

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. OF 2010.

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.
2. Advocate Sarwar Ahad Choudhury, Organizing Secretary, Human Rights and Peace for Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
3. Advocate Aklas Uddin Bhuiyan, Publicity Secretary, Human Rights and Peace For Bangladesh, 33 Abdul Hadi Lane, Police Station-Bangshal, Dhaka.
4. Advocate Mahbubul Islam, Son of Md. Mofijuddin, Secretary General, Society of Justice, of Hs LA-56, Badda, Post Office Road, Gulshan, Dhaka 1212, Bangladesh.

.....Petitioners.

-VERSUS-

1. Bangladesh represented by the Secretary, Ministry of Commerce, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Secretary, Ministry of Home Affairs, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
3. The Secretary, Ministry of Food, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
4. The Secretary, Ministry of Industries SHILPABHABAN, Motijheel C/A, Dhaka-1000, Bangladesh.
5. The Secretary, Ministry of Health Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
6. The Inspector General of Police (IGP), Police Head Quarter, Ramna, Dhaka, Bangladesh.

7 The Managing Director, Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.

8 The Director General (DG), Rapid Action Battalion (RAB), RAB Head Quarter, Uttra, Dhaka, Bangladesh.

9 The Director, Chemical Testing Wing, Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.

10 The Police Commissioner, Dhaka, Dhaka Metropolitan Police (DMP), DMP Head Quarter, Eskaton Road, 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. Hence respondents may be directed to take necessary steps to control the adulteration of food by 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 the fresh food is essential for the life of the citizen living in Dhaka City. So at this stage there is no alternative to stop adulteration of food.

IV. 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 adulteration of food.

V. For that without any precautions to save the health of the city dwellers by way fresh 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 stop adulteration of food.

-PRAYER-

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 necessary steps to stop adulteration of food and failure of the respondents to take effective measures to protect the health of the citizens, 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 stop adulteration of food.

- c) Pending hearing of the Rule directs the respondent no. 1, 4 and 5 to continue Mobile Court functioning in order to control adulteration of food and the high price illegally fixed by the businessman and submit a compliance report within 7 days.
- d) Pending hearing of the rule directs the respondent no. 6, 8 and 10 to provide force as per the demand of the Mobile Court.
- e) Pending hearing of the rule direct the respondent no. 2 to ensure that the cases will be filled by the police under the provision of Special Powers Act, 1974 against the person who are liable for adulteration of food.
- f) Direct the office to serve 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.

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.