

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 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 Commerce, Bangladesh  
Secretariat, P.S. Shahbag, Dhaka,  
Bangladesh.

2. The Secretary, Ministry of Food,  
Bangladesh Secretariat, P.S. Shahbag,  
Dhaka, Bangladesh.

3. The Deputy Commissioner, Dhaka,  
Collectorate Building, Dhaka, Bangladesh.

4. The Deputy Commissioner, Chittagong,  
Post and District- Chittagong.

.....Respondents.

AND

IN THE MATTER OF:

Inaction of the respondents to take  
appropriate steps to stop increase of price  
of essential commodities and failure of the  
respondents to set up mobile court to  
control the price of the essential  
commodities in the market.

To,

Mr. Justice Md. Muzammel Hossain, the Hon'ble Chief Justice  
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 petitioner is a practicing lawyer of this Hon'ble Court, human rights activist and conscious citizen of the country. He is

challenging the inaction of the respondent's to stop price hike of the essential commodities in the market which is hampering the normal life of the citizens of Bangladesh and also challenging the failure of the respondents to set up sufficient mobile court in order to stop excesses price of the essential commodities. The petitioner also seek to bring this application by invoking Article 102 of the Constitution as a public interest litigation in order to take necessary steps against the people who are liable for illegal price hike.

3. That the Respondent No. 1 is the Secretary, Ministry of Commerce, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh. Respondent no. 2 is the Secretary, Ministry of Food, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh. 3. The Deputy Commissioner, Dhaka, Collectorate Building, Dhaka, Bangladesh. Respondent no. 4. The Deputy Commissioner, Chittagong, Post and District- Chittagong.

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 different kinds of food is playing an important role to the health of the citizens but some corrupted businessman are increasing the price of the food for their much profit.

It is stated here that some businessman for their own interest and financial benefit increasing the price illegally which is affecting the normal life of the citizen of Bangladesh. That it is stated here that the matter is involved about the interest of the life living of the people who is related to right to life of the citizen. The effected people unable to come to enforce their fundamental rights, hence the petitioner 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 some corrupted businessman also fix the price of essential commodities in many occasions at high level. Some times they create crisis of foods and other necessity commodities by way of syndicate and earn much money by increasing price without following any procedure. Not only that in Ramadan they also took the opportunity of the demand and increase the price as well as marketing the food for their financial benefit. In order to control the price there are some laws in Bangladesh such as Pure Food Ordinance 1959 and Bhokta Odhikar Ain. For controlling the price of food the steps has been taken by way of forming Mobile Court. The mobile Court functioning at field level and played a good role to stop the above mentioned illegal activities of some corrupted business man. As per section 20 of the Standard of weights and Measure Rules 2007 no one can increase the price of any commodities except following the procedure.

6. That it is stated here that the mobile court which was functioning earlier has played a great role to stop increase of high price of food.

Due to the activities of the Mobile Court some illegal steps of the business man have been stopped, so the interested group is trying to create obstruction to the function of the Mobile Court. If it is not continue the people will suffer and they will be bound to buy the food at higher price even in the Ramadan. Due to absence of the control of price of food by the Mobile Court, some corrupted businessman will be benefited but the health of the people will be seriously affected.

7. That it is stated here that the millions of people residing in Dhaka city and are depending on the food supplied by the businessman. But due to illegal acts of the law violators and failure of the respondents to take effective steps to stop increase of price of food, the people are suffering.



8. That it is stated here that in every moment the life of the city dwellers is depending on food available in the market. Facts remain that the total supply of food is control by the businessman and it is their duty to bring good food but they have failed to do that. Due to shortage of food the people are becoming sick day by day and the health cost is increasing which is unaffordable for the poor people. But the respondents are not taking steps to stop it. In this way the people are depriving from their emergency need of food. It is necessary to stop to increase the price of food in order to save the health of the citizen otherwise the people will suffer.

9. 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 price hike of food is always reporting in media, so it is not out of the knowledge of respondents. Under these circumstances in such a public interest issues which is

always in the notice of the respondents, is not necessary to bring his notice again by way of sending any legal notice.

10. 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 the increasing price of food.

11. That it is submitted here that without any precautions to save the health of the city dwellers the respondents has sent the life of the people in a dangerous situation, which is violation 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 price hike of food, the life is facing health threat. Hence a direction may be given upon the Respondents to take appropriate steps to control the price of food by functioning the Mobile Court.

12. 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. 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.

13. That it is submitted here 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. According to the prevailing situation the provision of Article 21 of the Constitution of Bangladesh has been violated.

14. 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.

15. That being aggrieved by and dissatisfied with the inaction of the respondents to take necessary steps to stop increase of price of food which is causing health threat to the people 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. Hence respondents may be directed to take necessary steps to control the price of food through Mobile Court.

II. 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. Under the present situation the provision of Article 21 of the Constitution of Bangladesh has been violated.

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 the city dwellers are adversely affecting to the right to life. Under these circumstances the

v.

respondents are legally bound to take all necessary steps to stop increase of price of food.

- IV. For that without any precautions to save the health of the city dwellers by way of reasonable price of food, 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 get food at reasonable price.

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 appropriate steps to stop increase of price of essential commodities and failure of the respondents to set up mobile court to control the price of the essential commodities in the market, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to take effective measure to control the price of essential commodities.

c) Pending hearing of the Rule directs the respondents to set up sufficient Mobile Court directing them for



monitoring/functioning in all whole sale market and hat-bazaar/market at Dhaka and Chittagong in order to control the high price of essential commodities and submit a progress report through affidavit within 7 days.

d) Pending hearing of the rule directs the law enforcing agencies to provide force as per the demand of the Mobile Court.

e) Pending hearing of the rule direct the respondents to take legal action against the people who are liable for increasing the price of essential commodities.

f) Direct the office to serve copies and notices upon the respondents at the cost of office.

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

h) 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 applicant-**

Advocate Asaduzzaman Siddiqui-----

Submitted by;-

Manzill Murshid

Advocate  
Supreme Court Of Bangladesh

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Manzill Murshid  
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Advocate  
Supreme Court of Bangladesh.

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.....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 তগবি ত্রম`  
Advocate  
Supreme Court of Bangladesh.