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বাংলাদেশ
কোর্ট ফি

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29.8.17, 29.8.17, 29.8.17, 29.8.17, 29.8.17

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

WRIT PETITION NO. 891 OF 1994

IN THE MATTER OF:

An application under Article 102 (1) And (2)(a) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

A Gazette Notification No. EPC/8. I/4C-1/85/419 dated 5th June, 1986 published in the Bangladesh Gazette on 7th August, 1986 issued by the Ministry of Local Government, Rural Development and Co-operatives (Local Govt. Division), Government of Bangladesh (Annexure "C").

AND

IN THE MATTER OF:

A direction to be given upon the Respondents to implement the decisions of the Government dated 5th June, 1986 to combat the adverse effects of pollution caused by the industries/factories which has been published in the Gazette Notification dated 7th August, 1986 (Annexure "C").

AND

IN THE MATTER OF:

The Environment Pollution Control Ordinance, 1977 (Ordinance No. XIII of 1977).

AND

IN THE MATTER OF:

Mr. Mirza Hossain Haider, Acting Secretary General Representing Bangladesh Environmental law years Association (BELA) of House No. 9 road No. 8, Dhanmondi Residential Area. P.S. Dhanmondi, Dhaka.

.....Petitioner.

=VERSUS=

1. Bangladesh, represented by the Secretary, Ministry of Industries, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka.
2. Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Development and Co-operatives (Local Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka.



3. Bangladesh, represented by the Secretary, Ministry of Environment and Forest, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka.
4. The Director General, Department of Environment, House No. 2, Road, 16, Dhanmandi Residential Area, P.S. Dhanmandi, Dhaka.
5. The Director, Department of Environment, House No. 2, road 16, Dhanmandi Residential Area, P.S. Dhanmandi, Dhaka.
6. Chairman Bangladesh Finished Leather, Leathersgoods and Footwear Exporters' Association (BFLLEA) House No. 32/A Road No. 2 Flat No. B-2 99, Hazaribagh Dhaka-1209.
7. Chairman Bangladesh Tanneries Association 53, Sher-E-Bangla Road (1st Floor) Zigatala Tannery Mour Dhaka-1209.
8. Chairman, Bangladesh Small and Cottage Industries Corporation (BSCIC), Ministry of Industries, 139, Motijheel Commercial Area, Dhaka.
9. Authorized Representative of Jiangsu Lingzhi Environmental Protection Co. Ltd. and Development Construction Limited (JLEPCL-DCL JV) House 11, Road 19A, Sector 4 Uttara Model Town, Dhaka-1230.
10. Ling Jianjun, Chairman of Jiangsu Lingzhi Environmental Protection Co. Ltd. (JLEPCL), Nanxin East Road, Heqiao Town, Yixing, Jiangsu, China; Local Address: House 20, Road 01, Baridhara, Dhaka.
11. Local Agent, Jiangsu Lingzhi Environmental Protection Co. Ltd. (JLEPCL) , Flat B4, House 105, Road 4, Block "B", Banani, Dhaka.

.....Respondents.

Present:

Mr. Justice Syed Refaat Ahmed

-And-

Mr. Justice Md. Salim

The 24th day of August, 2017.

Ms. Syeda Rizwana Hasan, Adv, with.

Mr. Minhazul Hoque Chowdhury, Adv

.....For the Petitioner-Applicant

Mr. Mohammad Saifullah Mamun, Advocate for

Mr. Rais Uddin Ahmed, Advocate

.....For the Respondent No. 1 and 8

Ms. Kazi Zinat Haque, DAG with

Mr. Zakir Hossain Ripon, AAG

.....For the Respondents

Mr. Foyej Ahmed, Advocate with

Mr. Imtiaz Uddin Ahmed Asif Adv.,

Mr. Shah Bakhtiar Elias, Advocate

.....For the added Respondent No. 11

Predicated on this Court's Order of 22.8.17 and its concerns and observations recorded in detail therein, a perusal of the Affidavit-in-Opposition of the Respondent No. 1, Secretary, Ministry of Industries dated 16.8.2017 and an Application for necessary direction filed on behalf of the Petitioner dated 31.7.2017, and considering the submissions made, in particular, by the Petitioner's learned Advocate Ms. Syeda Rizwana Hasan and the learned Advocate of the Respondent No.1, Mohammad Saifullah Mamun, this Court's deductions arrived at upon appraisal of the situation on the ground at the Tannery Industrial Estate at Savar are reflected in the following findings of facts:

- (i) 2 (two) modules of the CETP have been completed and are running although JLEPCL-DCL JV has not kept the same fully operational as evident from the Annexure- '1(a)' series documents appended to the Affidavit-in-Opposition dated 16.8.2017;
- (ii) Of the other 2(two) modules, all works (including electric connections) of ODB- 1, 2 are scheduled to be completed by today i.e., 24.8.2017;
- (iii) Barring inclement weather, outstanding works of ODA-3, 4 are expected, in all probability, to be completed within the next 3(three) days;

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- (iv) As per expert advice procured by BELA, if all works of the remaining 2(two) CETP modules are completed within September, 2017 and are made fully operational by JLEPCL-DCL JV (along with the installation of desalination devices and separate pipes and bar screens by the Tanneries themselves) then the CETP and the Common Chrome Recovery Units ("CCRU") can prevent the apprehended menace as recorded in the Court Order of 22.8.2017 in dealing with rawhides in the upcoming Eid-ul-Azha period. This Court is given to understand that the rawhide collected during and after Eid-ul-Azha shall have first to undergo a four-week period of selection or grading, trimming or cutting and weighing preliminary to embarking on the comprehensive "Wet Blue Process". Such Wet Blue Process shall necessarily comprise of soaking, liming, fleshing/unhairing, deliming, bating, pickling and chrome tanning. It is at this stage whereby rawhide is processed into wet leather when the most effluents are produced.

In other words, BSCIC working with all stakeholders has a four-week window of opportunity to get its logistical base in order before the Wet Blue Process commences sometime in early- October, 2017.

The observations and findings above in this Court's view and as per the tenor of its Order of 22.8.2017, require immediate attention and oversight variously by the three groups of stakeholders in the Tannery Industrial Estate i.e., the Added Respondent No.8 represented by its Chairman BSCIC, JLEPCL-DCT JV (as represented collectively by the Added Respondent Nos.9-11) and indeed the Tanneries themselves. In this regard, this Court, hereby, deems it prudent in disposal of the Petitioner's Application of Direction to issue the following directions:

- (1) The 2(two) modules of the CETP presently functional must positively remain operational 24/7 as, in the circumstances, monitored strictly by BSCIC;
- (2) In order for all 4(four)modules of the CETP to be functional, JLEPCL-DCL JV shall positively ensure by 31.8.2017 the provision for the requisite electric cable trenches:

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- (3) In the event that the said trenches cannot unavoidably be provided for, in the alternative and purely as a stopgap measure determined by BSCIC, electric connections may be provided through the building of temporary sheds by JLEPCL-DCL JV. It is imperative that BSCIC extracts a definite commitment from JLEPCL-DCL JV to this end at the earliest;
- (4) BSCIC must ensure that Tannery owners place the requisite number of bar screens (as submitted by BELA to be 3 in number and measuring 25mm, 12mm and 6mm) to deter unwanted debris being dumped into the CETP and to avert the consequential clogging of the disposal pipes of the CETP and the CCRU. It is this Court's understanding that failure to do this shall, in all probability, result in an inundation and inefficient functioning of both the CETP and the CCRU;
- (5) BSCIC shall have to be satisfied by 31.8.2017 of the installation of all 3(three) bar screens by the Tannery owners. BSCIC shall also by 31.8.2017 ensure that tannery owners use separate pipes for discharge of chromium to avoid the chromium seeping into the CETP and hampering the growth of bacteria essential for functioning of the CETP; and
- (6) With regard to the desalination process, BSCIC must ensure that all Tanneries have desalination devices installed by 30.9.2017.

Let notices of this Order be served forthwith upon all the Respondents including the Added Respondents by Special Messenger upon requisites being put in forthwith.

It shall be incumbent particularly upon the Added Respondent No. 8, BSCIC and the added Respondent Nos. 9, 10 and 11 collectively or individually representing JLEPCL-DCL JV to file Affidavits-in-Compliance no later than 5.10.2017.

Let this matter appear in the list for Order(s) again on 10.10.2017.

Syed Refaat Ahmed

Md. Salim

Type by: Rafeza. 29.08.17.

Read by:

Exam. by:

Readied by:

মোঃ আব্দুর রশিদ
প্রশাসনিক কর্মকর্তা