

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

WRIT PETITION NO. OF 2012.

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 Aklas Uddin Bhuiyan, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Secretary, Ministry of Law, Bangladesh Secretariat Building no.7(3rd floor), P.S. Shahbag, Dhaka – 1000, Bangladesh.
3. The Chairman, National Board Of revenue (NBR), Revenue Bhaban, Shegunbagicha, Dhaka, Bangladesh.
4. The Dhaka Customs Bond Commissioner ate, 342 Shegunbagicha, Dhaka, Bangladesh.
5. The Commissioner, Dhaka Customs House, Kurmitola, Dhaka, Bangladesh.
6. The Commissioner, Chittagong Customs House, Agrabad, Post and district-Chittagong.
7. M/S H Kabir & Company Ltd., 12 Abbas Garden, Biman Bandar Shorok(Mohakhali) , Dhaka, Bangladesh.
8. M/S Dhaka Ware House Ltd., House No. 42, Road No. 28, Gulshan, Dhaka, Bangladesh.
9. M/S Eastern Diplomatic Services., House No. 22, Road No. 140, Gulshan South Avenue, Dhaka, Bangladesh.
10. M/S National Ware House Ltd., House No. 18, Road No. 32, Gulshan, Dhaka, Bangladesh.

11. M/S Toss Bond Pvt. Ltd., House No. 60B, Road No. 131, Gulshan South Avenue, Dhaka, Bangladesh.

12. M/S Saber Traders Ltd., House No. 25, Road No. 10, Gulshan Avenue, Dhaka, Bangladesh.

13. M/S Sarban International., House No. 15, Block-H, Road No. 10B, Banani, Dhaka, Bangladesh.

.....Respondents.

G R O U N D S

I. For that due to the corrupt practise of the some officials the custom authority has failed to perform the duty which is entrusted to them as a officer of the republic. Thus this court is under obligation to restrain such corrupt practise and declare these illegal and unlawful.

II. For that the Article 31 provides the right to protection of law. Which means irrespective of race, colour, ethnic origin, social status and economical status all citizens of this Republic is entitle to acquire protection and to obtain justice, from the judiciary. However, due to the corrupted practise of the custom authority it has failed to maintain its unbiased image before the common people, which has not only destroyed the trust and reliance of common people but also lost the government fund. Thus this court should declare these concern activity illegal and take appropriate steps against the responsible officials.

III. For that the Article 44 of the Constitution provides the duty to this Hon'ble High Court to enforce the fundamental rights guaranteed by Constitution. Thus undoubtedly this court is under duty by the authority of the Constitution to declare the corrupted activity of the officials of administration illegal and should take appropriate steps against the responsible persons.

IV. For that under Article 21 of the constitution the respondents and concern officials of the administration are duty bound at all time to serve the people and to perform the public duties. Nevertheless, they have failed to do their duty because they have failed to take steps as per the provisions of law in case of import under Diplomatic Bonded Warehouse.

V. For that as per the schedule of the Privileged Persons (Customs Procedures) Rules, 2003, every privileged person is entitle to buy alcohol per month up to 100 U.S. dollar with free of custom duty. It is evident from a letter dated 10.01.2010 that the Bonded Warehouse imported alcohol of excesses amount. It is also evident from an import statement dated 18.12.2011 that the warehouses imported alcohol of excesses amount.

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 the Inaction/Failure of the respondents to take appropriate steps against the Financial corruptions in case of alcohol import under Diplomatic Bonded Warehouse, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to implement the provisos of Custom law/rules effectively in case of import/sale of duty

free alcoholic items under the Diplomatic Bonded Warehouse.

court,

b) Pending hearing of the rule directs the respondent no. 1 and 3 to form a five members committee within 15 days consisting of Additional Secretary, Finance, Member of NBR, high official representative of Custom intelligence, Ministry of Law, and Ministry of Commerce to investigate the allegation made in Daily Jugantar on 21, 22 and 26 December, 2011 and to prepare recommendation to stop excesses import under diplomatic Bonded Warehouse and directed the committee to submit the report within two months before this court through the Registrar of the Supreme Court of Bangladesh.

c) Pending hearing of the rule directs the respondent no. 3 to finalise the correct list of the privileged person and submit it before the court within 2 (two) months from the receipt of the order.

d) Pending hearing of the rule directs the respondent 4-6 to prepare a detail report of alcohol which was imported from 2008-2011 under Diplomatic Bonded Warehouse mentioning the quantity and price and submit the report within 1 (Month) from the receipt of the order.

e) Pending hearing of the rule directs the respondent no.1 to prepare a list of the officers who performed their duty/job within the period of 2008-2011 in different Diplomatic Bonded warehouses, and submit it before the court within 1 (Month) from the receipt of the order.

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.
