

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 it's 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.

**-V E R S U S-**

1. The Secretary, Ministry of Power, Energy & Mineral Resources Energy & Mineral Resources Division, Building No. 6 (1<sup>st</sup> 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.

### **GROUNDS**

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 ঙ্গব3v 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) 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.

b) 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.

**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.

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