

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

WRIT PETITION NO. _____ OF 2014

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:

Human Rights and Peace for Bangladesh (HRPB), represented by its Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by the Secretary, Ministry of Health and Family Welfare, Bangladesh Secretariat Building, P.S. Shahbag, Dhaka – 1000, Bangladesh
2. The Secretary, Ministry of Home Affairs, Bangladesh Secretariat Building, P.S. Shahbag, Dhaka – 1000, Bangladesh.
3. The Chairman, the Civil Aviation Authority, Headquarter, Kurmitola, Dhaka-1229.
4. The Director (administration), the Civil Aviation Authority, Headquarter, Kurmitola, Dhaka-1229.
5. The Director General (DG), Health Directorate, Mohakhali, Dhaka, Bangladesh.
6. The Director General (Immigration), Head Office, Agargaon, Dhaka, Bangladesh.

.....Respondents.

AND
IN THE MATTER OF:

Inaction/Failure of the respondents to take immediate appropriate preventive measures for checking and examining people who are arriving at Bangladesh from different land and airport to detect Ebola virus and to form adequate medical teams as well as monitoring cells.

GROUNDS:

I. For that the Ebola is a deadly virus claiming huge quantity (4024 people died as of 10.10.14 mainly West Africa) of lives within a very short period of time around the globe including a UN Medical worker. That the death rate due to Ebola Virus infection is almost 90%. Hence, order may be passed by the Hon'ble Court to take appropriate measures for examine and monitor all the people coming from abroad to ensure safe public health in Bangladesh.

II. For that the inactions of the respondents have risked the life of common people of Bangladesh affecting their right to life as enshrined in Article 32 of the Constitution of Bangladesh. That the respondents have failed to take any attempts to check Ebola virus from being spread out in Bangladesh and to examine people coming from abroad. Hence, those six people coming from Liberia which is a badly Ebola-affected country have been successful to reach their homes without any examination at the Air Port at Dhaka. So, order may be passed by the Hon'ble Court to form adequate medical teams at all the international air-ports and to form monitoring cells to prevent any out break of Ebola virus in Bangladesh.

III. For that Bangladesh is densely populated country especially the capital city is over populated and hence, there may have more chances to spread out Ebola virus very quickly. So, preventive measures are very urgent to check Ebola virus as it is a virus knowing no boundaries of any country. Hence, order may be passed by the Hon'ble Court to take appropriate measures at the Air-Ports and the other border-points for prevention of any spread of Ebola virus in Bangladesh.

IV. For that the people of Bangladesh being poor and unable to get proper medical help, there would have serious impact on the socio-economic aspect of the country once some one is infected by the virus. Moreover, there is no cost-effective treatment of it. Hence,

order may be passed by the Hon'ble Court to check and monitor effectively all the international Air-Ports and the other border-points for prevention of any spread of Ebola virus in Bangladesh unless the virus can be controlled by the international bodies.

V. For that the duty and responsibility vested upon the respondents is to protect the citizen of the country from any natural and unnatural incidents/causes. That the respondents have failed to perform the duties and responsibilities allowing those six people to go their homes without any check and examination at the Airport at Dhaka.

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 the inaction/failure of the Respondents to take immediate appropriate measures for checking and examining who are arriving at Bangladesh from different airports, seaport and land border to detect Ebola virus, , should not be declared illegal and without lawful authority

AND

Why a direction should not be given upon the respondents to take effective preventive measures at all the Airports, Seaport and Land Border of Bangladesh to identify Ebola virus infected people.

b) Pending hearing of the rule direct the respondents to arrange special treatment by specialist doctor in some hospitals for Ebola virus infected persons.

c) Pending hearing of the rule directs the respondents to form adequate monitoring team as well as medical team at all the international airport, seaport and land border in Bangladesh to identify Ebola infected persons coming from abroad and take immediate steps to send the patient at the designated hospital if any person found infected with Ebola virus.

- d) Pending hearing of the rule, direct the respondents to check/examine all those six people coming back home in Bangladesh (as reported in Klerlontho on 12.10.14) due to outbreak of Ebola virus in Liberia and to ensure treatment in designated hospital if they are found infected with Ebola virus and submit a compliance report to the Hon'ble Court within 2 weeks.
- e) Pending hearing of the rule, direct the respondents to collect immediately necessary testing/detecting equipments and adequate medicine for Ebola virus and direct the Ministry of Finance to provide enough fund for that purpose as demanded by the Ministry of Health.
- f) Make the Rule absolute upon hearing the cause if any shown by the Respondents.
- g) Pass such other and further order or orders as may seem fit and proper to Your Lordships.

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.