



26-01-2020 26-01-2020 26-01-2020, 27-01-2020, 27-01-2020

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 14614 OF 2019

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

1. Bangladesh Environmental Lawyers Association (BELA), being represented by its lawyer, Sayeed Ahmed Kabir, Advocate, Supreme Court, House-15A, Road-3, Dhanmondi, Dhaka and others.

.....Petitioners.

-Versus-

1. Bangladesh represented by the Secretary, Ministry of Agriculture, Bangladesh Secretariat, Dhaka.
2. The Secretary, Ministry of Health, Bangladesh Secretariat, Dhaka.
3. The Secretary, Ministry of Commerce, Bangladesh Secretariat, Dhaka.
4. The Secretary, Ministry of Labor and Employment, Bangladesh Secretariat, Dhaka.
5. The Secretary, Ministry of Environment, Forest and Climate Change, Bangladesh Secretariat, Dhaka.
6. The Secretary, Ministry of Food, Bangladesh Secretariat, P.S. Shahabagh, Dhaka.
7. The Executive Chairman, Bangladesh Agriculture Research Council (BARC), and the Chairperson of Pesticide Technical Advisory Committee, Agriculture Research Council (BARC), Krishi Khamar Road, Farmgate, Dhaka.
8. The Director General, Department of Bangladesh Agriculture Extension, Krishi Khamar Road, Farmgate, Dhaka.
9. The Director General, Department of Environment, 16/E, Agargaon, Dhaka.

“দেশপ্রেমের শপথ নিন দর্নীতিকে বিদায় দিন”



10. The Director General, National Consumer Rights Protection Department, 1 Kawran Bazar, TCB Bhaban (8<sup>th</sup> floor), Dhaka.
11. The Director General, Bangladesh Sugar-crops Research Institute, Iswardi-6620, Pabna.
12. The Director, Bangladesh Tea Research Institute, BTRI Road, Srimangal, Moulavibazar.
13. The Director, Plant Protection Wing, Krishi Khamar Road, Farmgate, Dhaka.
14. The Director, Soil Research Development Institute, Khamarbari Road, Farmgate, Dhaka.
15. The Director, Institute of Epidemiology, Disease Control and Research, Mohakhali, Dhaka.
16. The Chairman, Bangladesh Crop Protection Association, Unit-D, 14/A and 31/A, Centre Point Concord, Tejgunipara, Farmgate, Dhaka 1215.

.....Respondents.

AND

IN THE MATTER OF:

Articles 15, 18A, 31, 32 of Constitution of People's Republic of Bangladesh; the Bangladesh Environment Conservation Act, 1995 (Act No. 1 of 1995) and the Environment Conservation Rules, 1997; the Food Safety Act, 2013; the Imports and Exports (Control) Act, 1950 (Act XXXIX of 1950); the Consumer Rights Protection Act, 2009; the Penal Code, 1860; the Pesticides Act, 2018; the Pesticides Rules, 1985; the Labour Act, 2006 and all other applicable laws and policies.

AND

IN THE MATTER OF:

Effectively regulating pesticides.

AND

IN THE MATTER OF:

“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”



Directions upon the respondents to cancel the registration and license of Glyphosate-based pesticides including Roundup (as of Annexure "J"), promote safer alternatives to Glyphosate-based pesticides and undertake health assessment of users.

AND

IN THE MATTER OF:

Directions upon the respondent No. 1 to investigate the deaths as reported in Annexure- "B" to compensate the families of affected farmers (as of Annexures "B" and "B-1") and also to set up an independent commission to regularly monitor the health safety and environmental aspects of use of pesticides for ensuring adoption of appropriate, prohibitive, corrective and regulatory measures and protocols.

**Present:**

**Mr. Justice M. Enayetur Rahim.**

-And-

**Mr. Justice Md. Mostafizur Rahman.**

The 05<sup>th</sup> day of January, 2020

Mr. Ali Mustafa Khan, Advocate

.....For the Petitioner.

Mr. Amit Talukder, DAG with

Mr. Urbashi Barua Simi, AAG and

Mr. M.M.G. Sarwar (Payel), AAG and

Mr. Md. Samiul Alam Sarkar, AAG

.....For the Respondent Govt.

Let a Rule Nisi be issued calling upon the respondents to show cause as to i) why they should not be directed to set up a regular and independent commission to monitor the health safety and environmental aspects of use of pesticides and to ensure adoption of appropriate, prohibitive, correction and regulatory measures and protocols, cancel registrations and licenses of all Glyphosate containing pesticides and ii) why the registration given by the respondents to all pesticides containing Glyphosate including

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১ "দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন"



Roundup, the granting of renewal of the same and the failure of the respondents to cancel the same being violative of applicable laws should not be declared unlawful and against public interest 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 respondents are directed to create mass awareness about the hazardous effects of Glyphosate-based pesticides brand including Roundup by arranging regular dissemination programs in media (both print and electronic) and iii) prepare and submit a detailed report on the import, distribution, stocking, marketing and use of Glyphosate containing pesticides in the Country, and findings of regular health assessment of those who have been exposed to such pesticides for a considerable period of time in particular in the tea estates and sugar cane farms and fields and an action plan to phase out from Glyphosate containing pesticides including Roundup and to introduce safe alternatives to Glyphosate-containing pesticides before next cropping season and submit the same before the Court with a period of 90 (ninety) days from the date of receipt of this order.


The Rule is returnable within 08(eight) weeks from date.

The petitioners are directed to put in requisites for service of notice upon- the respondents in the usual course and through registered post within 72 hours.

M. Enayetur Rahim.

Md. Mostafizur Rahman.

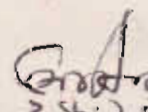
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Rendered by:



  
26.02.2020  
মুহাম্মদ মোস্তাফা শিফাতুল  
এক্সেসনিক কর্মকর্তা

  
29/02/2020  


প্রত্যায়িত অবিকল প্রতিলিপি

  
29/02/2020  
মুহাম্মদ মোস্তাফা শিফাতুল  
বাংলাদেশ সশস্ত্র বাহিনী, হাইকোর্ট বিজ্ঞান  
(১৮৭২ ইং সনের ১ম অফিস)  
৭৬ ধারাবাহিক ককতা রোড