

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 the Secretary of the Executive
Committee Asaduzzaman Sddiqui , Advocate, Supreme
Curt of Bangladesh, Hall No. 2, Supreme Court Bar
Association Bhaban, Dhaka, Bangladesh.
2. Advocate Sarwar Ahad Chowdhury, Hall No. 2,
Supreme Court Bar Association Bhaban, Dhaka,
Bangladesh, and 3/14 Bashbari Bosila Road,
Mohammadpur, P.S.: Mohammadpur, Dhaka.
3. Advocate Md. Aklas Uddin Bhuiyan Hall No. 2,
Supreme Court Bar Association Bhaban, Dhaka and 3
Agamashi Lane, P.S.: Kotwali, Dhaka.

.....Petitioners

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of
Planning, Sher E-Bangla Nagar, Dhaka, Bangladesh.
2. The Secretary, Ministry of Environment and Forrest,
Government of the People's Republic of Bangladesh,
Bangladesh Secretariat, P.S -, Shahbag, Dhaka.
3. The Secretary, Ministry of Power, Energy and Mineral
Resources, Government of the People's Republic of
Bangladesh, Bangladesh Secretariat, P.S -, Shahbag,
Dhaka.
4. The Director General, Department of Environment,
Paribesh Bhaban, E-16, Sher-E
Bangla Nagar, Agargaon, Dhaka.
5. The Chairman, Bangladesh Power Development
Board of Motijheel C/A, Dhaka, Bangladesh.
6. The Deputy Commissioner, Chittagong, Office of the
Deputy Commissioner, Chittagong.

7. The Project Director, Chittagong Coal-Based Thermal Power Plant, P.S. Anwara, District- Chittagong, Bangladesh.

..... Respondents

G R O U N D S :

I. For that disregard to laws and legal provisions and failure to ensure the environment, the respondents are going to cause enough damage to the environment and the city dwellers are adversely affecting to the right to life. Under these circumstances a direction should be given not to set up Thermal Power Plant in Anwara, Chittagong.

II. For that the duty and responsibility vested upon the respondents to serve the people and initiate lawful steps and they are also duty bound to obey the provisions of law. But the respondents have failed to perform the duties and responsibility as vested upon them and by way of violating the provision of law they are going to set up a Thermal Power Plant, which is illegal. Hence direction may be given upon the respondents to stop set any Thermal Power Plant at Anwara, Chittagong.

III. For that as per the Environment Protection Act. 1995 every body has to cooperate to protect the Environment. But the acquisition process not only will destroy the environment, also causing a serious threat to the normal life of the people at locality. More over due to destroy of million trees, life of the thousands animals and birds will be in danger which will cause serious environment damage.

IV. For that to protect the environment is vital for the survival of human being and it is the statutory duty of the Respondents to protect environment and to save from degradation.

V. For that due to setup thermal power plant through its chimney thick white smoke from the burnt coal might create haze in and around the harbor shrinking sufficient visibility which may hamper safe movement of merchant vessels to and from Chittagong maritime port. Moreover "the fumes, suspended flying particles and smoke that would come from the power plant may grossly diminish visibility on the airport area and hamper civil and military air traffic as an air base of Bangladesh Air force.

VI. For that the respondents have failed to perform the duties and responsibility as vested upon them and also failed to consider the risk of the environment of the area as well as eco system.

VII. For that it was found in research that coal is an extremely dirty source of power, and imposes huge costs on people's health, the environment and the economy. It is stated here that Emissions from coal-fired power plants represents one of the two largest sources of carbon dioxide emissions, which are the main cause of global warming. Since the carbon content of coal is higher than oil, burning coal is a serious threat to the stability of the global climate, as this carbon forms CO₂ when burned. Many other pollutants are present in coal power station emissions, as solid coal is more difficult to clean than oil, which is refined before use. A study commissioned by environmental groups claims that coal power plant emissions are responsible for tens of thousands of premature deaths annually in the United States alone.

VIII. For that it is evident from the Annual Development Program of 2010-2011 that there is no such plan initiated by the Planning Commission to setup Thermal Power Plant in Anwara, Chittagong. The budget for 2010-2011 has been passed in the parliament and it was published by the Ministry of Finance. It is evident from the yearly budget of 2010-2011 that relating to Power Department that there is no allocation or approval any budget for the project of Thermal Power Plant, Anwara, Chittagong, so the steps taken to setup thermal power plan in Anwara upazila is illegal.

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 not to set up any Thermal Power Plant in Mouza Rangadia and Mazherchar of Anwara Upazila, District-Chitagong, in order to protect Environment, Eco system of the locality as well as to protect 2nd longest beach ‘‘Parki beach’’ and in order to continuo the normal function of Shah Amanat Airport, Chittagong Port, Air Force Training Base and protect health of the city dwellers of Chittagong City Corporation and Why a direction should not be given upon the respondents not to cut/destroy SvD eb consisting of more than one hundred thousand trees situated in mouza Rangadia and Mazherchar at Anwara Upazila, Chittagong, and not to take any steps against environment of the locality.

B) Direct the respondents to maintain statuesque in respect of implementation of the project of Thermal Power Plant in Rangadia and Mazherchar Mouza in Anwara Upazila, Chittagong.

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. After hearing the parties the Hon’ble High Court Division was pleased to disposed of the rule with some directions.
