

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

WRIT PETITION NO. OF 2013.

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 Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

2. Advocate Md. Aklas Uddin Bhuiyan, Supreme Court of Bangladesh, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka and 93 Indira Road, P.S.: Sher-E-Bangla Nagar, Dhaka.

3. Advocate Mahabubul Islam, Supreme Court of Bangladesh, 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 Secretary, Ministry of Food, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

3. The Inspector General of Police (IGP), Police Head Quarter, Ramna, Dhaka, Bangladesh.

4. The Director General (D.G.), Rapid Action Battalion (RAB), RAB Head Quarter, Uttara, Dhaka, Bangladesh.

5. The Director General, 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.

.....Respondents.

GROUND 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 and immediate steps to send samples of all kinds of powder spices namely Chilli, Coriander, Garlic, Ginger, Cumin etc. produced by Pran company for testing in the laboratory to find out the ingredients which may endanger the health of the citizens of the country.

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. Hence a direction may be given upon the respondents to conduct a test of spices namely Chilli, Coriander, Garlic, Ginger, Cumin etc. produced by Pran company to find out the ingredients which may endanger the health of the citizens of the country.

III. For that the powder spices are essential for the busy people in our country. At this stage there is no alternative to stop producing, marketing and sale of adulterate powder spices. Though it was found by a laboratory test harmful ingredients in turmeric powder produced by Pran company so, it is necessary to conduct a test of others product of the same company and necessary to send samples of all kinds of powder spices namely Chilli, Coriander, Garlic, Ginger, Cumin etc. produced by Pran company for testing in the laboratory to find out the ingredients which may endanger the health of the citizens of the country.

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 the right to life of the citizen. Under these circumstances the respondents are legally bound to take all necessary steps

to send samples of all kinds of powder spices namely Chilli, Coriander, Garlic, Ginger, Cumin etc. produced by Pran company for testing in the laboratory to find out the ingredients which may endanger the health of the citizens of the country. Hence a direction may be given upon the Respondents to take appropriate steps in this regard to prevent adulteration in powder spices.

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 of 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 take necessary steps to send samples of all kinds of powder spices namely Chilli, Coriander, Garlic, Ginger, Cumin etc. produced by Pran company for testing in the Laboratory.

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 take necessary steps to send samples of all kinds of powder spices namely Chilli, Coriander, Garlic, Ginger, Cumin etc. produced by Pran company (Pran Agro Ltd.) for testing in the laboratory to find out the ingredients which may endanger the health of the citizens of the country, should not be declared illegal and without lawful authority

And

Why a direction should not be given upon the respondents to conduct a laboratory test of all powder spices (Chilli, Coriander, Garlic, Ginger, Cumin powder) available in the Bangladeshi market produced by different company to find out the ingredients which may endanger the health of the citizens of the country.

b) Pending hearing of the rule directs the respondent no. 6 and 7 to take necessary steps to collect samples within 48 hours from the different shopping places of all kinds of powder spices namely Chilli, Coriander, Garlic, Ginger, Cumin etc. produced by Pran company (Pran Agro Ltd.) and conduct a test in the laboratory to find out all the ingredients which may caused injury to the health of the citizens of the country and submit the report with 4 weeks before this Hon'ble Court.

c) Pending hearing of the Rule direct the Respondent 1, 2 and 4 to form mobile court

immediately to seize all turmeric powder spices produced by Pran company (Pran Agro Ltd.) available in the market/shopping place in Bangladesh and file a compliance report within three weeks before this court through registrar of the Supreme Court of Bangladesh

d) Pending hearing of the Rule direct the Respondent no. 3 to take appropriate legal action under section 25C of the special Powers Act. 1974 against Pran company (Pran Agro Ltd.) and file a compliance report within three weeks before this court through registrar of the Supreme Court of Bangladesh.

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 Rule is pending before the Hon'ble High Court Division.