

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

WRIT PETITION NO. OF 2014.

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 peach for Bangladesh (HRPB), represented by it's 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 Shipping, Bangladesh Secretariat, P.S. Shaabag, Dhaka , Bangladesh.

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

3. The Chairman, BIWTA, 141-143, Motijheel C/A, P.S. Motijheel, Dhaka Bangladesh.

4. The Director General, Department of Environment, Paribesh Bhaban, E- 16, Sher-E-Bangla NAgar, Agargaon, Dhaka.

5. The Director, Enforcement, Department of Environment, Paribesh Bhaban, E- 16, Sher-E-Bangla NAgar, Agargaon, Dhaka.

6. The Police Commissioner, Dhaka Metropolitan Police, Eskaton Road, Dhaka, Bangladesh.

7. The Director (Port and Traffic), BIWTA, 141-143, Motijheel C/A, P.S. Motijheel, Dhaka Bangladesh.

8. The Deputy commissioner, Dhaka, Post and P.S. –Kotwali, District-Dhaka.

9. The Officer in Charge (O.C), Shampur, Thana, P.S. Shampur, District- Dhaka.

10. The Officer in Charge (O.C.), Demra Thana, P.S. Demra, District- Dhaka.

.....Respondents.

AND

IN THE MATTER OF:

Inaction of the respondent to take necessary steps to stop pollution of water of River Buriganga which is caused by untreated waste thrown in the river and release of chemical mixed water from different industries at Shampur, Demra, Dhaka, and a direction upon the respondents to take necessary steps to stop pollution of water of River Buriganga at Shampur Demra area by way of Effective measures.

GROUND S:

1. 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 stop pollution of water of river Buriganga at Shampur area.

II. For that as per Article 21 of the Constitution of Bangladesh the duty 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 pure water is essential for the life of the citizen living in Dhaka City. So at this stage there is no alternative to stop pollution of water of Buriganga river.

IV. For that disregard to laws and legal provision and failure to ensure proper steps the respondents have caused enough damage to the environment and the city dwellers are adversely affecting to the right to life. Under these circumstances the respondents are legally bound to take all necessary steps to stop pollution of water of river Buriganga which is caused by Industries at Shampur area.

V. For that without any precautions to save the health of the city dwellers by way of keeping the water of Buriganga in a good condition, 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 keep the water of Buriganga in a good condition.

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 respondent to take necessary steps to stop pollution of water of River Buriganga which is caused by untreated waste thrown in the river and release of chemical mixed water from different industries at Shampur, Demra, Dhaka, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to take necessary steps to stop pollution of water of River Buriganga at Shampur Demra area by way of Effective measures.

b) Pending hearing of the Rule direct the Respondent no. 9-10 to deploy police force for continuous monitoring on the bank of river at Shampur area so that no industries

waste/chemical use water can be thrown / emptying into the river in any manner and take legal action against the violators who pollute water of river Buriganga.

c) Pending hearing of the rule direct the respondent No. 1 to form a monitoring committee consisting of members of District Administration, BIWTA and Directorate of Environment and Ministry of industries to monitor and take effective steps to stop industries waste in to river Burigonga at Shampur, Demra, Dhaka.

d) Pending hearing of the rule direct the respondent No. 4-5 and 7-8 to take steps to stop industries waste discharge within river Buriganga at Shampur area, Demra, within 48 hours and submits a progresses report within 10 days before this court.

e) Pending hearing of the rule direct the respondent No. 8 to operate mobile court at Shampur, Demra, area in every week in order to take legal action against the owner and management of the industries in that area who are liable for discharge industries waste or chemical use water in the river Burigonga at Shampur, Demra, Dhaka, and submit a compliance report within 7 days before this court.

f) Pending hearing of the rule direct the respondent no. 4 and 5 to appear in person on 05.02.2014 at 10.30 am before this court to explain their conduct.

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.
