate Sheikh Atiar Rahman----- -

Advocate Md. Mamun Aleem

Submitted by:-

Manzill Murshid

গব্বরজ তগবি তম`

Advocate

Supreme Court Of Bangladesh.

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-V E R S U S-

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.....Respondents.

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5.	Photocopy of the gas field and transmission network is annexed here with and marked as <u>“ANNEXURE-C”</u>		
4.	Back Sheet		

Manzill Murshid
গভীর জগৎ
Advocate

IN THE SUPREME COURT OF BANGLADESH
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Manzill Murshid
গব্বরজ তগবি তম`
Advocate
for the Petitioners.

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WRIT PETITION NO. OF
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Human Rights and Peace for Bangladesh.

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-V E R S U S-

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.