

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 its Secretary, Advocate Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

**-V E R S U S-**

1. Bangladesh, represented by the Secretary, Ministry of Civil Aviation and Tourism, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

2. The Secretary, Ministry of Health, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

3. The Secretary, Ministry of Environment, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

4. The Chairman, Atomic Energy Commission, Atomic Energy Commission Head Office, P.S. Ramna, Dhaka Bangladesh.

5. The Chairman, Civil Aviation Authority of Bangladesh, Civil Aviation Head Quarter, Kurmitola, Dhaka, Bangladesh.

6. The Director, Shahjalal International Airport, Dhaka, Bangladesh.

Respondents

AND

IN THE MATTER OF:

For a direction to stop operation of Gamma Ray Gantry Scanning Machine at the Cargo Village, Hazrat Shahjalal International Airport, Dhaka, as it is danger to the health of the citizens.

.....Respondents.

**GROUND S**

I. For that the respondent are the public servants and they 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 the steps to set up Gamma Ray Scanning Machine at Shahjalal airport is against the interest of health of the citizen..

11. For that the Respondent has installed and started to operate a Gamma Ray Gantry Scanning Machine at the Cargo Village of Hazrat Shahjalal International Airport, without having the machine inspected for possible health hazards by the Bangladesh Atomic Energy Commission and without obtaining a No Objection Certificate, and as such the installation and operation of the Gamma Ray Gantry Scanning Machine is liable to be declared to have been carried out without lawful authority and is of no legal effect.

III. For that the Respondent acted against the recommendation of the Parliamentary Standing Committee of the Ministry of Civil Aviation and Tourism. That the concerned authority should take steps to find out which countries of the world were using Gamma Ray Gantry Scanning Machines and whether the Department of Environment and the Bangladesh Atomic Energy Commission (BAEC) have given a No Objection Certificate in relation to the operation of such a machine, and as such the installation and operation of the Gamma Ray Gantry Scanning Machine is liable to be declared to have been carried out without lawful authority and is of no legal effect.

IV. For that the Respondent No. 4 installed and started operating the Gamma Ray Gantry Scanning Machine, showing utter disregard for safety laws, for the possible health hazards of the machine operators and other people within the vicinity, and for the recommendation of the Parliamentary Standing Committee of the Ministry of Civil Aviation and Tourism, and as such the installation and operation of the Gamma Ray Gantry Scanning Machine is liable to be declared to have been carried out without lawful authority and is of no legal effect.

V. For that a Gamma Ray Gantry Scanning Machine is not used at any airport across the globe and airports generally use ULD type machines mainly to identify explosive items and such machines can be used for X-Ray in a controlled manner, and as such the installation and operation of the Gamma Ray Gantry Scanning Machine is liable to be declared to have been carried out without lawful authority and is of no legal effect.

VI. For that the Gamma Ray Gantry Scanning Machine emits Gamma Rays that is detrimental to the human body, including increasing the risk of cancer and harming the human reproductive system of those who operate the machine and other people around the vicinity of the machine, and that it is also dangerous to carry out X-Ray of food stuffs with the Gamma Ray Gantry Scanning Machine, and as such the installation and operation of the Gamma Ray Gantry Scanning Machine is liable to be declared to have been carried out without lawful authority and is of no legal effect.

VII. For that the risk of injury to human health is enhanced by the use of the model of the Gamma Ray Gantry Scanning Machine that has no protective covering, as is the case here, as opposed to using a machine that has a protective cover to contain most of the gamma radiation, and as such the installation and operation of the Gamma Ray Gantry Scanning Machine is liable to be declared to have been carried out without lawful authority and is of no legal effect.

VIII. For that without any precautions to save the health of the citizen of Bangladesh, 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 due to operation of Gamma Ray Machine. Hence a direction may be given upon the Respondents to stop operation of the Gamma Ray Scanning Machine at Shahjalal airport , Dhaka.

Wherefore, it is most humbly prayed that your Lordships would graciously be pleased to issue:-

a) A Rule Nisi calling upon the Respondents to show cause as to why the installation and operation of the Gamma Ray Gantry Scanning Machine at Cargo Village of Shahjalal International Airport, Dhaka, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to stop operation of Gamma Ray Gantry Scanning Machine at the Cargo Village of Hazrat Shahjalal International Airport, Dhaka, as it is danger to the health of the citizens.

b) Pending hearing of the Rule directs the Respondent No. 4 to inspect the Gamma Ray Gantry Scanning Machine at Cargo Village, Shahjalal International Airport, Dhaka, and submit a report about it's direct and indirect health affect and also submit a report about the health affect of Gamma Ray within two weeks before this court.

c) Pending hearing of the rule direct the respondent no. 2 and 3 to form a expert committee within five days and the committee is directed to submit a report within two weeks before the court about the environment and health affect of the Gamma Ray Scanning Machine which is operating at Cargo Village, Shahjalal International Airport, Dhaka.

d) Pending hearing of the Rule directs the Respondents to cease the operation of the Gamma Ray Gantry Scanning Machine at Cargo Village, Shahjalal International Airport, Dhaka.

### **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.

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