

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

WRIT PETITION NO. OF 2015.

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.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by The Secretary, Ministry of Water Resources, Bangladesh Secretariat, P.S.: Shahabag, Dhaka.

2. The Secretary, Ministry of Finance, Bangladesh Secretariat, P.S.: Shahabag, Dhaka.

3. The Secretary, Ministry of Planning, Sher E Bangal Nagar, Agaragon, Dhaka, Bangladesh.

4. The Secretary, Ministry of Local Government and Rural Development(LGRD), Bangladesh Secretariat, P.S.: Shahabag, Dhaka.

5. The Secretary, Ministry of Land Bangladesh Secretariat, Dhaka.

6. The Director General, Bangladesh Water Development Board, Wapda Bhaban, Motijheel C/A, Dhaka-1000.

7. The Chief Engineer, Southern Zone, Bangladesh Water Development Board, Post and District: Barisal.

.....Respondents.

AND

IN THE MATTER OF:

Directions upon the Respondents to take effective and appropriate steps for completion of repair works of dams/embankments of southern districts namely Bagerhat, Borguna, Pirojpur and Potuakhali as damaged by the Sidor in 2007 in order to protect the life of the common people of those areas along with the protection of agricultural land from being affected by the salinity.

GR OUNDS:

I. For that there have been hundreds of kilometers of dams/embankments damaged by the Sidor left in the southern part of the country since 2007, which require immediate repair works for the purpose of protection of life and that of agricultural land.

II. For that due to failure/inactions of the concern authority, the country has been losing a huge amount of agricultural land in the southern part of the country because of increase of salinity in water which affects the soil and ultimately makes them barren. For that if the Dams/ Embankments are not repaired immediately, it will draw a catastrophe in the field of agriculture reducing production of paddy and other crops and the country will have to face a severe shortage of crops and other food grains in the near future, which will affect the right to life of the common people of the country.

III. For that the life of the common people of the southern areas are not safe from future natural calamities due to unfinished damaged dams/embankments the scarcity of which will ultimately affect the life of the common people of southern part of the country.

IV. For that reduction in productivity of agricultural land would result in permanent poverty as well as huge scarcity in food grains causing a threat to food safety in our agricultural-based economy, which ultimately would affect the right to life of the citizen.

V. For that the respondents are duty bound at all time to serve the people and to perform the public duties but they have failed to perform their duties of repair works of damaged dams/embankments in southern part of the country. Hence a direction may be given upon the respondents to take appropriate steps for completion of immediate repair works of hundreds of kilometers of damaged dams/embankments left by the Sidor in 2007 in the southern part of the country, which are left yet unfinished either fully and/or partially.

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 effective and appropriate steps to start and complete repair works of hundreds of

kilometers Dams/Embankments as damaged by the Sidor in 2007 in the southern part of the country such as Borguna, Bagerhat, Potuakhali and Pirojpur Districts, should not be declared illegal and without lawful authority.

And

Why a direction should not be given upon the respondents to organize funds and start immediate repair works of hundred of kilometers of damaged dams/embankments in the southern part of the country under district Borguna, Bagerhat, Potuakhali and Pirojpur, which are yet left incomplete either fully or partially.

b) Pending hearing of the rule direct the respondent no. 1 and 4 to make a survey in the district Borguna, Bagerhat, Potuakhali and Pirojpur about the necessity of repair of dams/embankments and to prepare a report mentioning the incomplete repair works of dams/embankments which was damaged by Sidor/Aila within that area and submit before this Court within 2 (two) months.

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.
