

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

WRIT PETITION NO. .... OF 2010.

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 Shipping, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

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

3. The Managing Director, WASA, WASA Bhaban, Kawranbazar, Dhaka, Bangladesh.

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

5. The Director General, 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, Office of the Deputy Commissioner, Collectorate Building, Johnson Road, Dhaka.

9. The officer in charge (O.C.), Kotwali Thana, P.S. Kotwali, District- Dhaka.

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

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

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

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

.....Respondents.

### **GROUNDS**

I. 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.

II. For that as per Article 21 of the Constitution of Bangladesh the duty of 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 Biriganag river.

IV. For that disregard to laws and legal provisions 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.

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 respondents to stop pollution of water of Buriganga river, 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 by way of effective measures.

b) Pending hearing of the Rule an order may be passed directing the Respondent no. 9-13 to deploy police force for continuous monitoring on the bank of river so that no wastes 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. 4, 5 and 8 to form a monitoring committee consisting of members of District Administration, BIWTA and Directorate of Environment to monitor the activities of the deployed police force and submit a compliance report within 15 days.

e) Pending hearing of the rule direct the respondent no. 4 to take steps to seal all the sewerage lines linked with river Buriganga and submits a progress report within 15 days.

**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 was heard by the Hon'ble High Court Division and rule was made absolute.

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