



18-12-22, 18-12-22, 18-12-22, 18-12-22, 18-12-22

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

Present:

Mr. Justice Zafar Ahmed

And

Mr. Justice Md. Akhtaruzzaman

WRIT PETITION NO. 15782 OF 2018.

IN THE MATTER OF:

An application under Article 102 of the
Constitution of the People's Republic of
Bangladesh.

-AND -

IN THE MATTER OF:

Bangladesh Environmental lawyers
Association (BELA)

.....Petitioner

-VS-

Bangladesh and others

.....Respondents

Mr. Ali Mustafa Khan with
Ms. Siamima Nasrin, Advocates

.....For the Petitioner

Mr. Nawroz Md. Rasel Chowdhury, DAG and
Mr. MMG Sarwar (Payel),

Mr. Masud Rana Mohammad Hafiz and
Ms. Tamanna Ferdous, AAGs

.....For the respondent no. 1

Mr. M. A. Gaffar, Advocate

....For the respondent Nos.11 and 12

Heard on: 28.07.2022 and 27.10.2022

Judgment on: 10.11.2022.

Zafar Ahmed, J.

Bangladesh Environmental Lawyers Association (BELA) has
filed the instant writ petition challenging the hazardous and polluting

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”



দুই
টাকা

operation of SAF Industry Ltd. by running a tannery factory by the respondent No. 11 on the bank of Bhairab river at Newapara, Taltola, Upazilla-Abhoynagar, District-Jashore and failure of the respondents to prevent the same for public interest.

This Court, on 06.01.2019, issued a Rule Nisi.

The respondent No. 2 (Secretary, Ministry of Industries) filed a power in the Rule.

Pending disposal of the Rule, the respondent No. 11, who was the Managing Director of SAF Industries Ltd., died and SK Afil Uddin, who is one of the Directors of the Company, was substituted as respondent No. 12. He filed an affidavit-in-opposition and supplementary affidavit. The petitioner also filed supplementary affidavit.

It is stated in the writ petition that the respondent SAF Industries Ltd. has been operating the tannery without environment clearance certificate, effluent treatment plant (ETP) and solid waste management system since 1979 and has been polluting the Bhairab river by discharging and dumping highly contaminated tannery effluents and solid wastes into the river.

It is further stated that the reports of the respondent Nos. 9 and 10 reveal that 5 lac liters of untreated effluent are emitted each day by the tannery for producing 40,000 square feet finished leather and those are discharged into the Bhairab river. The reports of the Department of

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”



বাংলাদেশ
কোর্ট ফি



দুই
টাকা

Environment confirm that the level of pH, biological oxygen demand (BOD), dissolved oxygen (DO) in the water collected from the drains discharging the effluent into Bhairab river are not compliant with the standards set by the Environment Conservation Rules, 1997.

It is further stated that the reports of the respondent Nos. 5, 8 and 9 suggest that the Company was directed 33 times to obtain environment clearance certificate and to set up ETP at the tannery, but the company did not comply with those directions. The other respondents, who are public bodies and are legally obliged under the mandate of law, failed to discharge their legal obligations to take steps into the matter and hence, the writ petition.

It appears from the supplementary affidavit filed by the respondent No. 12 (SAF Industries Ltd.) that an ETP was installed at the tannery in question. It further appears that the respondent No. 9 (Department of Environment, Khulna Division) issued a letter dated 01.11.2021 under Memo being No. 3886 to the respondent No. 12 (Annexure-XIV) under the caption, "Taltolahat, Abhynagar, Noopara, Jessore এ অবস্থিত SAF Industries Limited থেকে সংগৃহীত তরল বর্জ্য নমুনার বিশ্লেষিত ফলাফল." It is stated in the said letter,

০১। পরিশোধিত তরলবর্জ্যের বিশ্লেষিত ফলাফলে সকল প্যারামিটার পরিবেশ সংরক্ষণ বিধিমালা ১৯৯৭ অনুসারে গ্রহণযোগ্য মানমাত্রার মধ্যে আছে।

০২। অপরিশোধিত তরলবর্জ্য কোনভাবেই বাইরের পরিবেশে অপসারণ/নিঃসরণ করা যাবে না। স্থাপিত ইটিপি সার্বক্ষণিকভাবে চালু রাখতে হবে।

৩

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”



বাংলাদেশ
কোর্ট ফি
দুই
টাকা

It further appears that the respondent No. 12 applied to the concerned respondent for environment clearance certificate. However, due to pendency of the instant Rule, the authority, vide Memo dated 06.10.2021 (Annexure-XXII) did not issue the certificate.

In view of the facts that the respondent No. 12 installed ETP at the tannery factory and that the waste discharge is within the acceptable range as certified by the respondent No. 9, vide letter dated 01.11.2021 (Annexure-XIV) the concerned respondents are directed to consider issuance of environment clearance certificate to the respondent No. 12 (SAF Industries Ltd.) in accordance with law. However, without obtaining the certificate and compliance of requirements of law, the respondent No.12 is not allowed to operate and run the tannery factory. The concerned respondents, in particular respondent Nos. 4, 6, 8 and 9, are directed to monitor the matter.

With the above observations and directions, the Rule is disposed of.

Zafar Ahmed.

Md. Akhtaruzzaman, J.

I agree.

Md. Akhtaruzzaman.

Typed by: Monir: 18.12.2022.

Read by:

Exam. by:

Readied by:

প্রতিরক্ষিত আবিষ্কার প্রতিলিপি

18-12-22
সহকারী জাজস্ট্রার
বাংলাদেশ জুডিশিয়াল কোর্ট, মাইনোরি বিজ্ঞান
সি.এ.ই.এ. সনের ১ম জাজস্ট্রার
২৬ ধানমন্ডে অফিস ভাড়া

18-12-22
মোহাম্মদ মাহমুদুল হক ভূঞা
প্রশাসনিক কর্মকর্তা

18-12-22
Md. Abdul Momen
Superintendent

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”