

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 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 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 Mahbubul Islam, Son of Md. Mofijuddin, of House LA-56, Badda, Post Office Road, Gulshan, Dhaka 1212, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by The Cabinet Secretary, Cabinet Division, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka, Bangladesh.
2. The Secretary, Prime Minister's Secretariat, Old Sangsad Bhaban, P.S.: Tejgaon, District: Dhaka.
3. The Secretary, Ministry of Home Affairs Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.
4. The Secretary, Ministry of Finance Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.

5. The Secretary, Ministry of Banking and Financial Institutions, Bangladesh Secretariat
P.S.: Shahbag, District: Dhaka.
6. The Governor, Bangladesh Bank, Bangladesh Bank Bhaban, Motijheel, Dhaka, Bangladesh.
7. The Chairman, The Security Exchange Commission, Motijheel, Dhaka, Bangladesh.
8. The Chief Executive, Dhaka Stock Exchange, Motijheel, Dhaka, Bangladesh.
9. The Police Commissioner, Dhaka Metropolitan Police Commissioner, DMP Head Quarter, Dhaka, Bangladesh.
10. The Officer in Charge(O.C.), Motijheel Police Station, 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 the respondents 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 publish the report about share market disaster and to take appropriate legal actions against the person/individual/company who has committed the financial crime.
- II. For that as per section 6 of the Information Rights Act. 2009 it is the duty of the authority to publish all the informations. Particularly the public importance issue has to be published by way of press release or in any suitable way. It is stated here that as per section 7 of the act some information which are related to security of the state or otherwise harmful for the sovereignty is not compulsory to publish. But in the instant case the report submitted which are not against the state security rather it is public importance, so it is liable to be published.
- III. For that as per section 17 of The Securities Exchange Ordinance, 1969, no person shall for the purpose of inducing, dissuading, effecting, preventing or in any manner influencing or turning to his advantage, the sale or purchase of any security directly or indirectly. As per section 24 of the said law whoever contravenes the provision of section 17 shall be punished up to 5 years sentence. But despite of illegal and unreasonable increasing the price of share by way fraudulent act the respondents has not taken any steps against the person/individual/company who are liable to be punished under section 24 of the Securities Exchange Act. 1969. Hence the respondents may be directed to take appropriate steps against the person/individual/company who are liable for the share market disaster.
- IV. 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 the person/individual/company who are liable for the share market disaster and committed offence under section 17 of the Securities Exchange Act, 1969.
- V. For that without any precautions to save the citizens from the economic disaster the respondents has sent the economic life of the people in a dangerous situation, which is violation of law. More over the right to get information about the report submitted by the committee is a right which can not be refused as per

law; hence the respondents may be directed to publish the report about share market disaster and to take appropriate legal actions against the person/individual/company who has committed the financial crime.

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 publish the report (submitted by Mr. Ibrahim Khaled) on share market disaster should not be declared illegal and without lawful authority,

AND

Why a direction should not be given upon the respondents to ensure effective trail against the person/individual/company who will be identified by the publishing report for share market disaster and why a direction should not be given upon the respondents to recover the money and return it to the account of effected share holder.

b) Pending hearing of the rule directs the respondent no. 4 and 5 to publish the report regarding the share market (submitted by Mr. Ibrahim Khaled) publicly within two days and submit a compliance report with seven days before this Hon'ble court.

c) Pending hearing of the rule direct the respondent no. 7 to file case against the person/individual/company who will be found liable for the share market disaster after publishing the report.

d) Pending hearing of the Rule directs the respondents to seize the passport of the persons who will be identified in the publishing report and also to seize their bank account until investigation is completed.

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.
