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 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 Mahbubul Islam, Secretary General, Society of Justice, of House La-56, Badda Post Office Road, Thana-Badda, Dhaka-1212, 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 Industries SHILPABHABAN, Motijheel C/A, Dhaka-1000, Bangladesh.

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

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

5.   The Secretary, Ministry of Fisheries and Livestock, Bangladesh Secretariat, P.S. Shahbag, Dhaka, Bangladesh.

6.   The Inspector General of Police (IGP), Police Head Quarter, Ramna, Dhaka, Bangladesh.

7. The Managing Director , Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.

8. The Chairman, Bangladesh Council for Scientific & Industrial Research (BCSIR), Science Laboratory, Dhanmondi, Dhaka, Bangladesh.

9. The Director, Chemical Testing Wing, Bangladesh Standard Testing Institute (BSTI), 116/A Tejgaon Industrial Area, Dhaka-1208, Dhaka, Bangladesh.

..................Respondents.

AND
IN THE MATTER OF:

Inaction of the respondents to take necessary steps to stop using tannery waste in poultry & fish feed 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.

G R O U N D 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 use of tannery waste in fish and poultry feed.

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 food is essential for the life of the citizen living in the country. So at this stage there is no alternative to stop use of tannery waste in fish and poultry feed.

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 tannery waste in fish and poultry feed. Hence a direction may be given upon the Respondents to take appropriate steps to stop use tannery waste in fish and poultry feed.

V. For that without any precautions to save the health of the citizen, 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 tannery waste in fish and poultry feed.

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 of tannery waste in fish and poultry feed 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 of tannery waste in fish and poultry feed.

b) Pending hearing of the Rule direct the Respondent 4 to form a high power committee within 15 days consisting of all respondents to formulate monitoring guideline to stop using tannery waste in all fish and poultry feed processing factories in Dhaka, Norshindi, Kishorgonj, Mymensing, Tangail, Gazipur, Narayangonj and Munshigonj.

c) Pending hearing of the rule direct the respondent no. 2,4 and 6 to take immediate collective steps to stop processing and trading of tannery waste for fish and poultry feed in Hazaribagh area, Dhaka, and submit a report within 15 days.

d) Pending hearing of the rule direct the respondent no. 7 and 8 to collect sample of eggs, fish and chicken meat from different places (ten different market places from ten thana areas) in Dhaka city and conduct a laboratory test about the presence of Chromium, Lead and other toxic ingredients which causes health risk and submit the report within 3 (three) weeks.

e) Pending hearing of the rule direct the respondent no. 4 to collect eggs, fish and chicken meat sample from the market through a committee and conduct a laboratory test from the Chemistry Department, Dhaka University, about the presence of Chromium, Lead and other toxic ingredients in eggs, fish and chicken meat which causes health risk

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. After hearing the parties the Hon'ble High Court Division was pleased to made absolute.