

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 President, Advocate Manzill Murshid, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Asaduzzaman Siddiki, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of Commerce, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Secretary, Ministry of Home Affairs, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
3. The Secretary, Ministry of Food, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
4. The Inspector General of Police (IGP), Police Head Quarter, Ramna, Dhaka, Bangladesh.
5. The Managing Director, Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.
6. The Director General (DG), Rapid Action Battalion (RAB), RAB Head Quarter, Utra, Dhaka, Bangladesh.
7. The Director, Chemical Testing Wing, Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.
8. The Commissioner, Rajshahi Division, Post and District- Rajshahi
9. The Deputy Inspector General of Police (DIG), Rajshahi, Post and District- Rajshahi.
10. The Chairman, National Board of Revenue, NBR building, Segunbagicha, Dhaka, Bangladesh

.....Respondents.

GROUND S

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 chemical use in making fruits ripe.

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 fruits is essential for the life of the citizen living in Dhaka City. So at this stage there is no alternative to stop chemical use in fruits.

IV. For that disregard to laws and legal provisions and failure to ensure proper steps the respondents have caused enough threat to the life of the citizen 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 chemical use in making fruits ripe.

V. For that without any precautions to save the health of the city dwellers by way of available fruits 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 stop using chemical in fruits.

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 take necessary steps to stop using chemical in making the fruits ripe and failure of the respondents to take effective measures to protect the health of the citizens, should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to take effective measure to stop using chemical in making the fruits ripe.

b) Pending hearing of the Rule an order may be passed directing the Respondent no. 5-7 for continuous monitoring in all fruits store house (wholesale depot) in Dhaka city so that no chemical used fruits can be sale/store in any way and directing them to take steps for conducting test everyday about purity of fruits in all wholesale depot in Dhaka City.

c) Pending hearing of the rule direct the respondent no. 1-3 to form a monitoring committee consisting of members of each office to monitor the fruits business and prepare a recommendation to stop chemical use in fruits and submit a compliance report within 15 days.

d) Pending hearing of the rule direct the respondent no. 10 to take immediate steps to stop import chemical mixed fruits from all port around the country and submits a progresses report within 15 days.

e) Pending hearing of the rule direct the respondent no. 9 to deploy force in mango orchards (commercial) in order to stop using chemical in making the mango ripe and take action against the persons who are liable for that.

f) Pending hearing of the rule direct the respondent no. 4 to ensure that the cases will be filled by the police under the provision of Special Powers Act. 1974 against the person who are using chemical in making the fruits ripe.

h) Direct the office to serve notices upon the

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.
