

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 read with 44 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 it's Secretary, Advocate Asaduzzaman Siddique, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Sarwar Ahad Chowdhury, Organizing Secretary, Human Rights and Peace for Bangladesh (HRPB) of 3/14 Bashbari Bosila Road, Mohammadpur, P.S.: Mohammadpur, Dhaka.
3. Advocate Md. Aklas Uddin Bhuiyan, Publicity Secretary, Human Rights and Peace for Bangladesh (HRPB) of 33 Abdul Hadi Lane, P.S.: Bangshal, District-Dhaka.
4. Advocate Md. Mamun Aleem, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh and 623/1 Boro Mogbazar, Police Station- Raman, Dhaka.

.....Petitioners.

-V E R S U S-

1. Bangladesh, Represented by the Secretary, Ministry of Local Government, Rural Development and Co-Operatives, Bangladesh Secretariat, Police Station- Shahabag, District-Dhaka.
2. The Managing Director , WASA, WASA Bhaban, Kawranbazar, Dhaka, Bangladesh.
3. The Chairman, Bangladesh Council of Scientific & Industrial Research (BCSIR) Science Laboratory, Dhamnmondi, Dhaka, Bangladesh.
4. The Managing Director, Bangladesh Standard Testing Institute (BSTI), Mohakhali, Dhaka, Bangladesh.
5. The Mayor, Dhaka City Corporation, City Corporation Bhaban, Ramna, Dhaka, Bangladesh.

.....Respondents.

GROUNDS

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 city dwellers are depriving from pure and hygienic water.

II. For that that now the European countries are using permanganate or dichromate in stead of chlorine in water treatment plant for avoiding health risk, so in the present situation the respondent WASA should be directed to use permanganate or dichromate for water treatment plant in Saiadabad to save the health of the Dhaka City Dwellers.

III. For that the respondents are liable for their negligence. They have not taken sufficient precautions to supply pure and hygienic water for the city dwellers. It may be noted here that the WASA treatment plant is bringing water from river Buriganga which is highly polluted containing of ammonia and huge organic carbon and then treated by chlorine. A number of studies have revealed the formation of Tri-halomethane (THM) during chlorination of drinking water. Tri-halomethane (THM) have carcinogenic properties (medical name of cancer) and could effect public health. More over by way of using chlorine to purify river water, the authority sending the health of the city dwellers at a risky position. If the present system continues for purifying water by chlorine, in that case life of the city dwellers could be danger. Hence a direction may be given upon the respondents to use modern technology to purify water and to take sufficient precautions to save health of the city dwellers.

IV. For that without any precautions to save the health of the city dwellers, 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 supply pure/hygienic water. Hence a direction may be given upon the Respondents to take steps for supplying pure and hygienic water to the city dwellers.

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 failure of the respondents to take effective measures to supply pure and hygienic water by WASA for the city dwellers, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to use sodium or potassium permanganate in stead of chlorine in order to purify water in any treatment plant implemented in future by WASA and to take sufficient precautions in case of water supply by WASA in order to protect health of the Dhaka City Dwellers and pass such other or further order or orders as your Lordships may deem fit and proper.

b) Direct the respondent no. 3 and 4 to collect sample of water from different places such as Lalbagh, Mirpur, Gulshan, Mohammadpur, Mogbazar, Cantonment, Dhanmondi, Zatrabari, Elephant Road, Khilgaon and Eskaton Road supplied by WASA and conduct a laboratory test about the purity of water identifying presence of ammonia, bromide, chlorine, sulfide, total organic carbon and all chemical materials and submit a details report within 1 (week) before this court.

- c) Direct the respondent no. 1 to obtain a test report from World Health Organization (WHO) about the presence of Tri-halomethane (THM) in the water supplied by WASA from Saiadabad Treatment Plant.
- d) Direct the respondent no. 2 to use permanganate/dichromate in stead of chlorine for purifying water in water treatment plant of WASA from the month of March to April and directed to file an affidavit in compliance within 10 days from the receipt of the order.

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.
