

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 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.

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

Present Status

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
