



## A legal study on environmental pollution and removing it in the context of Bangladesh

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### Abstract

Bangladesh is development country in the world which is based on low resource and huge population. The majority number of the population lives simply on the natural resource base. This resource base is under serious trouble and environmental planning is essential for the survival with dignity for Bangladesh's over 118 million people and for sustainability of the ecosystem. The most important and introductory right is the right to a healthy terrain and this right is guaranteed in the dimension of right to development. Our country faces numerous environmental problems similar deforestation, land degradation, air pollution, water contamination, noise pollution etc. Bangladesh acted to the global call for the protection, conservation of natural environment & ecology like all other Countries in the world. Artificial development significantly contributes towards profitable growth of a country. It's 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 trouble must be for the people as there the druggies of environmental coffers in the final analysis. The purpose of this article is to identify the different types of environmental pollution and find out how to remove it in Bangladesh.

**Keywords:** Pollution, environment, remove, protection, ensure, development

### Introduction

Bangladesh is one of the most climate change impacted countries. It makes more vulnerable to natural disaster adding frequency of colorful natural disasters and the durability of terrain pollution warrant the critical necessity to cover our terrain. Bangladesh has a terrain policy which was formulated on 1992. Since also numerous times passed but lack of strong and effective measures from the govt. side our terrain is still in peril. The right to a healthy terrain is one of the introductory right which the govt. has obligation and this is one of the crucial rights of third generation mortal rights. The real script of terrain pollution in Bangladesh and the ways of guarding it. It also punctuate weakness of the terrain policy of Bangladesh and why this policy should be reviewed. Beside these it was tried to fit some possible but effective and time-befitting suggestions and recommendations to cover the terrain.

The International Covenant on Economic, Social and Cultural Rights recognizes the enhancement of all aspects of environmental and artificial hygiene in relation to the right of everyone to the enjoyment of the loftiest attainable standard of physical and internal health <sup>[1]</sup>. Recognition of the relation between the abuse of the mortal rights of colorful vulnerable communities and affiliated damage to their terrain is expressed under the term environmental justice.

The 1972 Stockholm Declaration acted as one of the first major transnational law instruments to relate mortal rights and environmental protection objects. Specifically, it states that man has the abecedarian right to freedom, equivalency and acceptable conditions of life, in an terrain of a quality that permits a life of quality and well-being, and he bears solemn responsibility to cover and ameliorate the terrain, for present and unborn generations <sup>[2]</sup>. Govt. has an obligation to regulate and control environmental problems where they

vitate the exercise of convention rights and to insure that the law is executed. The state also has an obligation to make available information concerning serious environmental pitfalls. Healthy and friendly terrain is necessary for sustainable development. Being a developing country, Bangladesh has an intention to make the tremendous profitable progress by industrialization. But industrialization has a negative impact on terrain. This is because that healthy terrain is one of the introductory and critical mortal rights for every human being. So, it seems a great challenge for the govt. to make a balance between profitable development and terrain.

The 1994 Draft Principles on Human Rights and the Environment expressly links mortal rights and the terrain, particularly Principle 7, which states that "all persons have the right to the loftiest attainable standard of health free from environmental detriment."

One of the introductory demand of the third generation mortal rights is healthy terrain. As there's a huge lack of public effective measures we may take help from the colorful transnational mortal rights conventions and documents to make an effective terrain operation policy where also rights of healthy terrain for all people would be assured and that's why I take over this exploration.

### Objectives of the study

1. To evaluate the basic concept and present scenario of environmental pollution in Bangladesh
2. To analyze the ways of protecting environmental pollution.
3. To pin-point the existing laws and practice relating to the protection of environmental pollution in Bangladesh
4. To find out some guidelines and recommendation regarding this problem
5. To raise awareness among the mass people in order to be a right based conscious citizen

### Methodology

This article was prepared on the base of qualitative system. Information was collected from different books, Conventions, Exemptions, exploration journal, Case references, legal documents, and websites, primary and secondary sources. Substantially, this composition was written by way of analytical and study-based. It also explains the different types of environmental pollution and suggestion to remove it in Bangladesh.

### Theoretical appraisal

Pollution is any substance that causes detriment upon entering the terrain. Environmental Pollution is that type of pollution which is demeaning the terrain. It's a great trouble to our actuality and adding day by day and. It brings about different types of natural disasters and changes the world's climate. According to the US Environmental Protection Agency (EPA) "Pollution as any substances in water, soil, or air that degrades the natural quality of the environment offends (the senses); causes a health hazard; or (impairs) the utility of natural resources."

Environmental protection refers to any exertion to maintain or restore the quality of environmental media through precluding the emigration of adulterants or reducing the presence of contaminating substances in environmental media. It may correspond of

- a. changes in characteristics of goods and services,
- b. Changes in consumption patterns,
- c. Changes in product ways,
- d. Treatment or disposal of residuals in separate environmental protection installations,
- e. Recycling, and
- f. Forestallment of declination of the geography and ecosystem.

According to Black's law wordbook, Environmental protection means the following effects

1. The conserving of natural coffers,
2. The conserving of the being natural terrain and,
3. Where possible, repairing damage and reversing trends.

The survival of all these species is connected and dependent on each other.

Mortal being is also a part of this biosphere.

According The Bangladesh Environment Conservation Act, 1995, "protection of environment" means the qualitative and quantitative improvement of the different components of the environment and prevention of the deterioration of qualitative and quantitative standards<sup>[3]</sup>."

There's no amicable description of Environmental rights. Environmental rights are generally understood to mean the reformulation and expansion of being mortal rights and duties in the environment of environmental protection<sup>[4]</sup>.

Environmental rights can be defined as the right that gives human beings a primary right to a sustainable global environment. It has been defined as the right of individualities and peoples to an ecologically sound environment and sustainable operation of natural resources conducive to sustainable development<sup>[5]</sup>.

There are three main types of environmental rights-procedural, substantial and solidarity.

First, procedural environmental rights relate to rights that promote the translucency, participation and responsibility that form the keystones of environmental governance<sup>[6]</sup>

Second, substantial environmental rights relate to being rights within the corpus of transnational human rights law that may be applied where environmental problems amp human rights enterprises. Applicable substantial rights that may be used to address environmental issues that affect human life include the right to life, the right to health, the right to an acceptable standard of living and the right to sequestration<sup>[7]</sup>.

Third, environmental solidarity rights establish a specific right relating to the environment that, unlike other forms of rights which may be secured by countries alone, authorizations global participation for successful enforcement.

However, It has been said that environmental rights encompass three main areas:

- a. The right to a clean and safe environment.
- b. The right to act to protect the environment and the right to information, to access to justice, and
- c. The right to participate in environmental decision-making.

Environmental protection and human rights are interrelated to each other. The fundamental human rights are the precondition for the enjoyment of safe and healthy environment. The relation between these two approaches has honored in colorful transnational and indigenous instruments, judgments of the UN attachment association, the outgrowth documents of transnational conferences, and the judicial pronouncement of tribunals, which consider the mortal rights frame as an effective means to achieve the ends of environment protection. Human rights violations and environmental declination are nearly connected issues. Rapid and frequent environmental declination accelerate the violation of mortal rights in a large scale. The result of looking these two approaches independently is that the victims of environmental declination are vulnerable by the laws and mechanisms established to address human rights abuses. Connection of human rights with the environment creates a rights-based approach to environmental protection that places the people harmed by environmental declination at its center. Articulating the fundamental rights of peoples with respect to the environment creates the occasion to secure those rights through human rights bodies in a transnational forum as well as the national tribunal.

### The following human rights are affected by environmental pollutions

Right to Life has expansive environmental links. It could be linked to any environmental dislocation that directly contributed to the loss of lives- including to the mentioned air pollution causing 2.4 million deaths per time<sup>[8]</sup>. Right to Health is nearly linked to the right to life, is frequently violated in cases of pollution of air, land or water. Right to Water is more constantly invoked and accepted as a mortal right. It's obviously connected to the life and health of the people. Right to Food, due to the environmental dislocation, the right to physical and profitable access to acceptable food, is precipitously under pressure. In case of Right to Shelter and Housing when environmental declination displaces individualities and communities or compels them to live in unhealthy, dangerous conditions. Right to Information and Right to Participate have rudiments of carrying government- held information and government's duty to advise the people. In case of Right to Work along

with environmental dislocation frequently comes privation of the right to work. An illustration would be artificial overfishing putting small original fishers out of work.

**Right to culture, family life and rights of indigenous people**

The UN Declaration on the Rights of Indigenous Peoples, for the first time recognizes the conservation and protection of the terrain and resources as a human right. Rights and Equity, non-discrimination where they've least contributed to the problems, impacts of climate change and other environmental damages are anticipated to be bigger on the poorer corridor than in the further fat corridor of the world.

Women and Children’s Rights women and children are indeed more impacted by environmental dislocation than men and because their vulnerable systems haven't completely been developed, children are vulnerable to toxics, bacterial and viral impurity.

**Statutes and conventions related with environmental pollution**

There are many Statutes and conventions passed by the proper authority to cover the environmental pollution which are as follows:

- The Environment Policy, 1992
- Environmental Conservation Act, 1995
- Environment Court Act, 2000
- Environmental Pollution control Ordinance, 1997
- Stockholm Declaration, 1972

The Environment Policy, 1992 is one of the introductory guidelines towards the protection of terrain of our country. It's the core base of expression of utmost of the environmental laws in Bangladesh. The Environmental Conservation Act, 1995 act substantially emphasis on the conservation and protection of our environment. The ways of conservation from every position is specified then. Environment Court Act, 2000 according to this Act there should be an Environment Court. All cases about environmental pollution must be filed & disposed of in these courts. Even if there are vittles in any other laws to take any action about environmental matters or indicate any specific courts for filing suit, any case about similar matter may be filed in the Environmental Court as well. Stockholm Declaration, 1972 established a clear link between mortal rights and the right to a healthy environment It mentioned that man has the abecedarian right to enjoy a life in a terrain of a quality that permits a life of quality and well- being.

The ultimate end of the study is to give an overview of applicable published workshop. So beside these statutory laws we have also go through law journal, others relevant research paper, statistical data, renowned books, papers on our proposed article. We also consult govt. documents related to environment policy and management. Various national and transnational convention and programs regarding this issue will also be reviewed.

**Present scenario of environmental pollution in Bangladesh**

Concerning the human consequences of environmental declination, the World Bank stated that further than 850 million persons live in regions affected by desertification. Nearly half a billion persons, substantially women and

children in poor pastoral areas, live in oppressively defiled surroundings; 500 million periodic unseasonable deaths can be attributed to the high situations of pollution in metropolises.

In our country the rate of environment pollution is also veritably high and it's adding day by day. Then we draw a clear conception of the present situation of environmental pollution in Bangladesh

Air Pollution is a serious environmental health hazard affecting the populations of Bangladesh. Air pollution of Bangladesh is caused due to adding population and associated mechanization. Inner air pollution is substantially associated with the use of biomass energies during cuisine with poor ventilation. Artificial emigrations and motorcars are the principle sources of out-of-door air pollution.

**Main sources of air pollution**

▪ **Burning of fossil fuel**

Air pollution substantially occurs due to burning of fossil energies like coal, petroleum etc. and associated black bank. Over 99% of the slipup kilns use reactionary energy but don't misbehave with the “Brick Kiln Ordinance” and contaminate enormous air.

▪ **Industrial discharge**

Its cause air pollution through bank emigration. Agro grounded diligence like sugar, pulp, paper, tanneries and value added diligence like cloth, garments, pharmaceuticals, oil painting refineries, toxin and chemical diligence are the major contributors for air pollution.

**Emission from vehicles**

One of the major sources of air pollution in civic areas of Bangladesh is due to the unburned energy from two stroke machine vehicles. Dhaka has been rated as one of the most weakened metropolises of the world. Bangladesh Atomic Energy Commission reports that motorcars in Dhaka emit 100 kg lead, 3.5 tons SPM, 1.5 tons SO2, 14 tons HC and 60 tons CO in every day. The donation of air pollution by different types of vehicle and the quantum of adulterants emitted from vehicles in Dhaka megacity is as follows

**Table 1:** Contribution of air pollution by vehicle type <sup>[9]</sup>

Type of Vehicle	CO (%)	HC (%)	NOx (%)	PM (%)	Annual Growth
Truck	13.4	8.6	59.7	47.5	7.8
Bus	10.3	9.7	18.5	29.4	2.5
Mini bus	7.3	3.9	6.5	19.1	6.8
Utility	6.3	4.4	2.8	0.7	10.2
Car	38.2	18.2	6.5	1.2	9.4
Three wheeler	10.6	26.9	6.0	1.2	31.0
Motor cycle	14.0	28.3	0.3	1.0	8.1

**Water pollution**

Creates serious health hazard for Bangladesh. The jilting of external wastes, sanitarium wastes and poisonous environmental discharges from substantially diligence contaminate both face and ground water sources. The most dangerous trouble expiring from environmental declination is the arsenic impurity of ground water.

## Main sources of water pollution

### ▪ Industrial waste and effluent

The main artificial areas of Bangladesh are at Dhaka, Chittagong, Khulna, and Bogura sections. The substantially contributing diligence for water pollution are pulp and paper, medicinal, essence processing, food assiduity, toxin, fungicides, dyeing and oil, cloth, tannery etc. further than 200 gutters of Bangladesh directly or laterally admit a large volume of undressed artificial wastes and effluent. Everyday roughly 700 tanneries of Dhaka megacity are discharging about, 16,000 cubic measures of poisonous wastes. The Department of Environment (DOE) has listed, 176 manufactories that beget pollution throughout the country <sup>[10]</sup>.

### ▪ Solid waste and sewage disposal

The magpie discharge of solid waste, domestic and sanitarium sewage are the major source of water pollution in Bangladesh. About, 4,000 to 4,500 tons of solid wastes are generated daily and only half of the generated wastes are disposed of in low lying areas or into swash water. These solid wastes are associated with the problems of littering on roads, discovering around the lockers, clogging of rainspouts, magpie jilting on vacant plots and beget serious environmental pollution. Further than 500 hospitals and conventions of Dhaka megacity induce and release dangerous and poisonous wastes without any treatment <sup>[11]</sup>.

### ▪ Inadequate sanitary facilities

Insufficient sanitation installations pose a serious environmental trouble in Bangladesh. Dhaka Water and Sewerage Authority (DWASA) can serve only for 15 to 20% of megacity population. In absence of the sanitation and infrastructural services, 40% having septic tank and soak hole, 15% using hole latrines and 30% using open latrines. The sewage is substantially released into low-lying areas and swash water in undressed manner causing great environmental hazards.

### ▪ Arsenic contamination of ground water

Arsenic in ground water poses a serious environmental hazard in our Country. About ninety-seven probabilities (97) of Bangladesh people have been using ground water as the main source of drinking water but the water has been hovered by arsenic impurity. The respectable position of arsenic in drinking water is 0.05 mg/ L for Bangladesh but some places its set up further than 70 times advanced than that standard. About 80 million people are at a threat of arsenic impurity. The arsenic position of ground water over 0.05 mg/ L surveyed in 1998 by the British Geological Survey platoon is as follows <sup>[12]</sup>

Noise Pollution is also a serious health hazard in our Country. World Health Organization (WHO) states, 60 rattle (DB) sound can make a man deaf temporarily and 100 DB sound can beget complete deafness. According to the Department of Environment (DOE), the perfect sound condition for Bangladesh is 45 DB for the day and 35 DB for the night in peaceful areas and 50 DB for the day and 40 DB for the night in domestic areas <sup>[13]</sup>. The main sources of noise pollution are diligence, motorized vehicles, and construction workshop and magpie use of loudspeaker. At present noise position in Dhaka megacity are estimated ranging from 60 to 100 decibel. However, 50 people of

Dhaka megacity will loss 30 rattle of hearing power, If present situation continues also by the time 2017 <sup>[14]</sup>

## Findings and Recommendations

Right to development is one of the most important orders of ultramodern conception of mortal rights and to fulfill this rights it's the sacred duty of every state to insure the loftiest protection and development of the terrain. In order to ameliorate the terrain entourage's enterprise may be taken into consideration:

- To legislate new law to protect different types of environment pollution;
- To ensure the functions of Environmental sectors;
- To responsible the Ministry of Forest and Environment & Department of Forest;
- To established the research Institution for the protection of Environment;
- To ratify the International Convention and Protocol, and International Law;
- Clean-up and Rehabilitation of Pollution Hot-spots: Dhaka, Chittagong, and Khulna;
- Use of Low Smoke Lube Oil for Two-stroke Engined Vehicles;
- Enhancement of Analytical Laboratories, Monitoring Equipment, and Training;
- Department of Environment will establish a network of professionals, including researchers from government and private sector;
- To require resources for integrating departmental policies and developing a comprehensive land use policy;
- As factory wastes are the major pollution law breakers, the manufactories should have own waste treatment plans or there can be a central factory for each industrial area;
- City Corporation should have an environment friendly treatment plant where all wastes from city will be dumped and recycled;
- To create public awareness about different types of environment pollution.

## Conclusion

Environmental issues have come a serious effort due to impact on public health and development of our Country. There are many environmental pollution are available in Bangladesh such as water pollution, air pollution, groundwater impurity, nuisance from solid wastes and noise pollution etc. Dhaka City is one of the most weakened metropolises in the world. Environmental problems do substantially due to population growth, urbanization, industrialization, rapid-fire rise in transportation, shy and indecorous business operation, poor sanitation systems and hamstrung solid waste operation. The protection of our Country has come a major issue around the global for the welfare of the people and profitable development. In order to insure the introductory mortal rights and higher-requisites for protection of our Country.

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