



08.9.22, 8.9.22, 08.9.22, 08.9.22, 08.9.22

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 3257 OF 2022

IN THE MATTER OF:

An application under Articles 102(1), 102(2)(a)(i) and (ii) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Bangladesh Environmental Lawyers Association (BELA), a society registered under the Societies Registration Act, 1860, having its office at House No. 15A, Road No. 3, Dhanmondi Residential Area, P.S. Dhanmondi, Dhaka being represented by Member of its Executive Committee, Syeda Rizwana Hasan, Advocate, Supreme Court of Bangladesh.

.....Petitioner

- VERSUS -

1. Bangladesh, represented by the Secretary, Ministry of Environment, Forest and Climate Change, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka;
2. The Secretary, Ministry of Land, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka;
3. The Secretary, Health Service Division, Ministry of Health and Family Welfare, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka;
4. The Secretary, Ministry of Labour and Employment, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka;

দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন"



ঢাকা



বাংলাদেশ
কোর্ট ফি

5. The Secretary, Road Transport and Highway Division, Ministry of Road Transport and Bridges, Bangladesh Secretariat, Dhaka;
6. The Secretary, Ministry of Commerce, Bangladesh Secretariat, Dhaka;
7. The Director General, Department of Environment, 16-E Agargaon, Sher E-Bangla Nagar, Dhaka;
8. The Director General, Department of Health, Mohakhali, Dhaka-1212;
9. The Director General, Bangladesh Railway, 16 Abdul Gani Road, Dhaka 1000;
10. The Deputy Commissioner, Office of the Deputy Commissioner, Lalmonirhat;
11. The Superintendent of Police, Office of the Superintendent of Police, Lalmonirhat;
12. The Director, Department of Environment, Rangpur Division, House No. 90/1, Road No. 6, Ward No. 18, Kerani Para, Kotwali, Rangpur;
13. The Director, Department of Environment, Rajshahi Divisional Office, Paribesh Bhaban, Nishindara, Bogra.
14. The Deputy Director, Department of Environment, Rangpur District, House No. 90/1, Road No. 6, Ward No. 18, Kerani Para, Kotwali, Rangpur;
15. The Civil Surgeon, Office of the Civil Surgeon, Lalmonirhat;
16. The Upazilla Nirbahi Officer, Patgram Upazilla, Lalmonirhat;
17. The Chairman, Upazilla Parishad, Patgram Upazilla, Lalmonirhat;
18. The Chairman, 8 No. Burimari Union Parishad, Patgram Upazilla, Lalmonirhat;
19. The President, Export-Import Association, Burimari Land Port, Sreerampur, Lalmonirhat;

.....Respondents

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“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”



AND

IN THE MATTER OF:

Articles 15, 18 A, 31 and 32 of the Constitution; sections 4, 4A and 7 of the Environment Conservation Act, 1995; Environment Conservation Rules, 1997; the Bangladesh Labour Act, 2006; the Noise Pollution Control Rules, 2006; the মহাসড়ক আইন, ২০২১ the Judgment dated 24 January, 2017 passed in Writ Petition No. 7552 of 2015; the Import Policy Order 2015-2018 and other applicable laws, lawful decisions and policies.

IN THE MATTER OF:

Illegal setting up and operation of stone crusher units in Burimari Union of Patgram Upazilla of Lalmonirhat District causing thereby deadly and serious threats to public health, safety, labour and environmental rights.

AND

IN THE MATTER OF:

Directions upon the respondents to strictly regulate stone crushing units, ensure labour and environmental safety and protection in stone crushing operation, punish the wrongdoers, treat and compensate workers affected by silicosis disease due to unauthorized stone crushing.

Present:

Mr. Justice J. B. M. Hassan

And

Mr. Justice Razik-Al-Jalil

The 23rd day of August, 2022.

Ms. Shamima Nasrin, Advocate

...For the petitioner

Mr. Tushar Kanti Roy, DAG with

Kalipada Mridha, AAG and

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”



Mr. Mohammad Abul Hasan, AAG

... For the respondents

Let a Rule Nisi be issued calling upon the respondents to show cause as to why their failure to set up designated stone crushing zone(s) and to relocate all stone crushing units to the said zone(s), to evict all unauthorized stone crushing units from Mirzar Court Ufarmar Ghuntighor, Burimari Bazar, Zero Point at Burimari Land Port and Burimari Rail' Station under patoram Upazila of Lalmonirhat District, to protect the environment, labourers and the nearby communities from the havoc and deadly health hazards of unregulated and polluting stone crushing should not be declared illegal for being violative of articles 15, 18A, 31 and 32 of the Constitution; the Environment Conservation Act, 1995; Environment Conservation Rules 1997; the Bangladesh Labour Act, 2006; Noise Pollution Control. Rules, 2006; the মহাসড়ক আইন, ২০২১ the import Policy Order 2015-2018 and other applicable laws, lawful decisions and policies and the judgment and order dated 24 January, 2017 passed in writ petition No. 7552 of 2015 And why the respondents should not be directed to set up stone crushing zone, relocate all stone crushing units to the zone evict all stone crushing units from the Mirzar Court, Ufarmar Ghuntighor, Burimari Bajar, Zero point at Burimary Land Port and Burimari Rail Station under Patgram Upazila of Lalmonirhat District import crushed stones only (Annexure-C to the writ petition) and ensure protection, compensation, treatment for the affected and exposed labourers and the environment from unauthorized and polluting stone crushing and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 4(four) weeks.

The learned Deputy Attorney General opposes the prayer for ad-interim order.


৫৪ "দেশপ্রেমের শপথ নিল, দুর্নীতিকে বিদায় দিন"



Subject to the disposal of the Rule, the respondents No. 10 and 12 are directed to prepare a complete list of all owners a stone crushing units And all labourers employed by the stone crushing units owners in the aforementioned area (Annexure-C and C-1 to the writ petition respectively) and submit the report within 3 (three) months from the date of receipt of the order.

The petitioner is directed to put in requisites for service of notices upon the respondents by registered post as well as through usual process within 03 (three) working days.

J. B. M. Hassan
Razik-Al-Jalil

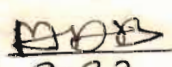
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Read by:  08.09.22

Exam by:  08-09-22


Readied by:




08.9.22
মোহাম্মদ মাহফুজুল হক ভূঞা
প্রশাসনিক কর্মকর্তা


08.9.22
মোঃ আবদুল মোমেন
সুপারিন্টেন্ডেন্ট

প্রত্যায়িত অনিচ্ছা প্রতিশ্রুতি

 08.9.22
সকলকারী মোহাম্মদ মাহফুজুল হক ভূঞা
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিল্ডিং
১০/১২ উইং মাস্টার রোড, আইসিবি
১১৬, ঢাকায় অবস্থিত

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”