

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

**WRIT PETITION NO. 1644 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:**

**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.

-Versus-

Bangladesh represented by the Secretary, Ministry of Civil Aviation and Tourism, Bangladesh Secretariat, Police Station Shahbag, Dhaka and others.

.....Respondents

**Mr. Manzill Murshid, Advocate**

.....For the petitioner.

**Mr. Saifur Rashid, Advocate**

.....For the respondent no. 5.

Heard on 19.04.2015, 26.04.2015, 29.04.2015, 30.04.2015, 10.05.2015 & 26.07.2015.

Judgment on 29.07.2015.

**Present:**

**Mr. Justice Moyeenul Islam Chowdhury**

**-And-**

**Mr. Justice Md. Ashraful Kamal**

**MOYEENUL ISLAM CHOWDHURY, J:**

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh filed by the petitioner, a Rule Nisi was issued calling upon the respondents to show cause as to why the installation and operation of the Gamma Ray Gantry Scanning Machine at the Cargo Village of Hazrat Shahjalal International Airport, Dhaka should not be declared to be without lawful authority and of no legal effect and why a direction should not be given upon the respondents to stop the operation of the Gamma Ray Gantry Scanning Machine at the Cargo Village of Hazrat Shahjalal International Airport, Dhaka as it is allegedly dangerous to the health of the citizenry and/or such other or further order or orders passed as to this Court may seem fit and proper.

The case of the petitioner, as set out in the Writ Petition, in short, is as follows:

The organization Human Rights and Peace for Bangladesh (HRPB) is a non-profit registered organization and the objectives of the organization are to uphold the human rights of the citizenry and to render legal aid to the indigent and helpless people and to build up awareness amongst the people about their rights etc. Bangladesh has three International Airports, namely, Hazrat Shahjalal International Airport, Dhaka, Shah Amanat International Airport, Chittagong and Osmani International Airport, Sylhet. Anyway, the export/import volume has increased enormously through Hazrat Shahjalal International Airport. The cargo-handling capacity of the said airport has not been enhanced to meet the growing demands. This incapacity of handling numerous cargoes was causing serious cargo-congestion at the airport resulting in loss of business in Bangladesh. This being the position, in 1999, the respondent no. 2 constructed a cargo village on the north of the Terminal Building of Hazrat Shahjalal International Airport and all the exportable goods are packed, cleared and shipped from this cargo village. According to the reports published in various newspapers, the petitioner has come to know that due to setting up of a Gamma Ray Scanning Machine at Hazrat Shahjalal International Airport, Dhaka, the health of the citizenry has been put at great risk. It is dangerous to carry out X-ray of foodstuffs through this machine. The airports around the world generally use ULD-type machines

mainly to identify explosive items and such machines can be used for X-ray in a controlled manner. The Gamma Ray Gantry Scanning Machine is not used at any airport across the globe and it is also not approved by the International Civil Aviation Authority (ICAA). In the 30<sup>th</sup> Meeting of the Parliamentary Standing Committee on the affairs of the Ministry of Civil Aviation and Tourism held on 28.12.2011, it was decided that the concerned authority would take steps to find out which countries of the world have been using Gamma Ray Gantry Scanning Machines and whether the Department of Environment of Bangladesh and the Bangladesh Atomic Energy Commission have given a no-objection certificate in relation to the operation of such a machine at the cargo village of Hazrat Shahjalal International Airport. It has been reported in the press that the authority ignored the recommendation of the Parliamentary Standing Committee and without having any no-objection certificate from the Bangladesh Atomic Energy Commission, the authority installed and started operating the Gamma Ray Gantry Scanning Machine. It has also been reported that the Gamma Ray Gantry Scanning Machine emits Gamma Rays that have detrimental effect on human body which increases the risk of cancer. The risk of injury to human health increases by the use of the model of the Gamma Ray Gantry Scanning Machine that has no protective cover as opposed to using a machine that has a protective cover to contain most of the gamma ray radiation. Genetic mutation can arise as a result of gamma ray poisoning affecting people years after exposure. Hence the Rule.

The Rule has been opposed by the respondent no. 5 by filing an Affidavit-in-Opposition. The case of the respondent no. 5, as set out therein, in short, runs as follows:

The Civil Aviation Authority of Bangladesh (CAAB) earlier appointed Aviation Management Services (BD) Limited for operating, maintaining and procuring the cargo scanning services at the cargo village of Hazrat Shahjalal International Airport, Dhaka. Subsequently the Government took a decision that Cargo Scanning Machines would be installed and operated at the airport by the CAAB within the shortest possible time. As per the approval of the Government, two numbers of Gantry X-ray Scanning Machine & one number of Heavy Luggage X-ray Scanning Machine were purchased by Open Tendering Method (OTM). In the tender technical specification, it was clearly mentioned that the machine would be X-ray Scanning Machine. The successful bidder M/S Nuctech Company Limited, China supplied, installed and started the operation of the X-ray Gantry Scanning Machine on 04.12.2011. The installed Gantry Scanning Machine is an X-ray Scanning Machine which has been certified by the competent authority of the Government of China stating that it is not harmful for human health. The

Scanning Machine is a purely X-ray-operated Cargo Scanning Machine (Gantry Type). The machine uses only momentarily controlled X-ray for Cargo Scanning and X-ray is not generated for the rest of the time. This Gantry Machine uses full 4 Mega Volt electricity for the production of X-ray and the X-ray dose per scan is less than 10 micro sievert. For food safety, World Health Organization (WHO) has declared that the highest energy level should be 10 Mega Volt and 0.5 Gray. So this machine is fully safe for foodstuffs. Moreover, this is a ULD-Type Gantry Scanning X-ray Machine. However, the authority informed the Parliamentary Standing Committee on the affairs of the Ministry of Civil Aviation and Tourism that the installed Gantry Scanning Machine has been using X-ray and not Gamma Ray and a similar type of X-ray Gantry Machine with higher power and size has been in place at Chittagong Port. The CAAB did not install any Gamma Ray Gantry Scanning Machine and it installed an X-ray Gantry Scanning Machine which has a protective shield. This machine generates X-ray less than 0.1 Micro Sievert at the boundary which complies with the recommendations of the World Health Organization (WHO), International Atomic Energy Agency (IAEA) and International Commission on Radiological Protection (ICRP). Moreover, this X-ray Gantry Scanning Machine holds an ISO 9001:2000 certificate. This type of machine is widely used at both airports and seaports. The wide use of X-ray Gantry Scanning Machine at the airports of China, Europe, Malaysia and Dubai clearly proves that it is not injurious to human health. The newspaper reports on the basis of which the Writ Petition was filed were not verified from any reliable source and the Writ Petition was made with an ulterior motive.

In the Supplementary Affidavit-in-Opposition dated 23.04.2015 filed by the respondent no. 5, it has been mentioned that the respondent no. 5 applied to the Bangladesh Atomic Energy Commission on 31.01.2012 for necessary certification and the commission issued the certification on 16.05.2012 which was subsequently renewed on 20.04.2014 till 30.06.2014 and lastly on 09.12.2014 till 30.06.2015. The respondent no. 5 also obtained an import licence being no. 3153/2012, licence for relocatable scanner machine being no. 3154/2012 and import permit being no. 1299/2012 from the Bangladesh Atomic Energy Commission as per পারমানবিক নিরাপত্তা ও বিকিরণ নিয়ন্ত্রণ (পানিবিনি) বিধিমালা, ১৯৯৭. The existing Gantry Machine installed at the cargo village of Hazrat Shahjalal International Airport is a Single View X-ray equipment. Anyway, according to the requirement of European Union, it has become necessary to install a Dual View Scanning Machine. By that reason, a Dual View Scanning Machine is now being installed at the cargo village of Hazrat Shahjalal International Airport to meet the requirement of European Standard Scanning Machine.

In the Supplementary Affidavit-in-Opposition dated 06.05.2015 filed by the respondent no. 5, it has been stated that the Gantry Scanning X-ray Machine was installed at the export cargo building opposite to the RAB Headquarters which is situated at a distance of one kilometre from the Passenger Terminal Building of Hazrat Shahjalal International Airport. This cargo export building is situated in a restricted zone whereto general people do not have any access. Therefore there is no reason for causing harm to the public for using the X-ray Gantry Scanning Machine at the export cargo village of Hazrat Shahjalal International Airport. The Managing Director of the Aviation Management Services (BD) Limited who used to provide cargo scanning services at the cargo village earlier sent a letter to the Civil Aviation Authority of Bangladesh (CAAB) on 22.05.2012 bringing some false allegations against them. In the said letter, the Managing Director of the Aviation Management Services (BD) Limited stated- “উল্লিখিত ৬ (ছয়) কোটি টাকা ক্ষতিপূরণের জন্য আমরা ১৬.০৪.২০১২ ইং তারিখ উচ্চ আদালত একটি রিট পিটিশন করি, যাহার নম্বর ২০১২ এর ১৬৪৪, যাহার অনুলিপি এতদসংগ সংযুক্ত করা হল” and from this, it is apparent that the Writ Petition was filed at the instance of the Aviation Management Services (BD) Limited.

In the Supplementary Affidavit-in-Opposition dated 29.06.2015 filed by the respondent no. 5, it has been averred that on 19.01.2012, the Civil Aviation Authority submitted a progress report about the implementation of the decision taken in the 30<sup>th</sup> meeting of the Parliamentary Standing Committee on 28.12.2011 in respect of the Scanning Machine wherein they stated that the Scanning Machine installed at Hazrat Shahjalal International Airport is an X-ray Gantry Scanning Machine and it is not a Gamma Ray Gantry Scanning Machine. This X-ray Gantry Scanning Machine is used in different countries such as Dubai (UAE), Switzerland, Denmark and Chittagong Port (Bangladesh). The respondent no. 5 installed the X-ray Gantry Scanning Machine with the prior approval of the Government and it complied with all legal processes and formalities in installing the Scanning Machine and the said machine is still in operation at the cargo village.

In the reply to the Supplementary Affidavit-in-Opposition dated 06.05.2015 filed on behalf of the petitioner, it has been stated that in the Writ Petition, news items of several national newspapers have been annexed and in every news item, it has been mentioned that the machine should be examined to protect people from any possible health hazard. In the newspaper reports, opinions of experts have been quoted which indicate that the Gantry Scanning Machine is harmful for human health. Over and above, the report submitted by the Atomic Energy Commission points out that it is deleterious to human health to some extent.

At the outset, Mr. Manzill Murshid, learned Advocate appearing on behalf of the petitioner, submits that the Civil Aviation Authority installed and started operating the Gamma Ray Gantry Scanning Machine at the cargo village of Hazrat Shahjalal International Airport, Dhaka without having the machine examined for possible health hazard by the Bangladesh Atomic Energy Commission and without obtaining a no-objection certificate therefrom and as such the installation and operation of the Gamma Ray Gantry Scanning Machine are liable to be declared to be without lawful authority and of no legal effect.

Mr. Manzill Murshid further submits that the 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, but the operation of the Gamma Ray Gantry Scanning Machine at the cargo village is a serious threat to human health.

Mr. Manzill Murshid further submits that the Gamma Ray Gantry Scanning Machine is detrimental to human body which increases the risk of cancer and harms the human reproductive system of those who operate the machine and other people in the vicinity of the machine and it is also dangerous to carry out X-ray of foodstuffs with the Gamma Ray Gantry Scanning Machine and in this perspective, the installation and operation of the Gamma Ray Gantry Scanning Machine are illegal.

Mr. Manzill Murshid also submits that it has been stated in the Writ Petition that the risk of injury to human health increases by the use of the model of the Gamma Ray Gantry Scanning Machine that has no protective shield as in the present case and this is why, the operation of the Gamma Ray Gantry Scanning Machine should not be allowed to continue.

Mr. Manzill Murshid next submits that the Writ Petition was filed as a Public Interest Litigation based on some newspaper reports, though the Managing Director of Aviation Management Services (BD) Limited allegedly said that the Writ Petition was filed for realization of compensation of Taka 6(six) crore; but in fact, the Writ Petition was not filed for realization of compensation of any amount of money and the same was preferred on behalf of the populace with a view to protecting their health from any possible radiation hazard and the above claim of the Managing Director of Aviation Management Services (BD) Limited will not detract from the character of the Writ Petition as a Public Interest Litigation.

Per contra, Mr. Saifur Rashid, learned Advocate appearing on behalf of the respondent no.5, submits that the Aviation Management Services (BD) Limited was the previous provider of the cargo scanning services at the cargo village of Hazrat Shahjalal International Airport, Dhaka and the letter

dated 22.05.2012 sent to the Civil Aviation Authority by the Managing Director of the Aviation Management Services (BD) Limited (Annexure-‘20’) indicates that the Writ Petition was filed in furtherance of the personal interest of the Aviation Management Services (BD) Limited and not as a Public Interest Litigation and by that reason, the Writ Petition is not maintainable as a Public Interest Litigation.

Mr. Saifur Rashid also submits that the Scanning Machine installed at the cargo village of Hazrat Shahjalal International Airport, Dhaka is an X-ray Gantry Scanning Machine and not a Gamma Ray Gantry Scanning Machine in terms of the report dated 19.01.2012 submitted by the authority on the implementation of the decision taken in the 30<sup>th</sup> meeting of the Standing Committee on the affairs of the Ministry of Civil Aviation and Tourism on 28.12.2011 (Annexure-‘21’) and this being the state of affairs, it does not lie in the mouth of Mr. Manzill Murshid to say that the Scanning Machine is a Gamma Ray Gantry Scanning Machine.

Mr. Saifur Rashid further submits that the report dated 06.03.2012 furnished by the Bangladesh Atomic Energy Commission (respondent no. 4) on the regulatory inspection of the Scanning Machine at the cargo village of Hazrat Shahjalal International Airport, Dhaka does not also bear out the claim of Mr. Manzill Murshid that the Scanning Machine is a Gamma Ray Gantry Scanning Machine.

Mr. Saifur Rashid next submits that it is true that in accordance with the report of the Atomic Energy Commission dated 06.03.2012 which is annexed to the Affidavit-in-Compliance dated 16.04.2012 filed by the respondent no. 4, the dose level exceeds the regulatory limit for the public (Rule 37 of NSRC Rules, 1997); but the cargo village is situated at a distance of one kilometre off the Passenger Terminal Building of Hazrat Shahjalal International Airport and what is more, the cargo village is a restricted area and in such view of the matter, the people in general have no access thereto and given this scenario, the question of suffering any health hazard by the general public does not arise at all.

Mr. Saifur Rashid also submits that the Single View X-ray Gantry Scanning Machine has been in operation; but as per the standard of European Union and to meet their requirement, installation of a Dual View Scanning Machine has become all the more necessary and accordingly a Dual View Scanning Machine is being installed at the cargo village at the moment.

Mr. Saifur Rashid further submits that the Gantry Scanning X-ray Machine that is in place at the cargo village is ULD-type and that being so, the question of posing any health hazard is out of the question.

We have heard the submissions of the learned Advocate Mr. Manzill Murshid and the counter-submissions of the learned Advocate Mr. Saifur

Rashid and perused the Writ Petition, Affidavit-in-Opposition, Supplementary Affidavits-in-Opposition, Affidavit-in-Reply to the Supplementary Affidavits-in-Opposition and Affidavit-in-Compliance filed by the respondent no. 4.

Let us first address the question of competency of the Writ Petition. It has been urged on the side of the petitioner that this is a Public Interest Litigation and the Writ Petition was filed on the basis of various newspaper reports highlighting the health hazards of the people. But on the other hand, it has been contended on behalf of the respondent no.5 that the Aviation Management Services (BD) Limited was the previous provider of cargo scanning services at the cargo village of Hazrat Shahjalal International Airport, Dhaka and the letter dated 22.05.2012 (Annexure-‘20’) sent to the Civil Aviation Authority by the Managing Director of the Aviation Management Services (BD) Limited goes to show that the Writ Petition was filed at the instance of the Aviation Management Services (BD) Limited in furtherance of their personal interest and not as a Public Interest Litigation.

There is no gainsaying the fact that the Aviation Management Services (BD) Limited was the previous provider of cargo scanning services at the cargo village of Hazrat Shahjalal International Airport, Dhaka. However, from a bare reading of the Writ Petition, it seems that the Writ Petition was preferred on the basis of some newspaper reports which highlighted the health hazards of the people because of installation and operation of the alleged Gamma Ray Gantry Scanning Machine at the cargo village of the airport. A reference to Annexure-‘20’ indicates that the Managing Director of the Aviation Management Services (BD) Limited has claimed that the present Writ Petition was filed for realization of compensation to the tune of Tk. 6(six) crore; but indisputably the Writ Petition was not filed for realization of any compensation money as claimed by the Managing Director of the Aviation Management Services (BD) Limited. Be that as it may, the Managing Director of that company might have resorted to backstage manoeuvres and pulled the strings in the matter of filing of the Writ Petition. But none the less, as we see it, that will not destroy the character of the Writ Petition as a Public Interest Litigation in view of the fact that the Writ Petition is based on some newspaper reports. Furthermore, in the arena of Public Interest Litigation, Human Rights and Peace for Bangladesh (HRPB) has always played a pro-active and pioneering role. This being the landscape, we are inclined to hold that the instant Writ Petition is maintainable as a Public Interest Litigation.

The next contentious issue is that whether the Scanning Machine installed at the cargo village of Hazrat Shahjalal International Airport, Dhaka is an X-ray Gantry Scanning Machine or a Gamma Ray Gantry Scanning

Machine. In this connection, the report of the respondent no. 4 dated 06.03.2012 may be adverted to. It is evident from that report dated 06.03.2012 that during inspection, no Gamma Ray Gantry Scanning Machine was found at the cargo village. Besides, Annexure-‘21’ shows that the Scanning Machine is an X-ray Gantry Scanning Machine and not a Gamma Ray Gantry Scanning Machine as contended by Mr. Manzill Murshid. It is worthy of notice that after submission of the Affidavit-in-Opposition and Supplementary Affidavits-in-Opposition by the respondent no. 5, the petitioner has not denied that the Scanning Machine is an X-ray Gantry Scanning Machine by filing any Supplementary Affidavit, though originally it is the claim of the petitioner that it is a Gamma Ray Gantry Scanning Machine and not an X-ray Gantry Scanning Machine. In such a posture of things, we are led to hold that the Scanning Machine installed at the cargo village of Hazrat Shahjalal International Airport, Dhaka is necessarily an X-ray Gantry Scanning Machine.

In the Writ Petition, the petitioner has laid emphasis and accordingly contended on the installation of a ULD-type Gantry Scanning X-ray Machine for scanning of luggage, but that ULD-type Gantry Scanning X-ray Machine has been in place at the cargo village of Hazrat Shahjalal International Airport, Dhaka as it appears from the materials on record.

It is not disputed that the Single View X-ray Scanning Machine has been in place; but in order to meet the standard of European Union, installation of a Dual View Scanning Machine is indispensably necessary and as such a Dual View Scanning Machine is now being installed at the cargo village of Hazrat Shahjalal International Airport, Dhaka.

It is undeniable that when the X-ray Gantry Scanning Machine was installed at the cargo village of Hazrat Shahjalal International Airport, Dhaka, the respondent no. 5 did not obtain any approval from the respondent no. 4 (Bangladesh Atomic Energy Commission). But it appears from the record that at a subsequent stage, the Civil Aviation Authority admittedly applied for approval and necessary approval was accorded by the Atomic Energy Commission and the same was renewed from time to time. This ex-post facto approval by the Atomic Energy Commission has cured the defect, if any, in the matter of installation and operation of the X-ray Gantry Scanning Machine at the cargo village of the airport.

According to the assertion of the respondent no. 5, the X-ray Gantry Scanning Machine has a protective shield which protects the operators of the machine at the cargo village of Hazrat Shajalal International Airport, Dhaka; but the petitioner does not raise any objection thereto in course of hearing of the Rule, albeit it has been stated in the Writ Petition that the Scanning Machine has no protective shield. Against this backdrop, we are led to hold

that the X-ray Gantry Scanning Machine has a protective shield as argued by Mr. Saifur Rashid.

The report dated 06.03.2012 on the regulatory inspection of the Scanning Machine at the cargo export complex of Hazrat Shahjalal International Airport, Dhaka carried out by the respondent no. 4 (Bangladesh Atomic Energy Commission, Dhaka) appears to be a very vital document for setting the whole controversy at rest. The relevant findings of the inspection and the conclusion arrived at are quoted below verbatim for better appreciation:

“3. Findings of the inspection:

- .....
- X-ray ionizing radiation is used in the facility for cargo/baggage scanning purpose;
- The observed scanners are not imported and are used complying with the NSRC Rules, 1997;
- Maximum radiation dose rate at different locations in and around the facility is found within the permissible limit for the radiation worker according to the NSRC Rules, 1997;
- Working areas are not classified as controlled area and supervised area according to the Rule 55 of NSRC Rules, 1997.

4. Conclusion: For cargo/baggage scanning purpose, X-ray is used in the facility. The energies of the X-rays emitted from the concerned scanners can be maximum of 4 MeV and 200 keV which could not be able to generate neutron and hence gamma radiation. The radiation level around the machine is recorded within the range of 0.2-1.4 uSv/h which complies with the regulatory dose limit for the radiation worker (Rule 20.3 of NSRC Rules, 1997). However, the dose level exceeds the

regulatory limit for the public (Rule 37 of NSRC Rules, 1997).”

It has been contended on the behalf of the respondent no. 5 that the cargo village is a restricted area and the people in general do not have any access thereto and it is situated at a distance of one kilometre from the main Terminal Building of Hazrat Shahjalal International Airport, Dhaka. It has been clearly mentioned in the report dated 06.03.2012 that the dose level exceeds the regulatory limit for the public (Rule 37 of NSRC Rules, 1997). This warning, in our opinion, should not go unheeded by the Civil Aviation Authority in the interest of the health of the general people, though the cargo village is a restricted area and is situated at a distance of one kilometre from the main Terminal Building. What we are driving at boils down to this: the Civil Aviation Authority should be mindful of the warning in any event. Precisely speaking, at the time of operation of the X-ray Gantry Scanning Machine at the cargo village, the Civil Aviation Authority will bear the warning in mind and take remedial steps so that no question of any possible health hazard of the general people arises.

Moreover, the report dated 19.01.2012 submitted by the Civil Aviation Authority on the implementation of the decision taken in the 30<sup>th</sup> meeting of the Parliamentary Standing Committee on the affairs of the Ministry of Civil Aviation and Tourism on 28.12.2011 (Annexure-‘21’) runs as under:

ক্রমিক নং	বৈঠক নং ও তারিখ	গৃহীত সিদ্ধান্ত	বাস্তবায়ন অগ্রগতি
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
১৫.এ	বৈঠকঃ ৩০তম তারিখঃ ২৮-১২- ২০১১খ্রিঃ	Gamma Ray Gantry Scanning Machine পৃথিবীর কোন কোন দেশ ব্যবহৃত হচ্ছে এবং এ মেশিন ব্যবহারের বিষয় পরিবশ অধিদপ্তর ও আনবিক শক্তি কমিশনের ছাড়পত্র নেয়ার সুপারিশ করা হয়;	হযরত শাহজালাল আন্তর্জাতিক বিমানবন্দর সংস্থাপিত Gantry Scanning Machine টি X-ray Scanning Machine অর্থাৎ Gamma Ray Gantry Scanning Machine নয়। Gamma Ray একটি অতি ক্ষুদ্র তরঙ্গ বিশিষ্ট রশ্মি এবং উচ্চ ক্ষমতা সম্পন্ন ইলেক্ট্রো ম্যাগনেটিক রেডিয়েশন। যাহা সচরাচর রেডিও এ্যাকটিভ ইলিমেন্ট (Radio Active Element) থেকে সার্বক্ষণিক নির্গত হয়। এরকম উচ্চ ক্ষমতা সম্পন্ন কোন রেডিও এ্যাকটিভ ইলি- মেন্ট কার্গো গ্যাট্রি X-ray Scanning মেশিন ব্যবহৃত হয় না। আলাচ্য মেশিন সংক্রান্ত বিষয় বেবিচ কর্তৃপক্ষের

বিশেষজ্ঞ কমিটির মতামত সম্বলিত প্রতিবেদন (টেকনিক্যাল টার্মসহ) পাওয়ার পয়েন্ট এর মাধ্যম কর্তৃপক্ষ কর্তৃক বিগত ০৬.০১.২০১১ খ্রিঃ তারিখ অনুষ্ঠিত বেসামরিক বিমান পরিবহণ ও পর্যটন মন্ত্রণালয় সম্পর্কিত স্থায়ী কমিটির ২২ তম বৈঠক উপস্থাপন করা হয়।

X-ray Scanning Machine এর Energy Level এবং Dose সংক্রান্ত বিষয় World Health Organization (WHO) এর বুলটিন উল্লেখ রয়েছে।

“Inspection of food containing cargoes using X-rays is safe since no detectable radioactivity will be induced in the foodstuffs provided that an energy level of 10 MeV and a dose of 0.5 Gy are not exceeded.”

আলাচ্য বিমানবন্দর সংস্থাপিত কার্গা গ্যান্ট্রি স্ক্যানিং মেশিন-এ এক্সর ইমজিং টেকনোলজি ব্যবহৃত হয়। উক্ত X-ray মেশিনের সর্বোচ্চ এনার্জি লেভেল 4MeV; যা WHO এর স্ট্যান্ডার্ড এর মধ্য রয়েছে। এছাড়া, International standard of absorbed dose per scan 100 h Sv এর স্থলে আলাচ্য মেশিনের absorbed dose per scan <10 h Sv (পরিশিষ্ট-‘ক’ পৃষ্ঠাঃ ৭-১১ দ্রঃ)।

Nuctech Company Limited কর্তৃক সরবরাহকৃত X-ray Gantry Scanning Machine সংক্রান্ত বিষয় বিশ্বের বিভিন্ন দেশ (দুবাই, সুইজারল্যান্ড, ডেনমার্ক ও চট্টগ্রাম সমুদ্র বন্দর, বাংলাদেশ) ব্যবহৃত হচ্ছে (পরিশিষ্ট-‘খ’ পৃষ্ঠাঃ ১২-২৮ দ্রঃ)। উক্ত কোম্পানীর অনুকূল Occupation Health and Safety Management System Certificate, Quality Management System Certificate এবং Environment Management System Certificate রয়েছে (পরিশিষ্ট-‘গ’ পৃষ্ঠাঃ ২৯-৩১ দ্রঃ)।”

The aforementioned report dated 19.01.2012 (Annexure-‘21’), broadly speaking, lends support to the Atomic Energy Commission report dated 06.03.2012. Mr. Manzill Murshid, however, finds it difficult to find fault with either of the reports.

From the foregoing discussions and regard being had to the facts and circumstances of the case, we are inclined to dispose of the Rule with a direction that the Civil Aviation Authority of Bangladesh will take note of the warning given by the Bangladesh Atomic Energy Commission (respondent no. 4) in its report dated 06.03.2012 in respect of exceeding of the regulatory limit of the dose level of radiation for the public and take remedial measures so that they do not have any misgivings about the operation of the Single View X-ray Gantry Scanning Machine at the cargo village of Hazrat Shahjalal International Airport, Dhaka.

Accordingly, with the above direction, the Rule is disposed of without any order as to costs.

Let a copy of this judgment be immediately transmitted to the respondent no. 5 for information and necessary action.

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