



22-8-06, 22-8-06, 22-8-06, 22-8-06, 23-8-06

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

Writ Petition No. 7123 of 2006.

In the matter of :

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

-And-

In the matter of :

Articles 15, 31, 32, 40, 42 of the Constitution of People's Republic of Bangladesh, the Embankment and Drainage Act 1952, the Bangladesh Water Development Board Act, 2000. The water Resource Planning Act 1992, the canals Act 1864, the Irrigation Act 1876, the Agricultural and Sanitary Improvement Act, 1920, the Bangladesh Water Development Boards Order, 1972 ( it may stay as the project was implemented when this was in force ), the Bangladesh environment conservation Act, 1995 and the Environment Conservation Rules of 1997 and the Local Government ( Union Parishads ) Ordinance, 1983.

- And -

In the matter of :

1. Bangladesh Environmental Lawyers Association ( BELA ), being represented by its Director ( Programs ) S. Rizwana Hasan having its office House- 15A, Road - 3, Dhanmondi, Dhaka.
2. Bangladesh Legal Aid and Services Trust ( BLAST ) being a not for profit company incorporated under the companies Act of 141/1, Segun Bagicha, Dhaka by its Executive Director, Taslimur Rahman ..... Petitioner.

- Versus -

1. Bangladesh, represented by the Secretary, Ministry of Water Resources,



- 2 -

Government of the People's Republic of Bangladesh, Bangladesh Secretariat,  
P.S. Ramna, Dhaka.

2. The secretary, Ministry of Land, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka.
3. The Secretary, Ministry of Local Government, Rural Development and Cooperatives, Bangladesh Secretariat, P.S. Ramna, Dhaka.
4. The Secretary, Ministry of Environment and Forest, Government of the People's Republic of Bangladesh, Bangladesh Secretariat P.S. Ramna, Dhaka.
5. The Secretary, Ministry of Agriculture, Bangladesh Secretariat, P.S. Ramna, Dhaka.
6. The secretary, Ministry of Fisheries and Livestock Bangladesh Secretariat, P.S. Ramna, Dhaka.
7. The Divisional Commissioner, Office of the Divisional Commissioner, Khulna Division, Khulna.
8. The Director General, Department of Environment, Paribesh Bhaban, 16/ E Agargaon, Sher-e-Banglanagar, Dhaka.
9. The Chairman, Bangladesh Water Development Board Wapda Bhaban, Motijheel Dhaka.
10. The Deputy Commissioner, Office of the Deputy Commissioner, District Jessore.
11. The Divisional Engineer, Office of the Divisional Engineer, Bangladesh Water Development Board, Khulna.
12. The Superintendent Engineer Bangladesh Water Development Board Jessore District
13. The Deputy Director, Department of Environment, Khulna Division.
14. The Upazilla Nirbahi Officer, Upazilla Aohayanagar, District Jessore.
15. The Upazilla Nirbahi officer, Upazilla Manirampur District Jessore.
16. The Upazilla Nirbahi Officer, Upazilla Keshappur, District Jessore.



- 3 -

- And -

In the matter of :

Failure of the respondents to immediately and permanently mitigate the catastrophic water logging prevailing in the Abhaynagar, Manirampur and Keshabpur Upazillas of Jessore District as a result of the CEP KCERP and KJDRP projects implemented by respondent no.9 , 11 and 12 and also failure of the respondents to provide immediate and long term support to the local people against the losses suffered by them due to such water logging.

Present :

Mr. Justice Syed Muhammad Dastagir Husain.

And

Mr. Justice Mamnoon Rahman.

The 13th of August, 2006.

Mr. A. F. M. Hasan Arif with

Mr. M. Iqbal Kabir ..... for the petitioner.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why the failure of the respondents to the necessary steps to resolve the catastrophic and prolonged water logging in the three Upazillas of Keshabpur, Manirampur and Abhaynagar under Jessore District prevailing for the last few years and failure of the respondents to protect the lives, properties, livelihoods, safety, comfort, health of the villagers from the adverse impact of such unprecedented water congestion should not be declared to be without lawful authority and why they should not be directed to draw up necessary action plans in consultation with the local people and why a direction should not be issued upon the respondents to form a appropriate committee to permanently



for the local people against the losses resulting from such water logging and / or pass such other or further order or orders as to this court may seem fit and proper.

Pending hearing of the Rule, the respondent nos. 9,10,11,12,13, 14, 15, and 16 are directed to provide all such services, products, goods and other supports as are required within the resource of the Government to ensure that the people of the affected villagers of the three Upazillas are safely located and are receiving food, water, medicine and other essentials during such period as the water logging continues and also the respondent nos. 9, 11, 12 are directed to take immediate interim measures to pump out or otherwise arrange for recession of the water from the affected villages, of the three Upazillas.

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

S. M. D. Husain.

Mamnoon Rahman.

Ibrahim:/ 22.8.2006.

Read by :- *[Signature]* 22/8/06

Exd. by :- *[Signature]* 22/8/06

*y*

ব্যাগরিড অবিভাগ প্রতিনিধি

*[Signature]*

22.8.06

সহকারী রেজিষ্টার  
সংসদীয় জুজির কোর্ট, হাইকোর্ট বিল্ডিং  
(১০-১২ ইংল্যান্ড স্ট্রীট, ঢাকা)  
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22/8/06

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22/8/06