

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

WRIT PETITION NO. .... OF 2011.

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 it's President, Advocate Manzill Murshid, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
2. Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.
3. Advocate Aklasuddin Bhuiyan, 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 Local Government and Rural Development, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
2. The Secretary, Ministry of Health, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.
3. The Chairman, Dhaka WASSA, Kawran Bazar, Dhaka.
4. The Managing Director, Dhaka WASSA, Kawran Bazar, Dhaka.
5. The Director General (D.G.), Department of Fisheries, Matsha Bhaban, 13 Shahid Captain Munsur Ali Shorok, Dhaka, Bangladesh
6. The Mayor, Dhaka City Corporation, City Corporation Bhaban, Fulbaria, Dhaka.
7. The Chief Executive, Dhaka City Corporation, City Corporation Bhaban, Fulbaria, Dhaka.
8. The Police Commissioner, Police Head Quarter, Fulbaria, Ramna, Dhaka, Bangladesh.

9. The Officer in Charge, Kodamtoli Police Station, Kodamtoli, Dhaka, Bangladesh

.....Respondents.

AND

IN THE MATTER OF:

Inaction of the respondents to take necessary steps to stop fish culture in WASA lagoons at Kodomtali, Dhaka, and to stop selling in the different fish market at Dhaka, which is dangerous to the health of the citizens and failure of the respondents to take effective measures to protect the health of the citizens.

### **GROUND S**

I. For that the respondents 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 they have failed to take steps against the cultivation of fishes in chemically poisonous WASA lagoons, which are poisoning the fish and due to which consumption the health of people are seriously being affected.

II. 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. More over right to life of the citizen is fundamental rights guaranteed under Article 32 of the constitution of Bangladesh but due to selling such poisonous fish in city markets the life is facing health threat. Hence a direction may be given upon the Respondents to take appropriate steps to stop using the WASA lagoons for fishing cultivation.

III. 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. According to the prevailing situation the provision of Article 21 of the Constitution of Bangladesh has been violated.

IV. For that the millions of people residing in Dhaka city and are depending on the fish supplied by the businessman. But due to illegal acts of the law violators and failure of the respondents to take effective steps the people are suffering. More over cultivation on the WASA Lagoon fishes lost it's original taste, quality and become poisonous.

V. For that in every moment the life of the city dwellers is depending on fish available in the market. Facts remain that the total supply of fish is control by the businessman and it is their duty to bring fresh fish but they have failed to do that. It may be mentioned here that fresh water fish is very important for the life of the citizen. Due to lagoon cultivated fish consumption, the people are becoming sick day by day and health cost is increasing which is unaffordable for the poor people. But the respondents are not taking steps to stop such cultivation which is making the fish poisonous. In this way the people are depriving from their emergency need of pure fish. It is necessary to stop such cultivation in such chemically polluted lagoon which makes the fish poisonous in order to save the health of the citizen otherwise the people will suffer.

VI. 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. More over right to life of the citizen is fundamental rights guaranteed under Article 32 of the constitution of Bangladesh but due to selling such poisonous fish in city markets the life is

facing health threat. Hence a direction may be given upon the Respondents to take appropriate steps to stop using the WASA lagoons for fishing cultivation.

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 poisonous fish culture in chemically polluted and poisoned area of WASA lagoons at Kodamtoli, Dhaka, which is dangerous and seriously affecting 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 stop all kinds of fish culture in Kodamtoli WASA Lagoon, Dhaka and to take necessary steps against the persons who are engaged with the business for fish culture and selling the same fish cultured in the WASA lagoon, Kodamtoli, Dhaka.

b) Pending hearing of the Rule directs the Respondents for continuous monitoring in day and night in WASA lagoons, Kodamtoli, Dhaka, so that no one can culture fish in the area and cannot sale/store in any way of the fish of that area and submit a compliance report within 2(two) weeks before this court through the Registrar of the Supreme Court of Bangladesh.

c) Pending hearing of the rule direct the respondent no. 2-4, 5 and 7-8 to form an expert committee consisting of members of each office to prepare a recommendation to stop cultivation of fish in such poisonous water at WASA lagoon, Kodamtoli, Dhaka and submit a compliance report within 4 (four) weeks.

d) Pending hearing of the rule direct the respondents 8 and 9 to ensure that the cases will be filled by the police under the appropriate provision of law against the persons who are using the chemically polluted lagoons for cultivation of fishes and marketing the same in manner.

### **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.

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