

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

WRIT PETITION NO. 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:

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.

2. Advocate Eklasuddin Bhuiyan, Son of Abdul Khalek Bhuiyan of 33 Abdul Hadi Lane, P.S. Bangshal, Dhaka.

.....Petitioners.

-VERSUS-

1. Bangladesh, represented by the Secretary, Ministry of Post and Telecommunication, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

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

3. The Secretary, Ministry of Environment, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

4. The Chairman, Bangladesh Telecommunication Regulatory Commission, IEB Bhaban, P.S. Ramna, Dhaka Bangladesh.

5. The Chairman, Atomic Energy Commission, 1/12-AAgargaon, Sher E Bangal Nagar, Dhaka-1207, Bangladesh.

Respondents.

AND

IN THE MATTER OF:

For a direction to take effective steps to stop radiation from Mobile Phone Tower which were set up in different places of the country as it is danger to the health of the citizens and to protect health and environment.

.....Respondents.

G R O U N D S

I. For that the respondent are the public servants and they are duty bound at all time to serve the people and to perform the public duties. But they have failed to do their duty because the steps to set up mobile tower are against the interest of health of the citizen.

11. For that the mobile companies has set up tower at different places of the country, without having the machine inspected for possible health hazards by the Bangladesh Atomic Energy Commission and without obtaining a No Objection Certificate, and as such the installation and operation of the Mobile tower is liable to be declared to have been carried out without lawful authority and is of no legal effect.

III. For that the Respondent allowed to install and started operating the mobile tower, showing utter disregard for safety laws, for the possible health hazards of the people within the vicinity. and as such the installation and operation of the Mobile tower causing health hazard is liable to be declared to have been carried out without lawful authority and is of no legal effect.

IV. For that the Mobile tower Machine emits Rays that is detrimental to the human body, including increasing the risk of cancer and harming the human reproductive system of the people around the vicinity of the tower and as such the installation and operation of the tower is liable to be declared to have been carried out without lawful authority and is of no legal effect.

V. For that without any precautions to save the health of the citizen of Bangladesh, the respondents has sent the life of the people in a dangerous situation, which is violation of 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 due to this. Hence a direction may be given upon the Respondents to stop radiation from Mobile Phone Tower which were set up in different places of the country as it is danger to the health of the citizens and to protect health and environment.

Wherefore, it is most humbly prayed that your Lordships would graciously be pleased to issue:-

a) A Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to take effective measures to stop radiation from Mobile Phone Tower which were set up in different places of the country as it is danger to the health of the citizens and to protect health and environment.

b) Pending hearing of the Rule directs the Respondent No. 5 to inspect some of the Mobile Tower of different mobile companies at Dhaka city and submit a report about it's direct and indirect health affect and also submit a report about Radiation from it, within four weeks before this court.

c) Pending hearing of the rule direct the respondent no. 2 to form an expert committee within seven days consisting of seven members (scientist, professor related subject, representative from Ministry of health, environment and Atomic Energy Commission) to examine the health risk and environment effect of radiation from Mobile Tower

which was set up in different places of the country by the different mobile companies and the committee is directed to submit a report within three months before the court about the environment and health affect of the mobile tower.

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 granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
