

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

WRIT PETITION NO. OF 2017.

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:

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 Home Affairs, Bangladesh
Secretariat, P.S. Shahbag, District: Dhaka,
Bangladesh.

2. The Inspector General of Police (IGP),
Police Head Quarter, Fulbari, Dhaka,
Bangladesh.

3. The Police Commissioner, Dhaka
Metropolitan Police Commissioner (DMP),
DMP Headquarter, Eskaton Road, Dhaka,
Bangladesh.

4. The Deputy Inspector General of
Police (DIG) (Highway Police), Razarbag
Telecom Bhaban, Dhaka, Bangladesh.

5. The Joint Commissioner (Traffic),
Dhaka Metropolitan Police, DMP Head
Quarter, Dhaka, Bangladesh.

6. The Chairman, BRTA, BRTA head office, 21 Allenbari, Tejgaon, Dhaka, Bangladesh.
7. The Deputy Commissioner (Traffic) (South), 10 Circuit House Road, Near Kornofuli Garden, Shantingar, Dhhka, Bangladesh.
8. The Deputy Commissioner (Traffic) (North), Khilket, Near La Meridian Hotel, Kilkhet, Dhhka, Bangladesh.
9. The Deputy Commissioner (Traffic) (West), Aorangajib Road, Mohammadpur, Mohammadpur, Dhhka, Bangladesh.
10. The Deputy Commissioner (Traffic) (East), 6 Purana Paltan, P.S. Paltan, Dhaka, Bangladesh.
11. The officer in Charge, Dhanmondi Police Station, P.S. Dhanmondi, Dhaka, Bangladesh.
12. The officer in Charge, Gulshan Police Station, P.S. Gulshan, Dhaka, Bangladesh.
13. The officer in Charge, Uttara Police Station, P.S. Uttara, Dhaka, Bangladesh.
14. The officer in Charge, Motijheel Police Station, P.S. Motijheel, Dhaka, Bangladesh.
15. The officer in Charge, Shahbag Police Station, P.S. Shahbag, Dhaka, Bangladesh.
16. The officer in Charge, Ramna Police Station, P.S. Ramna, Dhaka, Bangladesh.
17. The officer in Charge, Rampura Police Station, P.S. Rampura, Dhaka, Bangladesh.
18. The officer in Charge, Bannani Police Station, P.S. Bannani, Dhaka, Bangladesh.
19. The officer in Charge, Mirpur Police Station, P.S. Mirpur, Dhaka, Bangladesh.
20. The officer in Charge, Demra Police Station, P.S. Demra, Dhaka, Bangladesh.

...Respondents.

AND

IN THE MATTER OF:

Failure/inaction of the respondents to stop use of Hydraulic horn or any Device creating alarming Noise by Vehicles running on the roads of Bangladesh.

AND

IN THE MATTER OF:

For a direction upon the Respondents to stop use of Hydraulic horn or any Device creating alarming Noise by Vehicles running on the roads of Bangladesh which causes sound pollution and health hazards to the citizens of Bangladesh .

GROUND S

I. For that as per the provision of Article 21 of the Constitution of Bangladesh, the duties and responsibilities vested upon the Respondents to serve the people and initiate lawful steps and they are also duty bound to obey the provisions of law. But the Respondents have failed to perform their duties and responsibilities as vested upon them and by way of violating the provision of the Constitution of Bangladesh, the Respondents did not yet take any effective steps against the vehicles which cause harmful severe sound pollution affecting human health and thereby attacks fundamental rights of the people.

II. For that as per rule 114 (d) of the Motor Vehicle Rules 1940 every transport vehicle shall be fitted with a bulb horn but using Hydraulic horn by Vehicles creates severe alarming noise which causes sound pollution and health hazards of the citizens of Bangladesh, specially children, students old aged people and general commuters.

III. For that section 139 of the Motor Vehicles Ordinance, 1983 speaks of punishment for fitting and using prohibited horns or other sound producing device. Though the provision of penalties was incorporated in the Ordinance for controlling the sound, the Respondents are not taking any appropriate steps against the illegal

acts to use hydraulic horn and others device which causes sound pollution.

IV. For that hydraulic horn is harmful to health and prejudice to normal period of life and a balanced environment and hence, using hydraulic horns in vehicles is violative of Article 32 of the Constitution.

V. For that using hydraulic horn in vehicles creates sound pollution affecting human health and sound human life. So, it is necessary to take urgent steps to stop use of Hydraulic horn or any Device creating severe alarming noise by Vehicles running on the roads of Bangladesh.

VII. For that due to ignorance of the Road Transport Authority and Traffic police many vehicles are using hydraulic horn and others devices which are creating sound pollution. But no authority is perfectly moving to solve the problem and in order to stop it, so a direction may be given upon the Respondents to take urgent steps to stop driving vehicles without hydraulic horn and sound pollution devices.

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 failure/inaction of the respondents to stop use of Hydraulic horn or any Device creating alarming Noise by Vehicles running on the road of Bangladesh should not be declared illegal and without lawful authority and why a direction should not be given upon the Respondents to stop use of Hydraulic horn or any Device creating alarming Noise by Vehicles running on the road of Bangladesh which causes sound pollution and health hazards of the citizens of Bangladesh .

b) Direct the Respondents to take steps to stop use of the hydraulic horn or any Device creating alarming Noise within the area of Dhaka city within 48 hours and filed a compliance report within two weeks.

c) Directs the Respondent no. 3, 5 and 7-20 to monitor the roads of Dhaka City from 27.08.17 so that no vehicles can run having Hydraulic horn or any Device creating alarming Noise and in case of any violation of the order the respondents will seize the vehicles.

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 passed adinterim order. The matter is pending before the Hon'ble High Court Division.
