

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 President, Advocate Manzill Murshid, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Asaduzzaman Siddiqui, 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 Health, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Director General (D.G.), Drug Administration, Motijheel C/A, Dhaka-1000, Bangladesh.
3. The Inspector General of Police (IGP), Police Head Quarter, Ramna, Dhaka, Bangladesh.
4. The Director General (D.G.), Rapid Action Batalian (RAB), RAB Head Quarter, Uttara, Dhaka, Bangladesh.
5. The Managing Director , Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.
6. The Chairman, Bangladesh Council for Scientific & Industrial Research (BCSIR), Science Laboratory, Dhanmondi, Dhaka, Bangladesh.
7. The Director, Chemical Testing Wing, Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.
8. District and Sessions Judge, Dhaka, Jonshon Road, Kotwali , Dhaka.

.....Respondents.

G R O U N D 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 take immediate steps to stop adulteration of drug or medical preparations.

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 medicine is essential for the life of the citizen living in the country. So at this stage there is no alternative to stop adulteration of drug or medical preparations.

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 adversely affecting to the right to life. Under these circumstances the respondents are legally bound to take all necessary steps to take necessary steps for adulteration of drug or medical preparations. Hence a direction may be given upon the Respondents to take appropriate steps to adulteration of drug or medical preparations.

V. For that without any precautions to save the health of the citizen, 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 drug or medical preparations.

Wherefore, it is most humble 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 necessary steps to stop adulteration of drug or medical preparation, which is dangerous to 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 under section 25(C) of Special Powers Act. 1974 in case of offence of adulteration of drug or medical preparation.

b) Pending hearing of the Rule direct the Respondent 1 and 2 to form a high power committee within 15 days consisting of all respondents along with experts to formulate monitoring guideline to stop adulteration of drug or medical preparations.

c) Pending hearing of the rule direct the respondent no. 1 and 2 to collect sample of drug and medical preparations from (twenty different market places from ten thana areas) in Dhaka city and conduct a laboratory test about the adulteration of drug or medical preparations, which causes health risk and submit the report within 5 (five) weeks.

d) Pending hearing of the rule direct respondent no. 6 and 7 to collect sample of drug and medical preparations from (twenty different market places from ten thana areas) in Dhaka city and conduct a laboratory test about the adulteration of drug or medical preparations, which causes health risk and submit the report within 5 (five) weeks.

Present Status

The case was filed 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.
