

# **Role of the Government to Protect Environmental Issues for the Sustainable Development in Bangladesh**

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## **Abstract**

*The task of the Government is to protect environmental issues at any cost for the sustainable development. Here environment refers the natural environment. The natural environment encompasses all living and non-living things occurring naturally on earth or some region thereof. It is an environment that encompasses the interaction of all living species, climate, weather, and natural resources that effect human survival and economy activity.<sup>1</sup> Environment means the inter-relationship existing between water, air, soil and physical property and their relationship, with human beings, other animals, plants and micro-organisms.<sup>2</sup> Bangladesh is an environmental challenging country geographically. People are living on a risk of natural calamity. The climate is changing in every moment and for that reason the Environmental Issues are increasing in every day. People of Bangladesh face new Environmental Issues. Environment is the largest term of meaning but this study will attempt the Role of the Government which is the highest powerful organ of the country. This study is the combo of environmental issues and the Government policy.*

**Keywords:** Government, Protection, Environmental Issues and Sustainable Development.

## **1. Introduction**

Environmental issues are leading major problem in many parts of Bangladesh. The population of Bangladesh depends on the environment for their livelihood activities. Among all most of the people are earning from this sector and this sector very much depend on environment. Bangladesh is one of the least developed countries with a low resource base, a burgeoning population with a very low land-man ratio, often threatened by both natural & anthropogenic stresses. The vast majority of the population lives almost exclusively on the natural resource base. Like all other nations of the world, Bangladesh also acted to the global call for the protection and

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<sup>1</sup> Johnson D.L: Ambrose S.H “Meanings of environmental Terms” *Journal of Environment quality* 26(3) pp. 581- 589.

<sup>2</sup> The Bangladesh Environment Conservation Act, 1995,s.2

conservation of natural environment & ecology. Industrial development significantly contributes towards economic growth of a country. It brings along with it a host of environmental problem too. It is increasingly being recognized in Bangladesh as in other part of the world that for development to be meaningful & sustainable over a longer period environmental concern must be integrated into all development policies. Any planning effort must be for the people as there the users of environmental resources in the final analysis. Effective measures should be taken by the Govt. for the sustainable development in Bangladesh.

## 2. General Observation

Environmental Law is a newly generated branch of public law and recent to legal science. Modern Environmental law has been foreshadowed directly in early legal developments in the form of agreements. Environmental Laws are the standards that Government establishes to manage natural resources and environmental quality. The broad categories of natural resources and “Environmental quality” include such areas as air and water pollution, forests and wildlife hazardous waste, agricultural practices, wetlands, and land-use planning.<sup>3</sup>Environmental Laws are very important for calamity dangerous country like us. Environmental Law has developed in response to emerging awareness of and concern over issues impacting the entire world. While laws have developed piecemeal and for variety of reasons, some effort has gone into identifying key concepts and guiding principles common to environment law as a whole.<sup>4</sup>Environmental law is a collective term describing the network of treaties, statutes, regulations, and common and customary law addressing the effects of the human activity on the natural environment.<sup>5</sup>“Environmental Law” means this Act, the Bangladesh Conservation Act, 1995 (Act No. 1 of 1995), any other Law specified by the Government in the official Gazette for the purposes of this Act, and the Rules made under these laws.<sup>6</sup>So environment law is about the rules, acts, laws, and policies

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<sup>3</sup>Jahid Hossain,Dolon, *International Environmental Law with Bangladesh Perspective*,p.1

<sup>4</sup> [http www.wikipedia.org/wiki/environmental law](http://www.wikipedia.org/wiki/environmental_law) last visited 1st July 2016

<sup>5</sup>*Ibid*

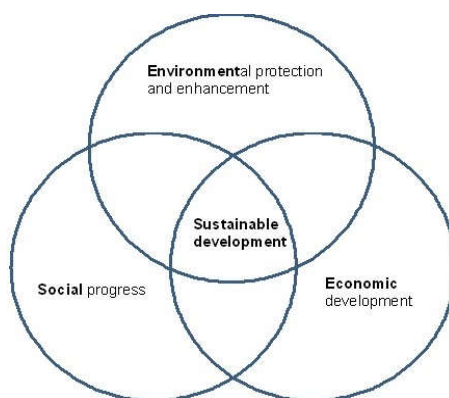
<sup>6</sup> The Environment Court Act,2010 s. 2

which are regulating the matters regarding environment and elements of it and other things. The environmental issues are increasing day by day, so that Environmental Laws are coming in front today. Reliable environmental laws are need more to protect our environment and need to save our life and country from the destruction by the natural calamity. The Environmental law is very precious for the country like Bangladesh. Environmental law developed rapidly in our country.

### 3. Sustainable Development

Definition of “*development which meets the needs of the present without compromising the ability of future generations to meet their own needs*” still provides the broad underpinning for current thinking and practice, based on balancing people’s economic and social needs with the preservation and enhancement of natural resources and ecosystems. Sustainable development can be understood as primarily a *process* (a way of doing things, including principles and values) and as implying *practical goals* or desirable outcomes, such as the UN Sustainable Development Goals being developed in 2015.

Sustainable development is often illustrated by a simple diagram showing three overlapping circles representing social, economic and environmental progress, implying the need for balancing and managing the trade-offs between them.<sup>7</sup>



In international law, the concept of sustainable development has gained some definition over the course of the past two decades. It is not clear that sustainable

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<sup>7</sup> <http://www.fdsd.org/the-challenge/what-is-sustainable-development/> accessed on 5 May 2020

development has, as yet, the character of a customary norm of international law.<sup>8</sup> But neither is it void of all meaning or normative value in international law. Rather, it can be argued that the concept of sustainable development has a dual nature in international law. It can be considered an interstitial norm, which serves to reconcile other conflicting norms related to the environment, the economy and social development (including human rights),<sup>9</sup> and also simply the object and purpose of many international treaties and legal instruments.

#### 4. Development of Environmental Laws in Bangladesh

Bangladesh achieved her independence in 1971 from the West Pakistan, which was a legacy of the British Colonial authorities as whole. Since the independence, it is observed that the Government of Bangladesh was very aware about the environmental conservation issue. Bangladesh Government first passed an order which was not special for Environment. By inspiring from the Stockholm conference Bangladesh Government passed the Bangladesh Wildlife (Preservation) Order, 1973. During the last decade or so that we see major environment law reforms taking place in Bangladesh. With new development in the energy sector and rapid urbanization and industrialization to enact reforms, it is surely a pragmatic step at this point of time if not earlier. Needless to say, further the development in this field is required before Environmental Laws in Bangladesh is in a position to meet the need of the sectors. The origin of the Environmental Law in Bangladesh inspiring mostly from the International Conventions. After the Bangladesh Wildlife (Preservation) Order, 1973 the Government of Bangladesh passed the Environmental Pollution Control Ordinance, 1977. Later on, the Bangladesh Environment Conservation Act, 1995 due to its inadequacy repealed the Environmental Pollution Control Ordinance, 1977<sup>10</sup>.

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<sup>8</sup>V. Lowe, "Sustainable Development and Unsustainable Arguments" in A. Boyle and D. Freestone, *International Law and Sustainable Development: Past Achievements and Future Challenges* (Oxford: Oxford University Press, 1999) at 36. See also A. Boyle and D. Freestone, *International Law and Sustainable Development: Past Achievements and Future Challenges* (Oxford: Oxford University Press, 1999) at 16 - 18.

<sup>9</sup>M.C. Cordonier Segger and A. Khalfan, *Sustainable Development Law: Principles, Practices and Prospects* (Oxford: Oxford University Press, 2004) at 45 - 50. And see D. French, *International Law and Policy of Sustainable Development* (Manchester: Manchester University Press, 2005) at 51.

<sup>10</sup>Noor Mohammad, *International Journal of Applied Mathematics and statistics*. [www.ceserp.com/cp-jour/](http://www.ceserp.com/cp-jour/) (last visited 6<sup>th</sup> July 2016).

Therefore, the Government formulated and passed the Environment Policy 1992, Environment Action plan 1992 etc.; Covering all sectors such as forestry, fisheries, agriculture, urbanization, population, science and technology, legal aspects etc. In order to properly implement and execute of the environmental issues, the Government passed the Bangladesh Environment conservation Act 1995; the Bangladesh Environment conservation Rule 1997 and the Court act 2000<sup>11</sup> etc. There are other laws which not related fundamentally with Environment but it has effect on Environment like the Boilers Act 1923, the Brick Making and Burning (Control) Act, 2013 etc. The jurisdiction of Bangladesh is also healthy to the environment by applying and encouraging the Public Interest Litigation and gradual development in this regard. So, Environmental non-Governmental organizations also have been working in this field along with the help of civil society. In addition the Government passed some important international initiatives such as:

The Stockholm Conference 1972<sup>12</sup>, Kyoto protocol 1987<sup>13</sup>, The Rio declaration 1992<sup>14</sup>, The United Nations Framework Convention on Climate Change ( UNFCCC ) 1991<sup>15</sup>, Johannesburg Conference 2002.<sup>16</sup>

These are play significant role in our Environmental Law. This can tackle the external and internal Environmental problems of the country. The Bangladesh Wildlife (Preservation) Order 1973 was amended, elaborated and reenacted as Bangladesh Wildlife (Preservation) (Amendment) Act, 1974. This Act has been promulgated on 10<sup>th</sup> July 2012 and has taken force at once.

There were few enactments to assist environmental protection in Bangladesh before. It includes: The Pesticide Ordinance, 1971 (as amended in 2009) and The Pesticide Rules, 1985, The Wetland Protection Act, The Forest Act 1927 (as amended up to 2002), The Marine Fisheries Ordinance, 1983 etc. However, the environmental

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<sup>11</sup>*Ibid*

<sup>12</sup>Iqbal Hossain, *International Environmental Law Bangladesh Perspective*, 2<sup>nd</sup> edition, p. 29

<sup>13</sup>*Ibid*

<sup>14</sup>*Ibid*

<sup>15</sup>*Ibid*

<sup>16</sup>*Ibid*

protection efforts in its post-industrial sense are of recent origin in Bangladesh, which can be traced to 1980s. Several developments took place in that period.

First, a separate Ministry for Environment and Forests was created.

Second, many non-governmental organizations emerged with environmental protection as their main goal.

Third, some research and consulting organizations emerged with study of environmental issues as the main focus.<sup>17</sup>

However, by the 1980, both the issue of environmental quality and the environmental movement have become prominent in developed countries. Accordingly, international aid agencies working in Bangladesh started paying attention to and earmark some of their resources for pro-environmental activities. For various reasons Bangladesh Government was enthusiastic to participate in the processes. As a result of these international and domestic processes, environmental protection emerged as a noticeable issue in the 1980s. An important step in this regard was the formulation of the National Environment Management Action Plan (NEMAP) by the Ministry of Environment with participation by some NGOs and other organizations.<sup>18</sup> Another milestone in this regard was the Environment Court Act, 2000. This Act has been replaced by the new Environmental Court Act, 2010(Act No. 56 of 2010). The Conservation Act, 1995, together with the Conservation Rules, 1997 and the Environment Court Act, 2000 undoubtedly represents a milestone in the history of environmental protection laws in Bangladesh. Apart from these developments, there are more than 200 sectoral laws that are in force dealing with environmental issues. Thus, on the basis of broad objectives of environmental laws existing in Bangladesh, laws may be categorized as

Protection of environmental health;

Control of environmental pollution; and

Conservation of natural and cultural resources biodiversity and heritage.

The Constitution of Bangladesh, the law of the land, originally did not incorporate any provisions with regard to environment. However, the Constitution (Fifteen

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<sup>17</sup>*Ibid* p 477

<sup>18</sup>*Ibid* p 487

Amendment) Act, 2011 of Bangladesh has been made it a fundamental duty of the State to protect and improve the environment and preserve and safeguard natural resources.

Article 18A which occurs in part II of the Constitution dealing with Fundamental Principles of State Policy, in a more progressive and holistic approach, imposes obligation upon the State to protect and preserve environment natural resources including biodiversity for the interest of present and future generations.

The State shall endeavor to protect and improve the environment and to preserve and safeguard the natural resources, bio-diversity, wetlands, forests and wildlife for the present and future citizens.<sup>19</sup>In our Constitution about environment is only the Constitution of Bangladesh does not explicitly provide for the right to healthy environment as a fundamental right. Article 31 and Article 32 both Articles together incorporate the fundamental “right to life”. On that issue there are a case *Dr. Mohiuddin Farooque vs Bangladesh and others* has expounded that “articles 31 and 32 of our Constitution protect right to life as fundamental right. It encompasses within its ambits the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life can hardly be enjoyed.”<sup>20</sup>However, it is noticed that a trend in formulation of national environmental law in our countries. Environmental issues are taking in our life everyday so environmental law taking important place.

## 5. Major Environmental Laws in Bangladesh

In our country there are several laws relating to Environment. Short lists of the laws are given as follows: The Bangladesh Environment conservation Act,(ECA) 1995; The Bangladesh Environment conservation Rules, 1997; The Boilers Act, 1923;the Forest Act, 1927;

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<sup>19</sup> Article 18A The Constitution of the People’s Republic of Bangladesh with fifteen amendment 2011 p 6

<sup>20</sup> (1996) 17 BLD (AD) p.1

the Explosive Substances Act, 1908;the Conservation and Protection of Fish Act, 1950;the Pesticides Ordinance, 1971;the Antiquities Act, 2006;the Building Construction Act, 2006;the Building Construction Rules, 2006;the Wildlife Preservation and Safety Act, 2012;the Brick Making and Burning (Control) Act, 2013;Bangladesh Water Act, 2013;Ozone Depleting Substances (control) Rules, 2004;Noise Pollution Control Rules, 2006;Brick Burning (Control) Rules 2006;Saw-mill (License) Rules, 2012;Bio-safety Rules, 2012;Hazardous waste and ship breaking and waste management Rules 2011;Climate Change Trust Fund Policy and Act, 2010;There are more Laws in our country but the Environment Conservation Act 1995 is a complete act regarding environment issues in Bangladesh.

The Bangladesh Environment Conservation Act, 1995 (ECA)(Act no. 1 of 1995) was formulated on the basis of the policy framework provided by the Environment Policy of 1992 and the National Environmental Management Action Plan (NEMAP) of 1995. The Bangladesh Environment Act is aimed at providing for conservation of the environment, improvement of the environmental standards and the control and mitigation of environmental pollution. The Act also defines certain environmental offences and prescribes for their punishment. It also establishes institutional arrangements the Department of Environment under the authority of the Director General who is vested with power to oversee the implementation of the Act. It was come into force by MOEF notification.<sup>21</sup>

The National Environment Policy, 1992 took important place. The existence and progress of life on earth depend on nature and environment. In recent times, gradual degradation of the natural environment has posed a serious threat to the existence of all living beings and to the progress of human civilization. By this policy the major problems related to environmental pollution and degradation has also been clearly identified. Since various socio-economic malaises like poverty, population pressure, illiteracy, inadequate health care, lack of public awareness etc. have emerged as serious impediments to the protection of environment. So, in our Environmental Law the national Environment Policy took important place. The Bangladesh Wildlife (Preservation and Safety) Act, 2012is a great improvement on the previous law as it

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<sup>21</sup>*Supra* note 9 , p. 530



encompasses a range of different activities, including hunting, fishing, collecting, dealing, killing, including provisions of greatest significance relate to the establishment, management of protected areas, such as sanctuary, national park, Eco-park, Safari park etc. by the Ministry of Environment and Forest.

The Forest Act, of 1927, as amended with its related rules and regulations, is still the basic law governing forests in Bangladesh. The emphasis of the Act is on the protection of reserved forest. Under the preview of the Forest Act, all rights or claims over forestlands have been settled at the time of the reservation. These Acts are regarding the environment of Bangladesh. There are Department of Environment (DOE) and Department of Forests which have an important role in enforcing the Acts of Bangladesh and has power to make policy regarding protection of environment.

## **6. Environmental Court in Bangladesh**

Under the court act we have Environment Court in Bangladesh. There are three types of Environment Court which are working on environmental issues. These are as follows:

The Environment Court;<sup>22</sup>Special Magistrate Court;<sup>23</sup>The Environment Appellate Tribunal.<sup>24</sup>Most of the legislative enactments are adopted with the objective of fulfilling a definite social or political goal. The object of an enactment is determined from its preamble. Like that, the Environment Court Act 2010 is aimed at establishing Environment Courts for the speedy trial of certain offences relating to environmental and matters connected thereto. The first Environment Court Act was passed in 2000 (Act No. 11 of 2000). Before passing this Act, there was no specific law dealing with for the establishment of separate environment courts. This matter called for building the capacity to structure national environmental protection systems. It was realized that since environmental offences are of special nature and the ordinary courts are burdened with heavy loads, they should be dealt with by separate and special courts or tribunals. The adoption of such Act undoubtedly represents a milestone in the field of

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<sup>22</sup>*Bangladesh Statutes*, p.139-146 (2002), DLR Vol. 54, and (2000) , DLR Vol. 52 p.45-49. The Environment Court Act, 2010, s4,

<sup>23</sup> The Environment Court Act, 2010, s 5,6,9,10.

<sup>24</sup>*Ibid* , s.20.

environmental laws in Bangladesh. However, the Environment Court Act, 2000 has been repealed in 2010 by Act No. 56 of 2010 and the new Environment Court Act 2010 has been passed to meet the demand of time, to prevent environmental disasters and to make the activities of the Department of Environment dynamic and above all the proper application of environmental law effectively and efficaciously.

But the Government is yet to declare any other law to be dealt with by the Environment Court. This is also another crucial issue for the overall protection of environment in Bangladesh. The jurisdiction of the court is stated in the Court Act.<sup>25</sup> The court has the power to impose penalty for its order and in particular the Court in its judgment can also make order, directing the offender or other relevant person, not to repeat or continue, or not to do the very act which constitutes the offence; and to take preventive or remedial measures to avoid the offender or probable injury to environment.

Apart from the Environment Court, a Magistrate of the first class of Metropolitan Magistrate specially appointed as such, has been vested with the power of trying an offence involving a penalty of an imprisonment not exceeding 5 (five) years or a fine not exceeding 5 (five) lac taka or both.<sup>26</sup> The Government by notification has empowered all Metropolitan Magistrates (MM) for Metropolitan area and all Senior Judicial Magistrates, for outside the Metropolitan area, to act as Special Magistrate in the respective areas. Again a Special Magistrate will take cognizance of an offence only on the basis of written report of the Inspector.<sup>27</sup> The Magistrate is to follow the procedure for summary trial as prescribed in the Code of Criminal Procedure 1898. All cases before the Special Magistrate are to be conducted by a Special Public Prosecutor or an advocate appointed by the Director General of the Department of Environment. While the Special Magistrate is conducting mobile court, the Inspector or officer authorized by the Director General in this behalf of officer empowered by the Government in this behalf, may, without following the formalities mentioned in this section, make complaint directly to the Special Magistrate for commission of an

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<sup>25</sup>*Ibid* s. 7

<sup>26</sup>*Ibid* s. 9(1)

<sup>27</sup>*Ibid* s. 6(3)

offence under environmental law and the Special Magistrate, on the basis of such complaint, may take cognizance of the said offence and try of send for trial as the case may be.<sup>28</sup>

Normally, the decisions of the Environment Court in all cases must not be called in question before any other court or authority. However, the aggrieved party is entitled to file an appeal to the Environment Appeal court<sup>29</sup> within thirty days from the date of passing the impugned judgment, decree or penalty including an order of temporary injunction, an order granting or refusing bail etc. For the purpose of appeal, the Government by notification has established one Environment Appeal court for the whole country at Dhaka. It is a single Judge court headed by a District and Sessions Judge.<sup>30</sup> For the purpose of disposal of appeals relating to offences, as well as suits for compensation, the Environment Appeal Court will have the powers of a Sessions Court as an appellate court under the Code of Criminal Procedure and also will have the powers of an appellate court under the Code of Civil Procedure respectively.<sup>31</sup>

## **7. Limitation of the Enforcement of the Environmental Law in Bangladesh**

In Bangladesh there are limitations to enforce the law of environment. Bangladesh is an overpopulated country. Bangladesh is the world's eighth-most populous country.<sup>32</sup> This is an impediment of enforcing Environmental Law in our country. Bangladesh has a low literacy rate, the literacy rate is 71%.<sup>33</sup> This low literacy rate is another limitation of the enforcement of the Environmental Law. The most of the people of Bangladesh are not aware about the Environmental law. The literate people are also not aware about the Law. They have not any knowledge about the environment right. Sometimes the literate people are behaving like an illiterate. The authorities are not caring about the environment and protection of environment. Sometimes they abuse their power and break the law. Corruption is an important limitation to enforce the Environmental Law and the other sectorial law to protect

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<sup>28</sup>*Ibid* s.12(11)

<sup>29</sup>*Ibid* s. 20

<sup>30</sup>*Ibid* s. 20 (2) (a) (b)

<sup>31</sup>*Ibid* s.20 (4)

<sup>32</sup><http://en.wikipedia.org/wiki/Bangladesh> last visited 15th July 2016

<sup>33</sup>*Ibid*

Environment from the Environmental Issues. The transfer of Tannery Industry from Hajaribag to Savar. The High Court Division made an order to transfer Tannery Industry in 16<sup>th</sup> June 2016 and if any one did not obey the order than the owner will pay fine 50,000 (fifty thousand) Taka every day. But in 15<sup>th</sup> July 2016 the daily Bangladesh Protidin reported that the Tannery owner did not obey the order and did not transfer the Tannery Industry. Traditionally the people of Bangladesh, being the inhabitants of the flood plains of the huge deltaic ecosystem, lived in harmony with the nature as a result of which the values, life cycle, customs, usage, proverb and idioms resound majority of the population depend on agriculture and natural resources for a large part of their food and income. As a result, agricultural resources in Bangladesh are under severe pressure and environmental strain already.<sup>34</sup>

## 8. Environmental Issues in Bangladesh

Geographically Bangladesh is a natural calamities country. There are many Environmental Issues in Bangladesh. The main Environmental Issues are as follows:

Climate Change, Environmental degradation, Environmental health problem, Losing of Environmental balance, Destroy of ecosystem, Ozone depletion, Natural disasters, and Destroy forest, wild life and biodiversity.

**Climate Change:** Bangladesh is recognized to be the worst sufferer from the impact of climate change. Climate change is about the changes of rules and nature of the climate. Nowadays we the people of Bangladesh saw the changes of the climate, it is in front of us. Various other models predict the nation's vulnerability. Bangladesh is the nation most vulnerable to global climate change in the world, according to German Watch's Global Climate Risk Index (CRI) of 2011. For a country with increasing population and hunger, this will have an extremely adverse effect on food security. Although effects of climate change are highly variable, by 2030, South Asia could lose 10% of rice and maize yields, while neighboring states like Pakistan could experience a 50% reduction in crop yield.<sup>35</sup>

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<sup>34</sup>*Ibid*

<sup>35</sup>*Ibid*

Climate change threatens the agricultural economy, which, although it counts for just 20% of GDP, contributes to over half the population's labor force. As pointed out before in the book, in 2007 after a series of floods and cyclone Sidre, food security was severely threatened. Given the country's infrastructure and disaster response mechanisms, the food yield situation got worse. The loss of rice production was estimated at around 2 million metric tons (MT), which could potentially feed 10 million people. This was the single most important catalyst in the 2008 price increase, which led to around 15 million people going without much food. This was further worsened by cyclone Aila.<sup>36</sup> As a result of all this, Bangladesh would need to prepare for long-term adaptation, which could be as drastic as changed sowing dates due to seasonal variations, introducing different varieties and species, to practicing novel water supply and irrigation systems.

**Environmental Degradation:** Environmental degradation is another environmental issue in country. Environmental degradation is the deterioration of the environment through depletion of resources such as air, water and soil; the destruction of ecosystems and the extinction of wildlife. It is defined as any change or disturbance to the environment perceived to be deleterious or undesirable. Environmental degradation is one of the ten threats officially cautioned by the High-level Panel on Threats, Challenges and Change of the United Nations. The United Nations International Strategy for Disaster Reduction defines environmental degradation as "The reduction of the capacity of the environment to meet social and ecological objectives, and needs". Environmental degradation is of many types. When natural habitats are destroyed or natural resources are depleted, the environment is degraded. Efforts to counteract this problem include environmental protection and environmental resources management.<sup>37</sup>

**Environmental Health Problem:** It is the branch of public health that is concerned with all aspects of the natural and built environment that may affect human health. Other terms referring to or concerning environmental health are environmental public health, and public health protection / environmental health protection. Environmental health and environmental protection are very much related. Environmental health is

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<sup>36</sup>*Ibid*

<sup>37</sup>*Ibid*

focused on the natural and built environments for the benefit of human health, whereas environmental protection is concerned with protecting the natural environment for the benefit of human health and the ecosystem.<sup>38</sup>

Environmental health has been defined in a 1999 document by the World Health Organization (WHO) as:

Those aspects of the human health and disease that are determined by factors in the environment. It also refers to the theory and practice of assessing and controlling factors in the environment that can potentially and affect health.

Environmental health as used by the WHO Regional Office for Europe, includes both the direct pathological effects of chemicals, radiation and some biological agents, and the effects (often indirect) on health and well-being of the broad physical, psychological, social and cultural environment, which includes housing, urban development, land use and transport.<sup>39</sup>

**Losing of Environmental balance:** Losing of environmental balance is another issue.

**Destroy of Ecosystem:** An ecosystem is a community of living organisms in conjunction with the nonliving components of their environment (things like air, water and mineral soil), interacting as a system. These biotic and a biotic components are regarded as linked together through nutrient cycles and energy flows. As ecosystems are defined by the network of interactions among organisms, and between organisms and their environment they can be of any size but usually encompass specific, limited spaces (although some scientists say that the entire planet is an ecosystem). Energy, water, nitrogen and soil minerals are other essential biotic

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<sup>38</sup>*Ibid*

<sup>39</sup>*Ibid*

components of an ecosystem. The energy that flows through ecosystems is obtained primarily from the sun.<sup>40</sup>

**Ozone Depletion:** Ozone depletion describes two distinct but related phenomena observed since the late 1970s: a steady decline of about four percent in the total amount of ozone in Earth's stratosphere (the ozone layer), and a much larger springtime decrease in stratospheric ozone around Earth's polar regions. The latter phenomenon is referred to as the ozone hole. In addition to these well-known stratospheric phenomena, there are also springtime polar tropospheric ozone depletion events. Both types of ozone depletion were observed to increase as emissions of halocarbons increased.<sup>41</sup> Scientific evidence has shown that the ozone shield is being depleted well beyond changes due to natural processes. Ozone layer depletion is a threat to humanity and all living organisms.

**Natural Disaster:** A natural disaster is a major adverse event resulting from natural processes of the Earth; examples include floods, hurricanes, tornadoes, volcanic eruptions, earthquakes, tsunamis, and other geologic processes. A natural disaster can cause loss of life or property damage, and typically leaves some economic damage in its wake, the severity of which depends on the affected population's resilience, or ability to recover and also on the infrastructure available.<sup>42</sup> Bangladesh is sometimes considered a land of natural disasters because it is very vulnerable when it comes to floods, river erosion and cyclones. Already being a poor country that survives mostly on foreign and international aid, Bangladesh is also vulnerable in face of earth's forces. That is why the country is in a permanent state of danger.

**Floods:** Bangladesh is also prone to frequent floods. The last one, that took place in 2007, destroyed approximately 60,000 houses. This means that almost 60,000 families were left without a shelter in a country where poverty rates are high and shelter is sometimes considered a luxury, not a basic human need. Specialists blame deforestation and climate change as the main actors guilty for frequent flooding.

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<sup>40</sup>*Supra note* 35, wiki/ecosystem in Bangladesh

<sup>41</sup>*Supra note* 35 wiki/ozonedepletion

<sup>42</sup>*Ibid*

Climate change causes the sea water levels to rise, meaning that the coast of Bangladesh will narrow each year and will get flooded more often.

**Storm:** Present day Bangladesh, due to its unique geographic location, suffers from devastating tropical cyclones frequently. The funnel-shaped northern portion of the Bay of Bengal causes tidal bores when cyclones make landfall due to which thousands of people living in the coastal areas are affected. Some of the most devastating natural disasters in recorded history with high casualties were tropical cyclones that hit the region now forming Bangladesh. Among them, the 1970 Bhola cyclone alone claimed more than 500,000 lives.<sup>43</sup>

**Earth quake:** An earthquake (also known as a quake, tremor or temblor) is the perceptible shaking of the surface of the Earth, resulting from the sudden release of energy in the Earth's crust that creates seismic waves. Earthquakes can be violent enough to toss people around and destroy whole cities. The seismicity or seismic activity of an area refers to the frequency, type and size of earthquakes experienced over a period of time.<sup>44</sup> When the epicenter of a large earthquake is located offshore, the seabed may be displaced sufficiently to cause a tsunami. Earthquakes can also trigger landslides, and occasionally volcanic activity.<sup>45</sup>

**Destroy forest, wild life and biodiversity:** The majority of the human population lives in or around large cities and this has helped to limit deforestation to some extent. However, the growth rate continues to increase and this has placed large demands on the environment and lead to subsequent clearing of numerous natural habitats. Though several areas are protected under law, a large portion of Bangladeshi wildlife is threatened by this growth. Destroy of these biodiversity is an Environmental Issue.

## 9. Role of the Government to protect such Environmental Issues

Different activities have been taken by the different departments for protecting such Environmental Issues, these are as follows:

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<sup>43</sup>*Ibid* wiki/storm

<sup>44</sup>*Ibid* wiki/earthquake

<sup>45</sup>*Ibid*



### **9.1 Ministry of Environment and Forest**

In Bangladesh there is a Ministry of Environment and Forest. Under this Ministry the Government of Bangladesh maintains the Environmental Issues. The Ministry of Environment and Forest was formulated in 1989.<sup>46</sup> The principal activities undertaken by Ministry of Environment & Forests consist of conservation & survey of flora, fauna, forests and wildlife, prevention & control of pollution, forestation & regeneration of degraded areas and protection of environment, in the framework of legislations. The main tools utilized for this include surveys, impact assessment, control of pollution, regeneration programmes, support to organizations, research to solve solutions and training to augment the requisite manpower, collection and dissemination of environmental information and creation of environmental awareness among all sectors of the country's population. The organizational structure of the ministry covers a number of divisions, directorate, board, subordinate offices, autonomous institutions and public sector undertakings.<sup>47</sup> In this time Bangladesh Government made two important plans these are: (a) The National Environment Policy, 1992; (b) The Environment Action Plan, 1992.

### **9.2. The National Environment Policy, 1992**

In recent times, gradual degradation of the natural environment has posed a serious threat to the existence of all living beings and to the progress of human civilization.<sup>48</sup> In view of the various impacts on environment, the Government of Bangladesh has attached special importance to its protection and improvement. A number of environmental problems, which inter alia include natural disasters, life recurrent floods, droughts, cyclones, ideal bores etc.... primary sings of desertification in the northern districts, intrusion of salinity in the rivers, land erosion, fast depletion of forest resources, instability of the weather and climatic conditions etc. are prevalent in the country. Against this backdrop, the Government has established the Ministry of Environment and Forest (MoEF) and upgraded the Development of Environment (DoE) in order to coordinate and supervise the activities concerning protection and

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<sup>46</sup>[www.moef.gov.bd/site/page/398a39f3-cbcc-4d8e-833b-16147ffb90e9e/](http://www.moef.gov.bd/site/page/398a39f3-cbcc-4d8e-833b-16147ffb90e9e/) last visited 21<sup>st</sup> July 22, 2016

<sup>47</sup>*Ibid*

<sup>48</sup>*Supra Note 9*, p.491

improvement of the environment. It is necessary to undertake activities at local and national level. It is also feasible and essential to ensure improvement of national environment and thus global environment at large, as well as environmentally sound sustainable use of resource through and global cooperation in relevant fields.<sup>49</sup>

### **9.3. Policies of the National Environment Policy, 1992**

Environmental activities encompass all geographical regions and development sectors of the country. As such, policies towards realization of the overall objectives of this Environment policy are described in 15 sectors. Agriculture, Industry, Health and Sanitation, Energy and Fuel, Water Development, Flood Control and Irrigation, Land, Forest, Wildlife and Bio-diversity, Fisheries and Livestock, Food, Coastal and Marine Environment, Transport and Communication, Housing and Urbanization, Population, Education and Public Awareness, Science, Technology and Research, Legal Framework, Institutional Arrangements.<sup>50</sup>The National Environment Policy introduces a number of salient environmental principles like precautionary approach and environmental impact assessment. But accepting the provisions for EIA, discouraging certain activities and inter- ministerial co-ordination, the National Environmental Policy does not clarify the measures needed for integrated efforts for environmental protection. It fails to address the need for policy guideline concerning bio-safety, intellectual property rights, watershed management and transboundary movement of hazards and environmental problems.<sup>51</sup>The National Environment Policy however is considered to be a good foundation for further consideration efforts in Bangladesh. It was a positive response to our national commitment to a clean environment and to be a guide to future action of the Government in the field of environment.

### **9.4. The Environment Action Plan, 1992**

It is necessary to draw a specific plan to achieve the objectives and implement the policy recommendations of the National Environment Policy. Agriculture, Industries, Health and Sanitation, Fuel and Energy, Water Development, Flood Control &

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<sup>49</sup>*Ibid*

<sup>50</sup>*Ibid* p.498

<sup>51</sup>*Ibid* p.502

Irrigation, Land, Forest, Wildlife and Biodiversity, Fish and Livestock Resources, Food, Coastal and Marine Environment, Communication and Transport, Housing and Urban Development, Population, Education and Mass Awareness, Science, Technology and Research, Legal Framework, Organizational Structure.<sup>52</sup> And these Action Plans were distributed to the other Ministry of the Government. The Government took these steps in that time. This action plan created a milestone step taken by the Government of Bangladesh.

#### **9.5. Role of the Government of Bangladesh since 1995-2018**

From the 1995 to this year 2016 Environmental Issues increased in a tremendous speed. With this speed Bangladesh took initiative steps, plans, policies, making rules, orders, law and tried more to protect Bangladesh from the Environmental Issues. In 1995 we got the most important Act which is called The Bangladesh Environment Conservation Act, 1995. The Government made a proper Act to protect Bangladesh from Environmental Issues. Upon approving this act the government established the Department of Environment and the Department of Environment will be headed by a Director General (Bangladesh Environmental Conservation Act, 1995). The director General can set up any rules and measures that he may consider will help conserve the country's environment and may improve the environments standards. The Director General can work with other agencies that the Director General thinks can effectively aid in their goal. The Government has also formulated some action plan discussing with the various stake-holders of the society to control vehicular air pollution and improvement of transport system. The Ministry of Communication has taken a step to a total ban on plying of two strokes three wheelers in Dhaka City from January 2003. Instead, environment friendly four-stroke CNG run auto-rickshaws have been introduced.

UNFCCC has established the Least Developed Countries Fund and Special Climate Change Fund to address climate change risk management issues for the least developed countries. Being aware of the growing concern over the adverse effects of climate change, a Climate Change Strategy and Action Plan (BCCSAP) 2009 has been prepared, a Climate Change Trust Fund Policy has been formulated and a

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<sup>52</sup>*Ibid* p.520-528

Climate Trust Fund has been established. Climate Change Trust Fund Act, 2010 has also been adopted. Besides, measures have been taken to curb indiscriminate hill cutting. The Ministry of Environment and Forest has set up a target of reducing the noise pollution level of Dhaka city to 45-55 decibel from 90-110 decibel by 2010. Very recently, the government has introduced important provisions for the conservation of wetland, hill areas, and the control of hazardous substances and ship breaking activities. The Government of Bangladesh took other steps which are very helpful for protecting Bangladesh from environmental issues, these are start green economy system in sustainable economic development.

#### **10. Lack of taking Appropriate Decision regarding Environment Issues**

The Government approves different projects for the improvement of the economic development. Where people are at a stake with the Environmental Issues with the Sundarbans, the Government took this decision which is very confusing. The People who are sensible they are against this project to save the Sundarbans and the Environment of Bangladesh. The National Committee on Protection of Oil, Gas, Mineral Resources, and Power-Port, environmentalist groups, bodies of the left-leaning parties and general people of Bangladesh vowed to resist the planned inauguration of the Rampal Power Plant scheduled on 22 October 2013. On September 24, 2013 thousands of people in Bangladesh began a rally for 5 days and 400 kilometers to oppose the power plant. Their march began in the capital city of Dhaka but slowly went to the world's largest mangrove forest, "Sundarban". As of June 30, 2016, with construction yet to begin, UNESCO had scheduled a meeting for July 11th to decide whether to declare the Sundarbans a "World Heritage Site in Danger," its strongest possible signal to the two governments and to international lenders that the plant should not be built.<sup>53</sup> The People of Bangladesh can't satisfy with this answer from the Government of Bangladesh. Like the planning of urbanization was fully wrong, the people who are living Dhaka city in uncomfortable way. So on that point there was lacking of taking appropriate decision regarding environmental issues. Today the Government cannot take decision against these

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<sup>53</sup>*Ibid*

unplanned urbanization and unplanned Industrial Development to protect the Environmental Issues in Bangladesh.

## **11. Conclusion**

To save this country green economy can be used in Bangladesh. Green transport, green agriculture, green investment, green waste management these are some steps which can improve our countries Environment for the purpose of sustainable development. Environment is a big matter for the Country so the Government can't face the problem and can't solve this alone. The people and the Government together can face the problem and can solve this. Nowadays protection of Environment issue is one of the most important matters in daily life. If the issues are not solved properly, then the development will become meaningless.