

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(Special Original Jurisdiction)

WRIT PETITION NO. OF 1997.

IN THE MATTER OF :

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

A N D

IN THE MATTER OF:

Articles 21, 23 31 and 32 of the Constitution; the Building
Construction Act, 1952 (E.B Act no II of 1953) as amended
by the Act No. XXXVI of 1990 and The Bangladesh
Environment Conservation Act, 1995 (Act No.I of 1995).

A N D

IN THE MATTER OF:

Direction upon the Respondents to prevent illegal and
indiscriminate cutting of hills attributing to ecological
imbalance and degradation of environment of the City of
Chittagong.

A N D

IN THE MATTER OF:

Dr. Mohiuddin Farooque, representing Bangladesh Environmental Lawyers Association (BELA), a society registered under the Societies Registration Act, 1860, having its office at House No. 9, Road No. 8, Dhanmondi Residential Area, P.S. Dhanmondi, Dhaka.

.....Petitioner.

-Versus-

1. Bangladesh, represented by the Secretary, Ministry of Housing and Public Works, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, P.S. Ramna, Dhaka.

2. Chairman, Chittagong Development Authority (CDA), CDA Building, Chittagong.

3. Director General, Department of Environment, Paribesh Bhaban, E-16, Agargaon, Sher-E-Bangla Nagar, Dhaka.

4. The Commissioner, Chittagong Metropolitan Police, Chittagong.

5. Bangladesh, represented by the Secretary Ministry of Land, Government of the People's republic of Bangladesh, Bangladesh Secretariat, P.S Ramna, Dhaka.

.....**Respondents.**

To

Mr. Justice Mostafa Kamal, acting as the Chief Justice of the Supreme Court of Bangladesh and his companion Justices of the said Hon'ble Court.

The humble petition of the above named Petitioner most respectfully -

S H E W E T H :

1. That the Petitioner, Dr. Mohiuddin Farooque is the Secretary General of Bangladesh Environmental Lawyers Association, hereinafter referred to as BELA, a society registered under the Societies Registration Act, 1860, Registration No. 1457 (17) dated 18th February, 1992, who has been duly authorized by BELA to represent it by a resolution of the Executive Committee of BELA held on 14 January'97 and also to represent BELA in all proceedings, cases etc. to promote its objectives and as such he is competent to represent the BELA as Petitioner.

The relevant portion of the objectives of BELA as stated in its Memorandum of Association and Rules are as follows:

"(v) To organize legal measures to protect environmentally sensitive and fragile ecosystem including protection of ... biological diversity, natural and cultural heritage and values and to analyses or take measures on environmental or ecological issues regarding development activities.

(vi) ...endeavor to protect the environment and ecology..."

Photocopies of the Certificate of Incorporation, the resolution dated 14 January'97 authorizing Dr. Mohiuddin Farooque to represent BELA are annexed herewith and marked as Annexure- "A" and "A-1" respectively.

2. That BELA has been active since 1992 as one of the organizations with expertise in the regulatory field of environment and ecology. For the last five years it studied policies, surveyed and examined legal issues relating to environment, undertaken awareness program and training to make people conscious of their legal rights and duties. Through its various efforts, BELA has developed into an independent legal institution with widespread respect and recognition as dedicated, bona fide, sincere and public

spirited organization. Its persistent endeavors in establishing a sound ecological order for all using legal mechanism as a tool has established it as the leading public interest environmental lawyer group of the country. Since its inception, BELA has undertaken a large number of public interest litigation wherein the beneficiaries have been the common people and their surrounding environment that influence their material and spiritual well being. There are many evidences of its efforts to promote a safe and sound environment and it has a number of cases having landmark judgments to its credit.

3. That the Respondent No. 1 is the Ministry of Housing and Public Works which is responsible for, *inter alia*, the town development in specific cities and townships and administration of Building Construction Act, 1952 for the control of the various Urban Development Authorities and is the line ministry of the Respondent No. 2. The Respondent No. 2 is the Chittagong Development Authority (hereinafter referred to as "CDA") created under the Chittagong Development Authority Ordinance, 1959 (East Pakistan Ordinance No. LI of 1959) which has been authorized and entrusted with the responsibilities, amongst other, to adopt Master Plan, allot plots, approve building construction, recreational and other civic facilities, infrastructure plans for the Chittagong City and also the recommending authority for cutting or razing of hills with the responsibility to implement the Building Construction Act, 1952. The Chairman of the CDA is *ex-officio* Head of the hill-cutting committee. Respondent No.3 is the Department of Environment (hereinafter referred to as "DOE") which is the

implementing agency of the Environment Conservation Act, 1995 (Act No. I of 1995) and assumed all responsibilities regarding environmental and fragile ecosystem protection and conservation and the National Environment Policy, 1992. That the Respondent No. 4 is the Chittagong Metropolitan Police, created under the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978) which has been authorized particularly under the Building Construction (Amendment) Act, 1990 (Act XXXV of 1990) to take cognisance of acts in contravention of the provisions of the same. The Respondent No. 5 is the Ministry of Land represented by its Secretary and which is responsible for overall management of land and soil. All the Respondents are persons engaged in the affairs of the Republic.

4. That the environment of the country more particularly in the urban areas are being continuously endangered and threatened by various unplanned activities by private and public bodies. Like other places the Chittagong City have been rapidly losing its natural heritage and pacifying beauty traits and its environment being, inter alia, subjected to many threats and injuries that also originate from unlawful and irresponsible actions or inactions of various statutory bodies. Amongst the primary causes and sources of environmental degradation is the unplanned, unauthorized and indiscriminate cutting or razing of hills in different parts of the Chittagong City area without considering minimum environmental requirements of the City itself. The disappearance, shrinkage and destruction of hills have been caused, among others, directly by the unlawful, hazardous

and defiant attitudes of law violators in various forms leading to ravage of the unique ecosystem of the City. During past ten years more than 200 acres of hill lands, either public or private, in the Chittagong City area were cut and levelled to the ground as per the source of CDA and which has been published in national dailies.

Photocopy of the said press clipping is annexed hereto and marked Annexure "B".

5. That ravaging of hills in the Chittagong City area have been continuing in unregulated and hazardous manner causing chronic soil erosion, destruction of natural land profile, water-logging in most of the drains of the city being silted by the sands and mud flowing from the hills, destroying valuable trees and herb, abolishing habitat of insects, birds and animals, creating imbalance in rainfall, wild-flow, temperature and seasons, land slip and land slide. Experts opined that with the demolition and razing of most of the hills the City of Chittagong has been exposed to serious natural and ecological calamities.

6. That unabated and indiscriminate destruction of hills were continuing without paying any heed to requirements under the existing laws and policies. The situation has been aggravating very fast and the illegal hill cutting continuing so desperately and indiscriminately that while the State Minister for Ministry of Land, after receiving secret information rushed at Nasirabad Sholoshahor mouza on 20 November, 1996, he found

seven trucks engaged in unlawful cutting of hills. Persons involved with the violation fled away leaving seven trucks and other instruments later seized by the local police station. This event while published in the national dailies created sensation among the concerned authorities and grave dissatisfaction in public minds against such heinous acts.

Photocopies of the said paper clipping are annexed hereto and marked as Annexure "C".

7. That the above incident also drew the attention of the Respondent No. 3, the Department of Environment, who accordingly instructed the Director, DoE, Chittagong Division to conduct a thorough investigation into the alleged incidents. While probing into the matter it was revealed that hills were being cut unlawfully by some persons having ownership/possession of the same and accordingly served a show cause notice upon them on 26 November, 1996 under the authority of the Environment Conservation Act, 1995 asking them to $\pi\text{åKb Avcbvi weiÇç}\| \text{AvBbvbyM e} \text{èe} \text{Æv M } \pi\text{nY Kiv nçe bv} \pi$ $\text{åm e} \text{èvcvçi AvMvgx 28-11-96 Zvwil weçKj 2 NwUKvi gça} \text{è wjwLZ Reve c } \pi\text{`vçbi Rb} \text{è Abyçiva Kiv nçjv} | \text{Ab} \text{è}_\text{vq Avcbvi weiÇç}\| \text{GKZidvfvçe AvBbvbyM e} \text{èe} \text{Æv M } \pi\text{nY Kiv nçe} |$ which was also communicated to the Respondent No. 4 vide its letter dated 28 November, 1996.

Photocopies of the said notice dated 26 November, 1996 and the letter dated 28 November, 1996 issued by the Director DoE are annexed hereto and marked as Annexures "D" and "D-1" respectively.

8. That the Respondent No. 1 is statutorily authorized to issue permission for cutting or razing of hills receiving recommendation from the Respondent No. 2 in this regard. The proceedings of the meeting of the P F M ¶ v g g n v b M i D b £ q b m g Ü ^ q K w g w U presided by the mayor of the Chittagong City Corporation as Co-Chairman and where the Respondent No. 2 was also present held on 09 December, 1996 decided to stop granting of permission for cutting of hills in the City Corporation and in its adjacent area until further order. The resolution entrusted the Respondent Nos. 2, 3 and 4 to take all legal steps and to publicist the decision to prevent hill-cutting. Despite such prohibition of issuing permission for cutting or razing of hills the practice has been continuing flagrantly in violation of the law which is evident from the surprise visit of one Minister in the hill areas (Annexure "C") and also in media reports (Annexure "C-1").

The relevant portion of the proceeding of the meeting of the Chittagong City Development Co-ordination Committee dated 09.12.96 is annexed hereto and marked as Annexure "E"

9. That the Building Construction Act, 1952(E.B Act No.II of 1952) has incorporated the following provisions by an amendment made in 1990(Act No.XXXVI of 1990) providing restriction on cutting or razing of hills -

" Section 3C. Restriction on cutting etc., of hills.-(1) Notwithstanding anything contained in any other law for the time being in force, no person shall, without the previous sanction of an Authorized Officer, cut or raze any hill within the area to which this Act applies; and such sanction shall be subject to such terms and conditions as the Authorized Officer may think fit to impose;

Provided that no such sanction shall be granted without the previous approval of the Government or such other authority as the Government may, by notification in the official Gazette, specify in this behalf:

Provided further that no such sanction shall be granted unless the Authorized Officer and the Government or the authority specified in the notification mentioned in the first proviso is satisfied that-

- (a) the cutting or razing of the hill shall not cause any serious damage to any hill, building, structure or land adjacent to or in the vicinity of the hill, or
- (b) the cutting or razing of the hill shall not cause any silting of or obstruction to any drain, stream or river, or
- (c) the cutting or razing of the hill is necessary in order to prevent the loss of life or property, or
- (d) the cutting of the hill is such as is normally necessary for construction of dwelling house without causing any major damage to the hill, or
- (e) the cutting or razing of the hill is necessary in the public interest.

...

Section 3D. Direction for stopping cutting or razing of hill.-(1) Where it appears to the Authorized Officer or the Committee, as the case may be, that any hill is being cut or razed without obtaining the sanction under section 3C, or in breach of any of the terms or conditions subject to which sanction was granted under that section, he or it may, by a notice, direct the owner or the occupier of the hill to show cause, within such period, not being less than three days, as may be mentioned in the notice, why the cutting or razing of the hill should not be stopped.

(2) Where a person is asked by a notice under sub-section (1) to show cause why the cutting or razing of the hill should not be stopped, he shall stop such cutting or razing from the date the notice is served on him till an order is made under sub-section (3).

(3) Where, after considering the cause shown, if any, within the time mentioned in the notice and giving the person showing the cause a reasonable opportunity of being heard, or where no cause is shown within such time, the Authorized Officer or the Committee, as the case may be, after such enquiry as he or it deems fit, is satisfied that the hill has been or is being cut or razed without obtaining the sanction under section 3C or in breach of any of the terms and conditions subject to which sanction was granted under that section, he or it may, by order in writing stating reasons therefore, direct the owner and the occupier of the hill to stop the cutting or razing of the hill; and otherwise shall make an order vacating the notice.

...

Section 10A. Power to seizure and arrest without warrant.(1) The authorized Officer or any member of the Committee or any officer authorized by him or Committee or any Police officer not below the rank of Assistant Sub Inspector who has reason to believe, from personal knowledge or from information given by any person and taken down in

writing, that any hill is being cut or razed without obtaining the sanction under section 3C or in breach of any of the terms and conditions subject to which sanction was granted under that section or in contravention of an order made under section 3D may at any time during the day or night-

- (a) enter into such hill;
- (b) seize any vehicle, instrument, material and animal and in the cutting or razing the hill or loading or carrying the earth of such hill;
- (c) if he is a police officer, arrest any person whom he has reason to believe to have committed an offence under sub-section(1A) of section 12.

10. That the Environment Conservation Act, 1995 has empowered the Respondent No. 3 to take any appropriate action to protect the environment, ecology and the ecologically critical area. The following provisions regarding conservation and improvement of environment of any degraded area are relevant:-

" Section 4: gncwiPvjçKi ||gZv I Kvh-vejx| (1) GB AvBçbi weavb mvççç||, cwiçek msi||b, cwiçekMZ gvb Db£qb Ges cwiçek `üIY wbqÜÉY I c ||kgçbi Dç=çkç gncwiPvjK ZrKZ-äk mgxPxb I c ||çqvRbxh ewjqv weçewPZ mKj Kvh-|| g M÷nb KwiçZ cvwiçeb Ges GB AvBçbi Aaxb Zvnvi `vwqZí mñPstv`çbi Dç=çkç åh åKvb eçw|çK c ||çqvRbxq wjwLZ wbç`-k w`çZ cvwiçeb |

...

(2)(L) cwiçek Ae||q I `ülçYi KviY nBçZ cvçi Gbiâc mñ^veç `yNU-bv
 c||wZçiva, wbivc` eçe»Æv M||nY Ges Abyiâc `yNU-bv c||wZKvigüjK
 Kvh-||g wba-viY I ZrmñPtsçK- wbç`-k c||vb:

...

(O) cwiçek Db£qb I `üIY wbqÜÉY Ges c||kgçbi Dç=çkç âhçKvb »Ævb,
 c||v||Y, civçU, hÜÉcvwZ, Drcv`b ev Abçwea c||w||qv, Drcv`b ev c`v_-
 cix-||vKiY Ges cwiçek `üIY c||wZçiva, wbqÜÉY Ges c||kgçbi Rbç DchY|
 KZ-äc|| ev eçw|çK Avç`k ev wbç`-k c||vb|

...

“Section 5 : cwiçekMZ msKUvcb£ GjvKv âNvIYv | (1) miKvi hw` GB gçg-
 mÜæç nq âh, cwiçeçki Ae||çqi KviçY âKvb GjvKvi c||wZçek eçe»Æv
 msKUvcb£ Ae»Ævq DcbxZ nBqvçQ ev nBevi AvksKv iwnqvçQ Zvnn nBçj
 miKvi, miKvix âMçRçU c||vcb ≠viv D| GjvKvçK c||wZçekMZ msKUvcb£
 GjvKv âNvIYv KwiçZ cvwiçe |

...

" Section 7 : c||wZçek eçe»Ævi c||Zç|| ev ççiv-|| -||wZ| gnvcwiPvjçKi wbKU
 hw` Giâc c||Zxqgvb nq âh, âKvb weçkl Kg-Kv■ c||Zç|| A_ev ççiv-|| fvçe
 c||wZçek eçe»Ævi -||wZ mvab KwiçZçQ, Zvnn nBçj D| -||wZi cwigvb
 wba-viY cüe-K msçkvabgüjK eçe»Æv M-nçYi Rbç wZwb D| Kg-Kvç■i Rbç

vwqZíc ̄v ečw|çK wbç`-k w`çZ cvwiçeb Ges D| ečw| D| wbç`-k cvjçb
evađ _vwKçeb|

11. That the Environment Policy of 1992 being adopted by the Ministry of Environment and duly approved emphasized on the need of formulation of a balanced and environmentally sound national land use policy and plan encouraging land use systems compatible with various ecosystems underscoring the need to conserve wild-life and bio-diversity. It is also stated to control housing and urban development schemes having adverse impact on the local and overall environment.

12. That the Petitioner humbly submits that the conservation and improvement of environment are vital for the survival and well being of living and non living beings and the natural resources of land, air and water have to be used wisely as trust to ensure healthy environment for the present and future generations. It is the duty of the Respondents to conserve environment and prevent the degradation of the same.

13. That it is submitted that the Respondent Nos. 1, 2 and 4 have failed to perform specific obligations as public authority agencies mandated by the Building Construction Act, 1952 and Chittagong Development Authority Ordinance, 1959 in preventing the indiscriminate cutting or razing of hills causing imbalance to the natural environment and an appropriate direction upon the said Respondents is necessary to ensure effective enforcement of all the relevant legal provisions.

14. That it is further submitted that the reluctance by the Respondents in preventing the continuing illegal and malpractice demonstrates gross failure to protect the natural environment and to manage the same in accordance with law and to take effective measures against the violators of law which has resulted in loss and destruction of invaluable hill areas of the country which constitutes part of our natural heritage and the heritage of the people and which requires to be preserved under Article 23 of the Constitution.

15. That it is also submitted that the unabated, unregulated and increasing destruction of natural hill areas for changed land use has threatened the environmental and ecological integrity of the area which is increasingly becoming a threat to right to life of the citizen as guaranteed under Articles 31 and 32 of the Constitution.

16. That it is submitted that the demolition and conversion of the hill areas has been destroying the natural habitat of the biological diversity dependent on unique hill ecosystem and is also contrary to Bangladesh's commitment to various international convention and treaties which have been duly ratified specially the Convention on Biological Diversity 1992 which requires State Parties to undertake actions for promotion of ecosystems, natural habitats and the maintenance of viable populations of species in

natural surroundings and integrate... the conservation ... of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

17. That it is submitted that the flagrant violation and non enforcement and non compliance of law by the Respondents undermines the rule of law which has already created a chaotic condition though indiscriminate cutting of hills and as such jeopardizing the fundamental rights of the city dwellers and the visitors.

18. That it is submitted that the proceedings of the meeting of Respondent No. 2 reveals that although the approval for cutting of hills were prohibited the practice was continuing on the face of the Respondents and the State Minister for Land got hold of seven trucks engaged in hill cutting in defiance of the ban within same time frame. For effective coordination between the decision and implementation of the same aiming to protect the natural environment, necessary and efficacious remedy is sought from this Hon'ble Court.

19. That it is submitted that Respondent Nos. 3 and 5 are responsible for maintaining a sound environmental order and managing the lands or soils in a sustainable manner. Initiatives undertaken by them in minimizing the ravaging of hill-environment are encouraging though needs adequate attention and stringent intervention in this regard and necessary and efficacious remedy is sought from this Hon'ble Court

20. That it is submitted that being highly aggrieved by the acts and omissions of the Respondents which has resulted in gross violation of law including infringement upon peoples right to a healthy environment the Petitioner on 02.03.97 served a Notice of Demand for Justice upon the Respondents to ensure the immediate banning of illegal cutting or razing of hills in the vicinity.

A copy of the said Demand Notice dated 02.03.97 is annexed herewith and marked as Annexure

21. That it is submitted that indiscriminate violation of the laws by the Respondents undermines the rule of law which has already created a chaotic condition by undertaking environmentally hazardous activities in the area.

22. That it is submitted that the Petitioner being an environmental lawyers organization takes great interest in ensuring sound environment through proper observance of law by all concerned. The violation of the various legal provisions by the Respondents and their failure in implementing their legal duties and obligations have made the Petitioner feel aggrieved and have thus filed this Writ Petition before the Hon'ble Court to uphold public interest.

23. That it is submitted that the Petitioner was acting *pro bono publico* to protect the public property which is its constitutional obligation under Article 21 of the Constitution.

24. That this application is filed *bona fide* in public interest to protect the unique eco system of hill areas of the City and the reliefs sought for herein, if granted, shall be effective, efficacious and complete.

25. That the addresses of the parties given in the cause title are correct address for the service of notice upon them.

26. That having no other adequate efficacious remedy the Petitioner begs to move your Lordships, on the following, amongst others:

GROUND S :

I. For that the indiscriminate cutting of hills in the Chittagong City Corporation and in its adjoining area is continuing unlawfully causing serious environmental and ecological damage and the Respondents have failed to enforce law for which they are responsible as relevant statutory agencies and persons engaged in the affairs of the Republic.

II. For that the cutting or razing of hills requires permission under sections 3C, 3D of the Building Construction Act, 1952 of the Respondent No. 1 receiving recommendation

from the Respondent No. 2 in appropriate cases, but the incidents of cutting and destruction of hills in the Chittagong City and in its adjoining area has long been continuing in defiance of legal requirements and so the Respondent Nos. 1 to 5 have failed to enforce the law or have wrongly applied it by allowing hill-cutting and hence appropriate direction from this Hon'ble Court is sought for.

III. For that the current practice in respect of cutting or razing of hills demonstrates the failure of the Respondent Nos. 2, 3 and 4 in enforcing the decision (Annexure "E") in protecting the hills and enforcing the decision to prevent and prohibit all hill-cutting.

IV. For that the Respondent Nos. 1, 3 and 4 have grossly failed to protect the natural environment and to manage the same in accordance with law and to take effective measures against the violators of law which has resulted in loss and destruction of valuable hill areas of the country which constitutes part of our natural heritage and the heritage of the people and which requires to be preserved under Article 23 of the Constitution and as such an appropriate direction is sought for by this Hon'ble Court.

V. For that the Respondent No. 3 has grossly failed to exercise its authority under the Environment Conservation Act, 1995 in as much as the protection and preservation of environment, ecology amend ecologically cortical areas require by issuing necessary orders and enforce the provisions of the said Act which has resulted in serious

environmental and ecologically critical situation because of hill-destruction in the City and in its adjoining areas for which necessary intervention from this Hon'ble Court is called for.

VI. For that the Respondents owe statutory and also public duties to the Petitioner as well as to the residents and visitors of the City to protect and conserve the natural heritage and aesthetic resources of the Chittagiong City which they have failed to perform by failing to prevent indiscriminate cutting of hills and the unlawful omissions and negligence have abated and aggravated such violations resulting in environmental hazards and an appropriate directions from this Hon'ble Court are required.

VII. For that the failure of the Respondents in enforcing relevant provisions of legal norms aiming to minimize indiscriminate cutting of hills has threatened the environmental and ecological integrity of the City and its adjoining areas leading to serious soil erosion, land filling of the drainage system which increasingly, cumulatively and progressively threatening the right to life of the citizen as guaranteed under Articles 31 and 32 of the Constitution and as such an appropriate direction is required by this Hon'ble Court.

VIII. For that the continuous change of the character of the hill eco-system has been destroying the natural habitat of the rich bio logical diversity of the country and is also

contrary to Bangladesh's commitment to various international convention and treaties which have been duly ratified specially the Convention on Bio logical Diversity 1992 and hence an immediate intervention to stop all activities leading to such a degradation is necessary from this Hon'ble Court.

IX. For that the Petitioner is seeking appropriate order and direction from this Hon'ble Court to protect the unique eco-system of hill areas and the environment of the country and to uphold public interest, natural heritage and to perform public duty under the law and Article 21 of the Constitution of the Constitution, and hence this application is submitted before this Hon'ble Court.

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to:

a) Issue a Rule Nisi calling upon the Respondents to show cause as to why they shall not be declared to have failed to protect the indiscriminate and unlawful cutting or razing of hills in the Chittagong City Corporation and its adjoining areas in violation of the existing laws in preventing the increasing destruction of the environment, ecology and the natural heritage of the said area and the

Respondents be directed to take all necessary and effective measures to prevent hill cutting or razing and conserve the environment and ecology by enforcing the provisions of law and the rights and duties specified under the Constitution;

b) Pending hearing of the Rule pass an interim order of restraining the Respondents from granting any permission for hill-cutting within the Chittagong City Corporation and its adjacent areas and prevent any illegal destruction of hills.

c) After perusing the cause, if any shown, and hearing the parties make the Rule absolute.

e) Cost of and incidental to this application be directed to be borne by the Respondents.

f) Any other or further order or orders as may be deemed fit and proper be also granted.

And for this act of kindness your Petitioner as in duty bound shall ever pray.

AFFIDAVIT

I, Dr. Mohiuddin Farooque son of Hemayet Ahmed of House No. 9, Road No. 8, Dhanmondi Residential Area, P.S. Dhanmondi, District-Dhaka, aged about 41 years, by faith Muslim, by profession lawyer, by Nationality Bangladeshi, do hereby solemnly affirm and say as follows:

1. That I am the Secretary General of the Bangladesh Environmental Lawyers Association (BELA) and by a resolution of the Executive Committee of BELA dated 14 January '97 is duly authorized to represent BELA and swear affidavit on its behalf, and as such I am fully conversant with the facts and circumstances of the case.
2. That the statements made herein above are true to the best of my knowledge and belief.

Prepared in my office.

(Dr. Mohiuddin Farooque)
Advocate

(Dr. Mohiuddin Farooque)
Deponent

The deponent is known to me
and identified by me.

Solemnly affirmed before me
by the said deponent on this
the of August, 1997
at A.M.

(Md. Iqbal Kabir)
Advocate

COMMISSIONER OF AFFIDAVITS

**SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION, DHAKA.**