

**IN THE SUPREME COURT OF  
BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)  
Suo-Motu Rule No. 09/2020**

Suo Motu

-Vs-

Secretary, Ministry of Local Government,  
Rural Development and Co-operatives.

-----Respondent

Senior Advocate Manzill Murshid with  
Advocate Minhazul Haque Chowdhury  
Advocate Mohammad Humaun Kabir  
(Pallob)

Advocate Md. Imtiaz Moinul Islam

----- Amicus Curiae

Advocate Md. Monjur Alam, Deputy  
Attorney General

With

Advocate Md. Obaidur Rahman (Tarek),  
Assistant Attorney General

Advocate Mohammad Shoeb Mahmud,  
Assistant Attorney General

Advocate Md. Abul Hassan, Assistant  
Attorney General

----- For the Respondent.

**Present:**

**Justice Md. Ashraful Kamal**

**And**

**Justice Kazi Waliul Islam**

**Heard On: 25.11.2024, 05.01.2025,**  
**20.01.2025, 22.01.2025, 23.02.2025**  
**and Judgment On: 27.02.2025**

## **JUSTICE MD. ASHRAFUL KAMAL:**

### *Why Should Water Be a Fundamental Right for Everyone?*

*Thales of Miletus (624-620 to 548-545 BCE) was a mathematician, astronomer, engineer, scientist, and most importantly, a prominent philosopher, who devoted considerable research on water and posited that the fundamental element which gave rise to everything in the world was indeed water.*

In Part-II, 'Fundamental Principles of State Policy' of the Constitution of the People's Republic of Bangladesh, Articles 15(a), 18, and 18A collectively enjoin the State to ensure and secure necessities, improve public health, and protect the environment for present and future generations.

In 2019, in *Human Rights and Peace for Bangladesh v. Government of Bangladesh and others* [Writ Petition No. 13989/2016], the High Court Division delivered a judgment in the case that became widely referred to and known as the 'Turag River Case'. The judgment recognized the legal personhood of all rivers in Bangladesh in order to protect the nation's water bodies. The Court observed the following:

*"According to Article 32 of the Constitution, no person shall be deprived of life or personal liberty save in accordance with law. Environmental pollution and destruction of the environment, natural resources, bio-diversity, all wetlands, seas and their coasts, rivers and their banks, streams, ponds, canals, haors, lakes, hills, mountains, forests, the air and all other Public Trust Properties, has been deteriorating the life of the citizens i.e. human beings on a daily basis. Thus, a healthy environment is the fundamental right of every citizen. Due to the need of a healthy environment, every citizen has the constitutional right to enjoy the environment, natural resources, bio-diversity, all wetlands, seas and their coasts, rivers and their coasts, streams, ponds, canals, haors, lakes, hills, mountains, forests, the air and all other Public Trust Properties."*

Following the 'Turag River Case', it became both logical and indeed inevitable to recognize water as a fundamental right, inherent to the right to life of the citizens of Bangladesh, and essential for environmental protection. The

right to life, as guaranteed under Article 32 of the Constitution of Bangladesh, cannot be realized without ensuring access to adequate quantity of safe and clean water.

Therefore, recognizing water as a fundamental right is not merely a legal necessity, but a moral and constitutional obligation, flowing naturally from the principles enshrined in the Constitution and reinforced by the spirit of the '*Turag River Case*', which recognized rivers, one of the key sources of water in Bangladesh, as living entities, ensuring their due protection and respect.

Considering the Constitution, the aforementioned observations, the ecological context, and recognizing the magnitude of the issue, this High Court Division (comprising of Mr. Justice Md. Ashraful Kamal and Mr. Justice Sardar Md. Rashed Jahangir) issued a *Suo Moto* Rule on 25.03.2020 upon the relevant Ministry of Local Government, Rural Development and Co-operatives to explain, 'Why water should not be declared a fundamental right?'.

This Court has heard the *Amicus Curiae* of the learned Senior Advocate Manzill Murshid, Advocate Minhazul Haque Chowdhury, Advocate Muhammad Nawshad Zamir, Advocate Mohammad Humaun Kabir Pallob and Advocate Md. Imtiaz Moinul Islam. The Court has also heard Advocate Md. Monjur Alam, the learned Deputy Attorney General.

Every living organism depends on water—water sustains our bodies, food, and ecosystems. Humans can survive weeks without food, but only mere days without water. Depriving people of water is, therefore, equivalent to denying them their right to life.

On 20 October 2020, the BBC UK published an article titled '*How long can you survive without water?*' by Abigail Beall, which referred to the fact that scientists agree humans can only survive for a few days without taking in any water. Such is reflected in most scientific research, such as in '*Water, hydration and health*' by Popkin, B. M., D'Anci, K. E., & Rosenberg, I. H. (2010) [*Nutrition reviews*, 68(8), 439–458.]

On 16 March 2024, the BBC published another article titled '*How much water should you drink a day?*', by Jessica Brown, where it stated that "In 2022, researchers from the University of Aberdeen estimated that the amount of water people need is between 1.5 and 1.8 liters per day, not the recommended two liters or eight glasses. They did this by collaborating with scientists from 23

different countries to measure the amount of water needed to keep people hydrated. They found that those who live in hot and humid environments and at high altitudes, as well as athletes, and pregnant and breastfeeding women, need to drink more water than others. The biggest predictor for how much water someone requires is how much energy they burn. In other words, a one-size-fits-all approach isn't the answer."

The case of *Bangladesh Environmental Lawyers Association (BELA) v. Bangladesh* [Writ Petition No. 1683/2014], also known as the '*Sonargaon EPZ Case*', concerns the unlawful filling of agricultural land, low-lying land, and wetlands in several mouzas of Sonargaon Upazila, Narayanganj District by Sonargaon Unique Property Development Limited and another private respondent. BELA filed the writ petition challenging the inaction of public authorities in preventing such environmental degradation. The High Court Division held that the respondents' failure to prevent the illegal filling constituted an act taken without lawful authority, thus rendering it illegal. The Court underscored that such conduct violated Section 33 of the Bangladesh Economic Zones Act, 2010, which requires prior environmental clearance from the Department of Environment, before undertaking any project likely to affect the ecosystem.

Declaring the respondents' inaction unlawful, the Court directed the authorities to restore the damaged agricultural and wetland areas at the expense of the private respondents. The judgment went beyond remedial orders and laid down a comprehensive framework for future wetland protection in Bangladesh. Drawing upon the '*Turag River Case*', the Court reaffirmed that all wetlands constitute *Public Trust* Property belonging to the people and the nation. It further directed the government to promptly formulate a national policy and enact legislation to implement Bangladesh's international obligations under the *Ramsar Convention on Wetlands of International Importance* (1971), also known as the '*Convention on Wetlands*'. The *Convention on Wetlands* came into force in Bangladesh on 21 September 1992, whereby two sites were designated as '*Ramsar sites*': *Tanguar Haor* and the *Sundarbans Reserved Forest*.

In a landmark move, the Court ordered the immediate creation of a dedicated Ministry of Wetlands to ensure coordinated protection, development, and management of wetlands. It also mandated the enactment of a Wetlands Protection, Development and Management Act. The Department of Environment and local administration were jointly instructed to assess the extent of

encroachment and the quantum of compensation owed to affected individuals, and to complete the restoration within six months.

Additionally, the Court required the establishment of a digital database of all wetlands using advanced RS/GIS technology, ensuring public accessibility through maps displayed in administrative offices. Educational reforms were also prescribed: the Ministry of Education must introduce bi-monthly awareness classes in all educational institutions on the importance of wetlands, while local government bodies were directed to organize quarterly public awareness campaigns. The Court declared the matter a continuing mandamus and commended BELA for its enduring commitment to environmental advocacy.

The Court reaffirmed the principle established in the Turag River judgment that all wetlands are “*Public Trust Property*”, i.e., national assets belonging to the people, and thus must be protected from private encroachment. It emphasized Bangladesh’s international obligations under the *Convention on Wetlands* and directed the government to immediately adopt a national policy and enact necessary legislation for its implementation.

To institutionalize wetland protection, the Court ordered the creation of a dedicated Ministry of Wetlands and the swift enactment of a Wetlands Protection, Development, and Management Act. It also issued detailed administrative directions. The Department of Environment and the Local Administration were directed to conduct a joint investigation within six months to determine the extent of encroachment, assess damage, and restore the affected lands to their original state, with costs borne by the responsible developers. Additionally, the court directed that compensation to affected landowners must be calculated and collected from the violators.

By reaffirmation, the Court ordered the creation of a national digital database using RS/GIS technology to map all wetlands and their biodiversity, with maps to be publicly displayed and made accessible at the Union, Upazila, and District levels. It also mandated the Ministry of Education to ensure that all educational institutions conduct regular awareness classes on the importance and conservation of wetlands, while local government leaders were directed to organize quarterly public campaigns, seminars, and rallies on wetland protection. Finally, the Court directed the authorities to enact laws in relation to ecocide.

While the *Sonargaon EPZ Case* emphasized the State's duty to protect wetlands as public trust property and mandated institutional, legislative, and educational reforms for their conservation, *The Human Rights and Peace for Bangladesh v. Bangladesh* [Writ Petition No. 11455/2018], also known as the '*Hatirjheel Case*' operationalized those principles in the context of Hatirjheel, Dhaka's key urban water body. It reaffirmed that all water bodies are national assets under the public trust doctrine and declared commercial encroachments within Hatirjheel unlawful. Significantly, it transformed the broader policy directives from *Sonargaon EPZ Case*, such as restoration, public access, and ecological management, into concrete administrative orders, including eviction, formation of a dedicated authority, and continuous judicial supervision. Thus, the later judgment translated *Sonargaon EPZ Case*'s ecological jurisprudence into enforceable urban governance, strengthening the judiciary's role in environmental protection.

*In many parts of the world, women and children bear the burden of fetching water over long distances, losing time for education and work. Access to safe water boosts public health, education, and productivity, breaking the cycle of poverty. Thus, recognizing it as a fundamental right is also a measure of ensuring social justice.*

*Water is crucial for all known life forms in the universe. The Earth is able to support the vast array of living beings, diverse ecosystems and complex biodiversity due to the majority of its surface being covered by water, as well as additional reserves of water underneath the surface. Water supports not only the inherent survival of all human beings on Earth, but is also crucial for nutrition and food security through agriculture. Water assists in providing clean renewable energy solutions through hydropower and is also used as a key component in the production of energy through other means, such as being used to cool the radioactive cores in nuclear power plants as would be the case in the Rooppur Nuclear Power Plant. Water is the key component for sustainable development and has been recognized as such by the United Nations.*

*Unfortunately, climate change and human activity is affecting our access to water, and particularly clean drinkable water, which is vital not just for our fellow citizens, but for the world at large as well. Hence, ensuring access to sufficient quantities of clean drinkable water, and ensuring that such is done in a sustainable manner, is vital to protect the fragile situation the world finds itself in. To that end, water must be treated as a shared national resource, rather than a mere commodity to be taken for granted and simply exploited.*

*Access to water is not merely a resource issue - it is a moral obligation. Religious and indigenous traditions across the world treat water as sacred and not just as property, rather the understanding is that the community has a common guardianship of it. Without clean water, ecosystems collapse, forests wither, agriculture fails, and fauna vanish. Declaring water as a fundamental right ensures that the aforementioned calamities do not come to fruition.*

*Governments are obliged to protect and restore sources of water. Pollution, over-extraction, and privatization that endanger access to water can be legally challenged. Future generations are entitled to inherit a planet where water is still life-giving and readily available and not been turned into a luxury.*

*Without sufficient, safe, and accessible water, other human rights, including the right to food, right to health, right to education and right to housing, are impossible to achieve. Providing water is a prerequisite for a standard of living that affords health and well-being for all. Access to safe water for personal and domestic use, including sanitation and hygiene, is an essential element for ensuring human dignity.*

*Lack of access to clean water and sanitation is a major cause of preventable waterborne diseases such as cholera, typhoid, and diarrhea, which disproportionately affect children. Ensuring affordable access to safe water and sanitation helps communities avoid risky alternatives, such as using contaminated water sources, which can lead to widespread illness.*

*Treating water as a fundamental human right places an obligation on governments to ensure equitable access and overcome the social exclusion of vulnerable and marginalized groups. This is vital, as the poor often pay more for water from vendors and are the most impacted by inadequate and unfair services.*

*The right to water has been recognized by nations and international organizations through various mechanisms and degrees as can be seen below:*

#### UNITED NATIONS

*The United Nations General Assembly (Resolution 64/292, 2010) explicitly recognized the human right to water and sanitation, affirming that clean water is “essential for the full enjoyment of life and all human rights.” It calls on states and international organizations to help provide safe, clean, accessible, and affordable drinking water for all.*

#### BOLIVIA

*Bolivia's current constitution was adopted in 2009, establishing the nation as the "Plurinational State of Bolivia" with a communitarian social model based on pluralism, indigenous rights, high decentralization and recognition of Pachamama (Mother Nature). It replaced the 1967 constitution and was drafted by a Constituent Assembly and subsequently approved by a national referendum. The 2009 Constitution showcases the value placed on their natural resources and sets out the fundamental rights of their citizens. A brief excerpt of the relevant segments are set out below:*

*"PREAMBLE*

*In ancient times mountains arose, rivers moved, and lakes were formed. Our Amazonia, our swamps, our highlands, and our plains and valleys were covered with greenery and flowers. We populated this sacred Mother Earth with different faces, and since that time we have understood the plurality that exists in all things and in our diversity as human beings and cultures. Thus, our peoples were formed, and we never knew racism until we were subjected to it during the terrible times of colonialism.*

*We, the Bolivian people, of plural composition, from the depths of history, inspired by the struggles of the past, by the anti-colonial indigenous uprising, and in independence, by the popular struggles of liberation, by the indigenous, social and labor marches, by the water and October wars, by the struggles for land and territory, construct a new State in memory of our martyrs.*

*A State based on respect and equality for all, on principles of sovereignty, dignity, interdependence, solidarity, harmony, and equity in the distribution and redistribution of the social wealth, where the search for a good life predominates; based on respect for the economic, social, juridical, political and cultural pluralism of the inhabitants of this land; and on collective coexistence with access to water, work, education, health and housing for all.*

*We have left the colonial, republican and neo-liberal State in the past. We take on the historic challenge of collectively constructing a Unified Social State of Pluri-National Communitarian law, which includes and articulates the goal of advancing toward a democratic, productive, peace-loving and peaceful Bolivia, committed to the full development and free determination of the peoples.*



*We women and men, through the Constituent Assembly (Asamblea Constituyente) and with power originating from the people, demonstrate our commitment to the unity and integrity of the country.*

*We found Bolivia anew, fulfilling the mandate of our people, with the strength of our Pachamama and with gratefulness to God.*

*Honor and glory to the martyrs of the heroic constituent and liberating effort, who have made this new history possible.*

## TITLE II. FUNDAMENTAL RIGHTS AND GUARANTEES

### CHAPTER I. General Matters

#### Article 16

1. *Every person has the right to water and food.*
2. *The State has the obligation to guarantee food security, by means of healthy, adequate and sufficient food for the entire population."*

## COSTA RICA

*Relevant segment in Costa Rica's Constitution of 1949 (with Amendments as of 2020) is set out below:*

### *"Title V. Social Rights and Guarantees*

#### *Sole Chapter*

#### *Article 50*

*The State will procure the greatest well-being to all the inhabitants of the country, organizing and stimulating production and the most adequate distribution [reparto] of the wealth.*

*All persons have the right to a healthy and ecologically balanced environment. For that, they are legitimated to denounce the acts that infringe this right and to claim reparation for the damage caused.*

*The State will guarantee, will defend and will preserve this right. The Law will determine the responsibilities and corresponding sanctions.*

*Every person has the human, basic and non-renounceable right of access to potable water, as an essential material for life. Water is an asset of the nation, essential to protect such human right. Its use, protection,*

*sustainability, conservation and exploitation will be governed by that which the law created for these effects establishes[,] and the supply of potable water for consumption by persons and the populations will have priority.”*

### SLOVENIA

*Slovenia's Constitution of 1991 (with Amendments as of 2021) has the following Article relating to drinkable water:*

#### *“III. Economic and Social Relations*

*Article 70A. Right to Drinking Water – Everyone has the right to drinking water. Water resources shall be a public good managed by the state. As a priority and in a sustainable manner, water resources shall be used to supply the population with drinking water and water for household use and in this respect shall not be a market commodity. The supply of the population with drinking water and water for household use shall be ensured by the state directly through self-governing local communities and on a not-for-profit basis.”*

*Slovenia's right to drinking water is unique in that it was brought forth by an amendment in 2016. The amendment itself is unique in that, due to a special allowance within the Slovenian Constitution within Article 168, the public have the right to trigger the amendment process of the Constitution through accruing at least 30,000 votes – in this case, tens of thousands of voters, through this constitutional initiative, initiated the eventual successful constitutional amendment. That is, this amendment was brought by popular demand by the citizens themselves.*

### SOUTH AFRICA

*South Africa's Constitution of 1996 (with Amendments as of 2023) has also explicitly entrenched the right to water in the Constitution in Section 27(1)(b), while Section 27(2) sets out that the South African State should undertake legislative and other measures within the level of resources accessible to progressively realize this right. The relevant excerpt of the Constitution is set out below:*

#### *“CHAPTER 2. BILL OF RIGHTS*

##### *27. Health care, food, water and social security*

1. *Everyone has the right to have access to*
  - a. *health care services, including reproductive health care;*
  - b. *sufficient food and water; and*
  - c. *social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.*
2. *The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights.*
3. *No one may be refused emergency medical treatment."*

*Similar entrenchment of a fundamental right to water is found in Article 23(a) of the Constitution of Maldives. Similar recognition of a right to water has been found in statutes, case law and policy in a few other countries, and such is detailed to an extent in in 'The Human Right to Water in Law and Implementation' by Brunner, N., Mishra, V., Sakthivel, P., Starkl, M., &Tschohl, C. [(2015) *Laws*, 4(3), 413–471.]*

*Given that water is a fundamental national resource and a human right, the privatization of water is a matter of concern that must be addressed. Privatization might be seen as an answer to many of the obstacles facing the nation at the moment. However, taking the United States of America as an example - research has shown that water pricing in the United States trends to be significantly higher when the water systems were under private ownership and poverty exaggerated the issue [Zhang, X., González Rivas, M., Grant, M., & Warner, M. E. (2022). *Water pricing and affordability in the US: public vs. private ownership. Water Policy*, 24(3), 500–516.]*

*On 31 January 2015, an article titled 'Water privatisation: a worldwide failure?' by John Vidal was published in 'The Guardian', wherein it was highlighted that, service failures, price hikes and lack of investment in quality water services (amongst other challenges) meant the trend in privatizing water has taken a turn in momentum and hundreds of municipalities, particularly in the United States and Europe, have re-municipalized their water services and brought control back to public authorities – the growing sentiment is that a public service of a basic human necessity such as water is best served by entities/authorities accountable to the public. While the public sector is the object of concern and grievances of the citizens of this nation, it is one that can be held accountable to its duty - that duty being to the people of this nation. Nowhere is the negative effect of privatization of water more apparent than in the United Kingdom*

*where the entire country's water and sewage industry was sold off in 1989. As observed in a 14 November 2023 article by Linton Besser, published in the Australian Broadcasting Corporation (ABC) titled "Britain's 'unbearable' sewerage problem is a warning against privatisation in Australia", the largest water companies issued over a hundred billion pounds in dividends while the nation's water bodies were massively polluted with untreated sewage discharges – such misstep in Bangladesh, where our water bodies are already heavily polluted, would compound the issue and create even graver concerns for the future.*

The relevant sections in the Bangladesh Water Act, 2013, is quoted below:

*"3. Right to water and use thereof.-*

*(1) Notwithstanding anything contained contrary in any other law for the time being in force, all rights over the following water within the state territory shall, on behalf of the people, vest upon the State:-*

*(a) surface water;*

*(b) ground water;*

*(c) sea water;*

*(d) rain water; and*

*(e) water in the atmosphere.*

*(2) Subject to the provisions of this Act, right to potable water, and to water for hygiene and sanitation shall be treated as the highest priority right.*

*(3) Notwithstanding anything contained in sub-section (1), all rights over the surface water on any private land shall remain with the owner of such land and such rights to use the water shall, subject to the provisions of this Act be continued to be enjoyed*

*Provided that the Executive Committee may, for preventing the wastage and misuse of water, and for protection and conservation thereof, issue a protection order to the owner of such private land without discrimination.*

*(4) Nothing of sub-section (1) shall prevent any person from using any water allowed earlier under any Act, rule or regulation, or any custom or ritual having the force of law, or any accord, license or permit that were in force prior to the commencement of this Act; and such use thereof shall remain uninterrupted until it is restricted or prohibited or controlled on or cancelled under this Act:*

*Provided that, right to such use of water shall not be transferable except the permission of the appropriate authority.*

*(5) For the convenience of the use of water under sub-section (3), every individual shall have easement on any public or private land:*

*Provided that, no owner of the land near to the bank of any water source shall have any right to its bottom, and foreshore.*

...

#### *17. Declaration of Water Stress Area and management thereof.-*

*(1) To protect any water source or any aquifer, the Government may, on the recommendation of the Executive Committee made upon the results of necessary enquiry or scrutiny or survey, declare, by notification in the official Gazette, any area or any part thereof or any land connected thereto with such water resources as Water Stress Area for a period specified therein.*

*(2) In the notification issued under sub-section (1), the boundary of the Water Stress Area shall be specified by referring the mouza map and plot numbers thereof.*

*(3) For efficient management of the Water Stress Area, the Executive Committee may, subject to the provisions of this Act, impose restrictions by issuing a protection order.*

#### *18. Preferential use of water in the Water Stress Area and exemption thereof.-*

*(1) Notwithstanding anything contained contrary in any other law for the time being in force, abstraction and use of water from any Water Stress Area shall, subject to the availability of water therein, be made in accordance with the following order for the national interest and the interest of the local communities, namely:-*

*(a) use of water as potable;*

*(b) use of water in household;*

*(c) use of water in agriculture;*

*(d) use of water in aquaculture;*

*(e) use of water for balancing eco-system;*

- (f) use of water for wild life;*
- (g) use of water for natural river flow;*
- (h) use of water in industry;*
- (i) use of water for salinity control;*
- (j) use of water for power generation;*
- (k) use of water for amusement;*
- (l) use of water for other purposes.*

*(2) Depending on the socio-economic condition, and on the opinion of the general people, the Executive Committee may, by a notification in the official Gazette, change the order made in sub-section (1).*

*(3) For the purposes of this section, availability of water in the Water Stress Area shall, by issuing a public notice in digital, print and electronic media, be widely published and publicized among the general people in the manner prescribed by rules.*

#### *24. Restrictions on water storing.-*

*(1) No person shall, without the permission of the appropriate authority, and complying with the provisions of this Act, store water of any water source in any natural or artificial reservoir.*

*(2) The Executive Committee may, subject to the provisions of this Act, impose restrictions by issuing a protection order to control the activities of storing water.*

#### *28. Water pollution control.-*

*In the case of the prevention of water pollution, the Bangladesh Environment Conservation Act, 1995 (Act No.1 of 1995) shall apply.*

*Explanation: In this section, "water pollution" means direct or indirect harmful changes of physical, chemical and organic properties of water.*

#### *37. Power to exempt the price of water.-*

*Notwithstanding anything contained contrary in any other law for the time being in force, the Government may, in consultation with the appropriate authority, for the national and local interest, without discrimination, exempt, by notification in*

*the official Gazette, any class of person or community, for a particular time or area, from paying the price of water used in household or normal agriculture.*

On a plain reading of the Bangladesh Water Act, 2013, particularly the aforementioned sections, it is crystal clear that although the people of Bangladesh have the right to access water for drinking, households use, sanitation and livelihood, subject to rules, regulations and availability, the Act does not precisely recognize access to free water for drinking, households use, sanitation and livelihood as a ‘fundamental right’.

On the other hand, according to the article 32 of the Constitution of Bangladesh, no person shall be deprived of the right to life, save in accordance with law. Therefore, a right to life is guaranteed by the Constitution itself.

Article 32 of the Constitution of Bangladesh establishes the protection of right to life and personal liberty, and such is also reflected and is analogous in Article 21 of the Constitution of India. The Indian Supreme Court in *Narmada Bachao Andolan v. Union of India* [AIR 1984 SC 802] recognized the right to water as inherent to the right to life as enshrined in Article 21 of the Constitution of India, and such right is not just on sufficient quantity but quality of water as well. Similarly in the instant case, this Court is relying on Article 32 of the Constitution of Bangladesh for the same finding.

Since humans, or any living organism for that matter, cannot survive without water and access to safe drinking water is a key requirement to ensure the right to life, depriving citizens of the same would be an infringement of the right to life and also a violation of the fundamental rights guaranteed under the Constitution of the People’s Republic of Bangladesh.

**Therefore, the rule is made absolute, however without any order as to cost.**

**It is, hereby, declared that access to safe drinking water free of charge is a fundamental right of every citizen as per Article 32 of the Constitution. The state is therefore obligated to provide free, potable and safe water to every citizen and must take consistent, continuous, and progressive measures to meet such obligations.**

**We, therefore, issue the following orders and directions:**

1. The state is directed to take all necessary measures to protect all water reservoirs and safeguard all surface-water and ground-water sources of Bangladesh from pollution and destruction.
2. The state is directed to undertake an assessment of the impact and risks of privatization of water in Bangladesh, to undertake necessary measures to prevent further privatization of water in Bangladesh, and, where possible, restore public ownership of water, water infrastructure and water management services.
3. Since it is not financially and institutionally possible for the state to provide safe drinking water to everyone at the initial stage, the government has been instructed to gradually provide access to safe drinking water in all major public places in Bangladesh, including railway stations, bus terminals, train stations, launch terminals, airports, raw food markets, rural markets, shopping malls, government hospitals, all public educational institutions, places of religious worship, dedicated venues in coastal saline areas where water is scarce, water-critical areas declared under the Water Act, citizens living in remote mountainous communities, and all court and bar associations of Bangladesh within the next 1(one) year.
4. The state has been instructed to provide free safe drinking water to all citizens of Bangladesh within the next 10 years, free of charge in public places and at an affordable price in all other cases as per Article 32 of the Constitution.

This rule shall remain in force as a continuing order. It will come up for order on 27.02.2026. In the meantime, the government has been directed to submit an affidavit stating the progress made in implementing the directions of this court.

A copy of this judgment is to be communicated to all concerned.

**JUSTICE KAZI WALIUL ISLAM**

I agree.