

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. Aklas Uddin Bhuiyan Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka.
3. Advocate Mahbubur Rahman Khan Lodi, Son of Golam Rahman Lodi of 153/Gha East Raza Bazar, Police Station -Tejgaon, Dhaka, Bangladesh.
4. 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. The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S.: Shahbag, District: Dhaka.
2. The Secretary, Ministry of Internal Resources Division, Bangladesh Secretariat , P.S.: Shahbag, District: Dhaka.
3. The Secretary , Ministry of Banking and Financial Institutions, Bangladesh Secretariat , P.S.: Shahbag, District: Dhaka.
4. The Chairman, National Board of Revenue, NBR Bhaban, Segunbagicha, Dhaka, Bangladesh.
5. The Governor, Bangladesh Bank, Bangladesh Bank Bhaban, Motijheel, Dhaka, Bangladesh.
6. The Director General, Postal Directorate, Bangladesh Postal Department, Purana Paltan, Dhaka, Bangladesh.
7. The Director, Jatio Shonchoay Paridofar, 62/3 Purana Paltan(18th Floor), Dhaka, Bangladesh.

8. The Assistant Director(Policy), Jatio Shonchoay Paridoftar, 62/3 Purana Paltan(18th Floor), Dhaka, Bangladesh.

9. The First Secretary (Income Tax Policy), NBR Bhaban, Segunbagicha, Dhaka, Bangladesh.

10. The Officer in Charge, Jatio Shanchoi Buro, Bajme Kaderia, Katabon, 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 stop deduction of 10% source tax from the earning before 01.07.2010 and to take appropriate legal actions against the person/individual/company who has committed the financial crime.

II. 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 illegal deduction of source tax.

III. 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. It is also necessary to take appropriate legal actions against the person/individual/company who has committed the financial crime.

IV. For that in order to save the people from financial harassment the respondents should be directed to stop deduction of 10% source tax from the interest of Shonchoipatra earned before 01.07.2010 and to return the money which was illegally deducted from the people before 01.07.2010 as source tax from the Shonchoipatra. It is also necessary to form a committee to identify the persons who are liable for illegal deduction of source tax and take departmental action against them as per the law.

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 direction should not be given upon the respondents to stop deduction of 10% source tax from the income of the Shonchoipatra which was earned before 01.07.2010 and to calculate the 10% source tax from the income of the Shonchoipatra in prospective way as per letter dated 01.07.2010 issued by NBR.

AND

Why a direction should not be given upon the respondents to return the money which was illegally deducted as source tax from the earning of the people before 01.07.2010 from the Shonchoipatra

and to form a committee to identify the persons who are liable for illegal deduction of source tax and take departmental action against them as per the law.

b) Pending hearing of the Rule directs the respondent no. 10 to submit a statement of payment paid for the maturity of the Shonchoi[patra to the people for the month of May, 2011, within 15 days.

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.
