

***“Legal mechanism to prevent pollution and extinction of river in Bangladesh”***



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*A Research Monograph Submitted in the Partial Fulfillment of the Requirement for the Degree of LL.M. Program, Department of Law, Daffodil International University.*

## LETTER OF APPROVAL

18<sup>th</sup> March, 2021

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**In re:** Legal mechanism to prevent pollution and extinction of river in Bangladesh

Dear Sir,

It's an absolute honor for me to submit the paper titled "**Legal mechanism to prevent pollution and extinction of river in Bangladesh**" At the time of preparing this Research Monograph I have taken into consideration every possible measure to uphold the required Standard as stated earlier. I firmly believe that this Research Monograph will reach the mark that you desire.

I, hereby, do solemnly declare that the paper presented in dissertation has been carried out by me and has not been subject to any previous publication by any institution or organization. The work that I have presented is an authentic work and does not infringe any copyright.

I, along with these lines, supplicate and hope that you would be sufficiently benevolent to this exploration paper for advancement.



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## ACKNOWLEDGEMENT

At the very beginning of my paper I would like to thank some people for their generous support and encouragement during this project. First of all, I would like to thank my supervisor Mr. Md. Safiullah for all kinds of help and cooperation throughout the thesis and also for helping me to maintaining the focus and also for his valuable suggestions and above all sparing his valuable time.

I am grateful to my family, who has always been a great support throughout my life.

I am also grateful to my entire classmates of master's in legal research Studies.

.....

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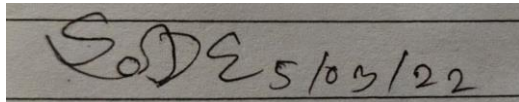
## DEDICATION

I want to dedicate this research paper to my beloved Parents.

*Who have all their care, attention, love, sacrifice and blessings for us in our entire life.*

## DICLARATION

This is certifying that the research monograph “**Legal mechanism to prevent pollution and extinction of river in Bangladesh**” has been done Md. Muzahidul Islam(Id No 212-38-424) in partial fulfillment of the requirement for the degree of LLM program from Daffodil International University. This research monograph has been carried out successfully under my supervision.



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## ABSTRACT

*This article discusses and analyzes the introducing of legal mechanism to prevent pollution and extinction of river in Bangladesh. It focuses the law and regulation regarding pollution and extinction in Bangladesh and others countries in the world. The principle of protecting hydro atmosphere includes the fundamental requirement for removing all kinds of occupation and pollution. Gross development of the country's economy and transportation system is possible through the restoration of river. It is one of the ways to eradicate illegal settlements to restore river. Without ensuring pure water, human life is unimaginable. Therefore, it is vital to keep water free from pollution. In Bangladesh there are some Laws and regulations relating to river occupation and pollution which has not its actual applicability in the court due to different barriers. For this reason, despite Bangladesh being a riverine country but now-a-days rivers are disappearing with the passage of time. The aim of this research is to analyze the existing legal regime relating to rivers and compare the practical utility applicable laws relating water pollution and extinction between Bangladesh and many countries. I want to find out the major issues behind that and give some recommendations and opinion to resolve the problem.*

## **Abbreviations**

HCD	:	The High Court Division
SC	:	The Supreme Court
AD	:	Appellate Division
BWA	:	Bangladesh water Act
NRCC	:	National River Conservation Commission
SDG	:	Sustainable Development Goals
MDG	:	Millennium Development goals
NWRC	:	The National Water Resource Council
BWDB	:	Bangladesh Water Development Board

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# CHAPTER 1

## INTRODUCTION

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### 1.1 INTRODUCTION

Bangladesh is a riverine country. According to Bangladesh water development board about 230 rivers currently flow in Bangladesh during summer and winter. Although the number is stated the ambiguous in some sources .As started by a Publication Bangla Publication by Bangladesh water development board 310 rivers flow in the summer. The number differs widely due to leg of research on the counts and the fact that this river changes flow in time and season. Old sources and history States about 700 to 800 rivers but most of them dried out or extinct due to lack of attention and pollution<sup>1</sup>. The number refer also become same rivers changes name in different regions and in history. Day By day The River occupation and pollution getting surged. If we look back at our old history there are 700 river in Bangladesh. How five hundred rivers has vanished?. The main reason is occupation and water pollution the nation which has many sacrifices and struggles in its history has repeatedly failed in its struggle to protect its river. Bangladesh called a riverine country. Only 40-50 years ago, the main way of transportation of this country was water ways transportation<sup>2</sup>. The major cities of this country are situated on the bank of river but today we are totally depending on highway road maybe our next generation will forget about waterways transportation. After few years it would be all about imagination. People totally travelling by road that's why traffic stuck increasing day by day. Once upon a time the people of this country were called "fish and rice make a Bengali" but over time the people of this country wear moving away from its past tradition. Loss of Navigability and fill the bottom of the river are causing severe floods every year. Even do such a larger part of the country is affected river occupation and river pollution they are connected each other. Need to say that this is manmade disaster and responsible for this influential people from different regions of the country. Politicians, industrialists and the masses. Although the Government of Bangladesh has failed to enforce the law properly from the capital city of the country to the remote areas of the country .Illegal river occupation and illegal sanding are going on. During the summer and winter the river is dried and the crops are cultivated by somebody even all garbage of Dhaka city dumped into

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<sup>1</sup> List of rivers of Bangladesh, [https://en.m.wikipedia.org/wiki/List\\_of\\_rivers\\_of\\_Bangladesh](https://en.m.wikipedia.org/wiki/List_of_rivers_of_Bangladesh), accessed in 25<sup>th</sup> December 2021.

<sup>2</sup> ibid

the river. There is saying that "if anyone wants to commit suicide it is enough to drink a glass of water of Buriganga."<sup>3</sup>

This work is a humble attempt to study and examine various issues and complication related to the above mentioned fact

## **1.2 BACKGROUND HISTORY**

River: long water course that flows down a slope on a bed between banks. It originates from a supply and culminates to an ocean or lake at its mouth. On its length it ought to be joined by smaller rivers referred to as 'tributaries'. A stream and its tributaries kind a stream system. Land surfaces area unit never utterly flat, and as a result the runoff water when precipitation tends to flow downward by the shortest and steepest course in depressions fashioned by the intersection of slopes. Runoff water of spare volume and rate be part of to form a stream that, by the erosion of underlying earth and rock, becomes deep enough to be fed liquid or once it's as its supply associate final water reservoir.

Bangladesh is a land of rivers. There are several rivers in our country. Some are massive and a few are tiny. They wash our lands. The Padma, Meghna and also the river are terribly bulk and enormous rivers. The Padma and Meghna is that the most important of them though the river is additionally one among the most important rivers during this landmass background history.

There are several rivers in our country. Some are massive and a few are tiny. They wash our lands. The Padma, the Meghna, the river are terribly massive and wide rivers. The Padma is that the most known of them though the river is one among the most important rivers during this landmass.

Along, there ae some tiny rivers in our country the Buriganga the Sitalakha the Daleswar, the Gumti, Karnali, Gowrie, Kumar, Arialkha or kind. Jamuna is one among the most important rivers of Bangladesh.<sup>4</sup>

## **1.3 PROBLEM STATEMENT**

The research includes the areas of information required to collect and analyze regarding the issues regarding protection of river and water under laws in Bangladesh. Protects river and water is an essential part of environmental law. Most of the countries sets some rules and laws for maintain water pollution and river land extinction. This research is about to compare the provisions and law of protect water and rivers between two riverine country like Bangladesh and India. This research has been made to find out that how the laws of the country have been

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<sup>3</sup> Azad Mojumder, "Bangladesh river pollution threatens millions" (May 18, 2009)

<sup>4</sup> Major rivers in Bangladesh, <https://www.google.com/amp/s/www.worldatlas.com/amp/articles/major-rivers-of-bangladesh.html> accessed in 25<sup>th</sup> December 2021

implemented and why there is a deficit in implementation. It has how to discuss how to neighboring country like India is enforcing the law to protect river occupation and water pollution and how successful the country have been implementing it. The problem under the research is whether the provision are enough to solve all problem arise from pollution water, environment and river under laws in Bangladesh.<sup>5</sup>

#### **1.4 REASONING FOR CHOOSING THIS TOPIC**

The main reason behind choosing this topic is discussing how to prevent to river occupation and river pollution. Day by day the number of rivers are vanished. what's the reason behind that ?. I would like to discuss in my thesis about whole matter. Many of the rivers are facing existential crisis due to illegal occupation and pollution. Therefore considering the importance of the issue river occupation and pollution have been deemed a criminal offence by the High Court. The observation from the joint bench of Justice Mominul islam chowdhury kamal on sept 3. In the verdict the court said river pollution should be team criminal offence and the punishment has to be severe. River side is undoubtedly helping our economic zone due to river dead we are facing lot of problems there are lacking of fish and pure water. Water ways are getting vanished. I choose this topic for how to prevent river pollution and river occupation and how to increase water ways transport and development Economical zone.<sup>6</sup> I have read many article and news about river extinction and pollution. The authors discussed many reason behind river extinct. So, I have lot of experience and confidence to research on topic. This research paper would help to find out current situation of river occupation and pollution and how to solve all those problem as well.

#### **1.5 OBJECTIVE OF THE RESEARCH**

The main objective of this research is to protect river extinction and water pollution by using proper laws and rules. The other objective of the research is:

01. To analyze about the river extinction.
02. To analyze how to increasing water pollution.
03. To discuss what are the laws to prevent water pollution and river extinction in Bangladesh.

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<sup>5</sup> Dhaka tribune. Dhaka, Bangladesh, 29 December 2020.

<sup>6</sup> Mr. khalid Hasan, Abrar Shahriar and Kudrat ullah Jim “water pollution in Bangladesh and its impact on public health”

04. To analyze actually how those laws are applied in Bangladesh
05. . To highlight the problem that has been come through different cases in Bangladesh and India.
06. To make a comparison of Bangladesh and India regarding Laws
07. To suggest some probable solutions under this topic
08. To analyze how rivers are contributing to our economic development

## **1.6 METHODOLOGY**

The study will be doctrinal and analytical in nature, and will make use of both primary and secondary sources available on the subject.

The primary sources include the national legal instrument concerned with the subject the relevant fact of the states. There are some cases on river occupation and pollution the decision of court and tribunal as primary source is at the care of this research.

The secondary source in the in books, article And the review of cases laws on the subject matter. Journal an internet sources will be availed for the above said purposes. There are many article on river pollution in River occupation that also be included.

## **1.7 QUESTIONS**

1. What are the main reasons of river Pollution and extinction?
2. What are the status of river extinction and pollution under the environmental law?
3. What are the provisions of law applicable in Bangladesh relating river extinction and trash?
4. Is there any problem regarding pollution and extinction that has been come through cases in Bangladesh and India?

## **1.8 CONCEPTUAL UNDERSTANDING**

The main concept of river protection is to save Bangladesh as a riverine country. There is a quote that 'The country will survive if the river survives '. If the river is free from pollution and occupation the country will more forward economically and the transportation system will be

greatly improved. It is more important for the people to be aware than to make the legal system of the country free from corruption. Since water is another name for life water and river must be protected to keep human life safe. There is no alternative to river protection in economic development.

## **1.9 CONCLUSION.**

The use of freshwater in the world is increasing at a geometric rate every year. Its supply is limited as the flow of water is natural. Thinking of a severe water crisis in the future, many countries have taken various plans to adapt their water management to meet future needs. Water scarcity has already caused concern in many parts of the world, including the subcontinent. But there is no opportunity to increase the source of water. It is estimated that by 2025,<sup>7</sup> some 300 million people worldwide will not have access to the water needed to sustain life. River pollution results once contaminants square measure introduced into natural setting. As associate degree example cathartic inadequately treated sewer water into natural water bodies may result in degradation of aquatic eco system. <sup>8</sup>Watercourse pollution is that the leading worldwide reason behind death and illness attributable to water borne illness. variety of this water borne illness square measure infectious disease, cholera, fever jaundice and protozoal infection .The Governments arrange of watercourse cleanup has been given a legal backing that mean that the probabilities of people talking records to law to forestall the demolition has currently become a remote chance.it mast currently be ensured that the nexus between corrupt officers of the relevant agencies and thus the illicit once not present itself official of the relevant agencies and thus the illicit occupants be served. thus currently illicit do not surface shortly as a result of the previous structures square measure removed a development that is quite common in East Pakistan.<sup>9</sup> The watercourse banks facilitate to be taken at intervals the primary place by people that square measure responsible for preventing such occurrences change of state the alternative manner this should not be allowed to happen in future.

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<sup>7</sup> The Daily Star "Freeing the rivers of illegal occupation" 26<sup>th</sup> January,2010.

<sup>8</sup> ibid

<sup>9</sup> Md. Kamruzzaman " Hundreds of river in Bangladesh suffer amid pollution, illegal land grabs" 26<sup>th</sup> September,2021

## CHAPTER 2

### **Practical scenario of river pollution and extinction in Bangladesh**

#### **2.1 Major river status in Bangladesh**

Bangladesh is a riverine country. To keep with Bangladesh exploitation board concerning 230 rivers presently flow in our country. Historical sources state that concerning 700 to 800 rivers in our country however most of them have dried out or extinct lack of attention and pollution. The numbers differs wide due to lack of analysis on the counts and so the undeniable fact that these rivers changes flow in time and season. The numbers additionally differs as a result of the identical rivers could modification names in various regions and history<sup>10</sup>. Concerning seventeen rivers are verge of extinction and fifty four rivers flow directly from Republic of India and 3 from Asian nation. Sangu and Halda are the only 2 rivers originated and finished in Bangladesh. The full waterway of length is more or less 25000 kilometers (15000 miles). However this data isn't whole correct thanks to lack of update data. Meghna watercourse lined 359 miles ar. Padma lined 222 miles space and also the Brahmaputra River lined a hundred and fifty miles space over the country.

#### **2.1.2 Water Pollution in Bangladesh**

Water pollution means change in the quality of the water which then becomes unsafe for human beings and bio logical system. Water pollution is one of the most dangerous wellbeing in our country. Recently report said that Bangladesh water quality position is 86 among 143 countries<sup>11</sup>.

Causes of Water pollution:

1. Waste water effluent (Municipal and Industrial)
2. Sewage and solid waste
3. Runoff of construction sites.
4. Atmospheric deposition over a water surface.

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<sup>10</sup> <sup>10</sup> List of rivers of Bangladesh, [https://en.m.wikipedia.org/wiki/List\\_of\\_rivers\\_of\\_Bangladesh](https://en.m.wikipedia.org/wiki/List_of_rivers_of_Bangladesh), accessed in 25<sup>th</sup> December 2021.

<sup>11</sup> Bahauddin Imran, "River occupation and pollution is a criminal offence" September 06,2019



5. Industrial waste and effluents
6. Inadequate sanitary facilities
7. Oil pollution and global warming

### **2.1.3 Illegal river land grabs**

Pollution and illegal river land occupation are destroying almost hundred rivers in Bangladesh. If anybody research about our country rivers then it is easily visible that there is no single river is free from pollution and illegal occupation.<sup>12</sup> Some greedy people have occupied bulk part of every river that are not on the government list. It is a matter of sorrow that government has failed to take legal action who occupied rivers. The greedy people occupied river because there is no right and legal information about rivers. Due to occupation 90-100 rivers are dried up and waterways transport is almost vanished .The government should immediately adopt a mega project to recover the occupied river land.

### **2.1.4 Disappearing River Land**

The order given by High court Division given that to start demolition of the approximately 800millegal structure on the banks of major four rivers. Many of the country's rivers are facing existential crisis due to illegal occupation and river pollution. River occupation and river pollution is deemed as a national criminal offence declared by High Court. The high court also declared that pursuit for development should not undermine for preserving nature.<sup>13</sup> Almost 100 rivers dried up due to illegal occupation. It is not possible to cultivate and agriculture due to Illegal River grab. The canals also dried up. Some greedy people using it for their personal benefit. The canals have been wiped out due to heaps of polythene and rubbish. Water flow has already decreased due to disappearing river land. Farmers are not getting proper water for cultivation. But to date it has been not clear that how many rivers exist in Bangladesh, prompting greedy people to grab the rivers with lame excuses.

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<sup>12</sup> The Dhaka tribune, "High court seeks the list of all rivers", December12th, 2021

<sup>13</sup> Financial Express, "Old Rivers threatened by Illegal pollution", October 27,2020

## **2.2 River Administration in Bangladesh**

Like every countries Bangladesh has river administration board. Bangladesh water development board is the most important administration in our country. Others some board on water and rive protection. Water supply and sewerage authority (WASA) is another important water development board in urban area Most of the rivers in Bangladesh are now dying<sup>14</sup>. Taking advantage of the negligence and unawareness of the water development boar and authorities, some greedy people are grabbing rivers and extinct the rives. They are using for their own benefit purpose. Those all are water development board's lacking. They did such a poor performance.

### **2.2.1 River management of Bangladesh**

We know that rivers are priceless gift from Almighty to every nation. Every nations depends on river. Bangladesh a riverine country and the rivers flowing over the country like vein of a human body. Bangladesh water board development (WDB) published 406 rivers name in 2019. This number varies from source to source as some rivers has already gone and some of them has taken another names. It stats that there are 57 international rivers in Bangladesh. 53 rivers comes from India rest of flows from Myanmar. Within Bangladesh the management of river is very poor condition and they have failed to give update information about river. Due to their lacking some powerful greedy people takes chance to Occupation Rivers<sup>15</sup>. Within Bangladesh management of river is a hard task for the nation. It is our government responsibility and our government have been always striving hard to address the internal water related issues within maximum priority. The constitution of Bangladesh 18(1) clearly indicated to management bio-diversity<sup>16</sup>. National river protection commission 2013 and the environment conservation act also said about Proper River and water management.<sup>17</sup>

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<sup>14</sup> Faisal Hossain, Zahirul Haque Khan and C.K Shum, " Tidal river management in Bangladesh", 21 May,2015.

<sup>15</sup> Faisal Hossain, Zahirul Haque Khan and C.K Shum, " Tidal river management in Bangladesh", 21 May,2015.

<sup>16</sup> Article 18(1) of the Constitution of Bangladesh

<sup>17</sup> Bangladesh water act 2013

## **2.2.2 Water governance in Bangladesh**

Approximately 94% of water resource in our country entering via another country. So we are depending another country for water. It has become very uncertainty on future water availability. A large part of the country also suffer from salinity intrusion of water. of that supply of water a lion's share uses in agriculture sector. Irrigation efficiency like textile, leather, and forest products in Bangladesh is the lowest in south Asia. Water governance issue started almost one era ago. A great deal of research and studies were conducted by different government and development agencies. But such initiatives failed to implementation for various reasons like including lack of broad consensus, inter-ministerial agency and private sector representation. Water governance has been the responsibility of a multitude of government bodies who have unsuccessful in coordinated action so far. The national water resource council (NWRC) is settled the mostly government ministries and agency. It is headed by the government of Bangladesh. Water resources planning Organization (WARPO) is also liable of water governance of Bangladesh. The first serious action taken by Bangladesh water act which was passed in 2013.

## **2.3 An overview of fisheries sector of Bangladesh**

Bangladesh is invested with a bulk expanse of inland open water resource from canal, natural, man-made lakes and flood plains. Bangladesh is one of the most demand full fish exporting country over the world. The potential fish resources resulting from this among the richest in the world. Only China and India outrank Bangladesh.

### **2.3.1 Current worries of fish diversity in Payra River**

The study was conducted for a amount of one year from April 2013 to March 2014 among the Payra stream, Patuakhali, Bangladesh. an entire of 114 fish species beneath twelve orders and thirty six families were recorded among the stream.<sup>18</sup> On the premise of availableness, the recorded species were classified into four statuses and obtained as accessible (43.86%), less accessible

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<sup>18</sup> Bangladesh Fisheries sector: Growth prospects and opportunities.  
<https://www.lightcastlebd.com/insights/2019/04/bangladesh-fisheries-sector-growth-prospects-and-opportunities>  
accessed in 27<sup>th</sup> December, 2021

(29.82%), rare (18.42%) and extremely rare (7.89%). results of the study known 9 species as terribly rare which might extinct close to future ensuing declination of the fish diversity.<sup>19</sup> Overfishing, indiscriminate fishing of larvae and juveniles, siltation and pollution were known as a result of the most important worries connected with the declination of fish diversity. Study recommended that the activities that have harmful impact on fisheries resources should be small and can be restricted to avoid wasting lots of our valuable fish diversity among the Payra River.

### **2.3.2 Status and decline causes of fish diversity**

This chapter discuss about the decline and current status of fish diversity. The information collected from bagatipara point of Baral river, Natore, Bangladesh the period from November 2015 to February 2016. A total 60 fish species of 9 order and 21 families were identified. The species were categorized in 4 statuses that obtained as available 45% on the other hand less available 33.33% and rare was 13.33% and very rare 8.33%. This result showed that 5 species were very rare which may vanished in near future. Few manmade decline causes like industrial wastes, bulk use of river water, others different obstacle, over fishing and so on. Recent solution given by many research paper recommends preventing water pollution, increasing water flows, developing fisheries, awareness, implementation of fisheries law to save fish diversity.

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<sup>19</sup> Md. Aminul Islam, Md Moazzem Hossain and Ashrafun Nahar “ Status and current worries of fish diversity in Payra river”

## CHAPTER 3

### **Laws Applicable in Bangladesh Relating to River Pollution And Extinction**

There are some laws and act and laws in Bangladesh to prevent river occupation and pollution. This laws have been made in different context at different times. There are some worth mentioning laws are:

1. Bangladesh water act 2013.
2. National river protection commission 2013.
3. The Bangladesh environment conservation act 1995.
4. Bangladesh water development board act 2000.
5. Water supply and sewage act 1996.
6. Bangladesh constitution article 18(1)

#### **3.1.1 Bangladesh Water Act 2013**

It published in 2013 based on the national water policy and designed for integrated development, management, usage, extraction, distribution and conservation of water resources.<sup>20</sup> As per this act all forms of water such as surface water, ground water, rain water, atmospheric water within the territory is belong to the government and the state people. On the other hand the private owner can use the surface water inside their property for all purposes accordance with the act. In view of water resource conservation and protection the act was adopted a decision to address the water needs irrigation and urban areas in the context of available groundwater and rain water also. The act also mentioned punishment and financial penalty for noncompliance with the act including neglect to abide by the government policy, ordinance, refusal to present necessary documents, providing false information. The maximum penalty of violation of this rules is five years imprisonment or 10000 tk<sup>21</sup>. This act was set to manage all water resources in the context of natural flow of surface water and recharge of ground water.

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<sup>20</sup> MD. Khalequzzaman, "Review of the water act 2013" 14<sup>th</sup> July, 2013

<sup>21</sup> The daily New star " A critical review on Bangladesh water act 2013" 19<sup>th</sup> October 2017

### **3.1.2 Bangladesh National River Conservation Commission Act 2013**

The government has decided to tighten an old by amending to protect the rivers, canals, haors and so on. In Bangladesh the national river conservation commission act 2020 is drafted to amend the previous national river conservation commission act 2013. The national river protection commission act 2020 will cover all the rivers, canals, haors, lakes, fountain and all water resources all over the country bring under this commission. Plans has made to protect all rivers and all water source in the country.<sup>22</sup> Plans also make to removal of illegal occupation and stop all kinds' illegal structure by occupying river.

Actually all rivers flowing as legal individual and living entities. To make any plan related to water and river development they have to consult with water development board, LGED, BADC. If any official illegally allocates river places shores or something they will be criminal by breaching of trust. Each division has river protection court under the act. Besides, a mobile court also be conduct if required. The mobile court is able to give immediate punishment in case of river occupation specially. Violation of the law by any person or organization would be punishable by imprisonment for a term which not exceeding by one year or fine 1 lac taka.<sup>23</sup> The same punishment is applicable for river occupation by using religious misinterpretations. No matter what the other law said the commission would be declare the area by considering as a illegal occupation, pollution, loss of navigability or endangered biodiversity. Law enforcement is paramount along with making law. Rizwana Hasan, chief executive of Bangladesh “It is important to have good laws to ensure the rule of law in everything. However the overall law enforcement in our country is very bad”.

Bangladesh conservation act till to date only 15% are implemented and rest of percentage are not implemented.

### **3.1.3 The Bangladesh Environment Conservation Act 1995**

The Bangladesh Environment Conservation stands on 3 objects

1. Conservation of the environment

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<sup>22</sup> Zeba Tarannum “ A review on Bangladesh National river Conservation Act 2013” 9<sup>th</sup> December 2013

<sup>23</sup> ibid

2. Improvement of the environmental standards
3. Control and migration of environmental pollution

In order to effectuate these objects, this objects, this particular legislation established department of legislation also established department of environment.

There are two amendments in 2002 and 2010 all are made to carry out the better purposes of this act. But cause of some lacuna and institutional defects and systematic risk review of this very parliamentary enactment has become urgent.<sup>24</sup>

Institutional defects is a common matter in our country no-a-days. Institutional defects exist in this law. There is no specific provision for appointment, tenure, remuneration, retirement or appointment. But all of the crucial for the independence. There are some loopholes in case of declaration of ecologically critical area, Government satisfaction is subject satisfaction. Relaxing of restrictions on cutting hill, filling up wetland by showing lame excuse is another loophole.<sup>25</sup>

In order to make this act more effective, it has to remove all kinds of ambiguities and lacuna in legal provision. Specially, provision regarding scale, appointment, scale of qualification, remuneration and so on.

### **3.1.4 Bangladesh Water Development Board Act 2000**

After recital devastating flood of 1954 and 1955 crag mission was formed in 1957 under United Nations to boost up food productivity by minimizing flood damage. As per the mission recommendations Bangladesh Water development board started its mission in 1959<sup>26</sup>. It was given the full responsibility of accomplishing the whole tasks of executing water pollution, flood control, drainage and irrigation projects to increasing activity and productivity in agriculture and fisheries.

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<sup>24</sup> Mohammad Faysal Saleh “ A critical Appraisal of Bangladesh Environment Conservation Act,1995 and rules, 1997” 3<sup>rd</sup> September, 2015

<sup>25</sup> Bangladesh Environment Conservation Act 1995

[https://en.m.wikipedia.org/wiki/Bangladesh\\_Environment\\_Conservation\\_Act](https://en.m.wikipedia.org/wiki/Bangladesh_Environment_Conservation_Act)

<sup>26</sup> Mahbubur Rahman Khan “Water Development Board: Autonomy gone, efficiency too” 18<sup>th</sup> November, 2020

### **3.1.5 Water Supply And Sewage Act 1996**

This act makes provision for the supply of water and sewerage service in the national capital district all over the country. Consolidated version of 2006 of the act 19 of 1996 including an amendment made by implication upon the law and the all organic law provision.<sup>27</sup>

### **3.2 Protection Rivers By Enforcing Law**

There are many loopholes to protect our river and water pollution. It's not all about our government failure it's also our failure too. This time government is too determine to protect all rivers from occupation and river pollution also by enforcing laws and act. In 2019 the high court division (HCD) of the supreme court of Bangladesh has delivered a supreme declared all rivers in Bangladesh to have legal protection. The core outcome of the verdict are 17 major directives for addressing river pollution and river extinction over the country. This includes barring polluters from running from the office and legally empowering the Bangladesh River conservation as the guardian of all rivers officially.

This conservation has taken some steps to protect all our river from occupation and pollution.

1 Actors across government, industry sector and society to play respective and important rules to protect river extinction and pollution.

3. New laws need to be adopted with a view to incorporating the main objects Laid down the High court division judgement
4. All stakeholder needs to be ensured about their accountability
5. Environmental accountability must be expanded.
6. The river conservation commission needs adequate freedom.

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<sup>27</sup> Water Supply and sewage act 1996



## CHAPTER 4

### **Comparative Analysis Of Legal Provisions On River And Water Protection In Bangladesh And India**

**4.1** Air and water are the most precious gift of the nature. It is very essential not for only flora but for also fauna. All living creatures has the right to enjoy this flora and fauna. According to section 2 (a) of the environmental protection act 1986, environment includes water, air and land<sup>28</sup>. All creature human beings or animals have existing relation between air, water and land. There is an inspirable relation between man and environment. So every man has the responsibility to protect water and river. The judiciary has played also a vital role to protect to save environment. Articles 21, 48A and 51 A of the Indian constitution deals with the protect environment. Article 18(a) of the constitution of Bangladesh deals with environment and bio diversity.<sup>29</sup>

#### **4.2 Comparison the Laws between Bangladesh and India**

Now-a-days river occupation and illegal dumping of both industrial and household wastes has created a huge reason behind river pollution In Bangladesh. It has created from the past few decades. Faulty environmental protection laws and corrupt law enforcement have been identified the major problem that increasing day by day. Legal law is not implemented. The environmental law regime in our country to protect our river pollution and extinction. Article 18(A) of the constitution clearly said that the state will endeavor to protect and conserve river. Other some laws – The Bangladesh water act 2013, the national river protection commission 2013 and The environment conservation act 1995 have the provision to protect water pollution and river extinction. According to Environment conservation 1995 declared that landfill activity with industrial or household is categorized as a red carpet activity.

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<sup>28</sup> Section 2(a) , Environmental Protection Act 1986

<sup>29</sup> Article 18 , Constitution of Bangladesh

The Dhaka municipal ordinance 1983 authorized Dhaka north and south city corporation to removal, collection and disposal the refuse, management of toilet, drain cleaning, drainage system so that all canals and river would be protected and not polluted. Responsibility of the Bangladesh inland water transport authority is to ensure eviction of illegal occupation of river. . The judiciary has played also a vital role to protect to save environment. Articles 21, 48A and 51 A of the Indian constitution deals with the protect environment. Article 21 of the Indian constitution guarantees to all persons a fundamental right to life. In general water law I India is largely based<sup>30</sup>. The government of India act, 1935 has in principle given power to state that they have extra power to regulate water supplies, drainage and water storage fisheries. Article 51 (G) casts a important duty on every citizen of India to protect water, river and environment including forests, lakes, canals wild life to have compassion for living creatures.<sup>31</sup>

### **4.3 Case Relating To Water and River Protection in India**

Water is most important and vital elements of the nature in State of **Himachal Pradesh vs Umed Ram Sharia** the Supreme Court has held that every person is entitled to enjoy their life under article 21 of the constitution of India. Under section 17 (1) of the water act the state board of India shall prevention, control of water.

The duty of the state in this regard is clearly spelt by the case of **M.C Mehta vs Kamal Nath** that every person of the state is entitled to protect the natural environment.<sup>32</sup>

In **P.R Subhash Chandran vs Government of A.P** the high court declared that under the constitution the role of the state that every citizen of the country with adequate clean drinking water and to protect water from not getting polluted and save the river from occupation.

Another similar case is **Krishan Lal vs Nirmal Kumar (2009)** the high court declared the extra protection on river pollution and river extinction. It gives the responsibility to the citizen of the state to protect the water and be aware not to involve in water pollution.

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<sup>30</sup> Article 21 , Constitution of India

<sup>31</sup> Sneha Mahawar, “ The making of the constitution of india: A detailed Analysis” 16<sup>th</sup> August, 2021

<sup>32</sup> <https://www.legalserviceindia.com/article/l420-Water-Management.html>

#### **4.4 Case Relating To Water and River Protection in Bangladesh**

A very important case on water and river protection in Bangladesh is **Farooque Vs Government of Bangladesh**<sup>33</sup>. The petitioner in this case prayed for appropriate relief relating to the matter of control river pollution from the industries and factories all over the country. A survey had been conducted by the department of environmental pollution to findings the loopholes about water pollution and ecological imbalance was being continuously due to discharge of various industrial waste into the water and polluted the water.

**In Bela Vs Government of Bangladesh and others (2003)** failure to perform statutory public environmental duties on the part of the respondents and too much delay and neglect in arrangement for relocation of tannery in the Hazaribagh of the Dhaka south city corporation. This adverse is caused serious harm of river area in Dhaka city<sup>34</sup>. This case In the matter of Environment Conservation Act 1995, Town Improvement Act 1953 and environment conservation Rules, 1997.<sup>35</sup>

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<sup>33</sup> Dr. Mohiuddin Farooque vs Government of Bangladesh, 48 BLD (HCD) 438, 1996.

<sup>34</sup> In bela vs Government Of Bangladesh and others , 2003

<sup>35</sup> Town Improvement Act 1953.

## CHAPTER 5

### Problem In River Regime In Bangladesh

#### 5.1 Pressure in National Economy

Approximately from last decade we are celebrating international river day on fourth Sunday of September. The main purpose of celebrating the day is to raise the public awareness to save water and river from pollution and extinction. Rivers around the country help us to develop civilization in rural and urban areas. River extinction, industrial wastes and garbage is the main reason to destroying river. 60% of our population depends on river water for their animal protein intake. Our fisheries sector contribute 3.61% to the GDP.<sup>36</sup> It is also mentioned that total 11% people in our country is related to fisheries and exporting over the world. Just imagine that how the rivers in our country contributing to improving our GDP every year .Almost 0.7% million vessels transport goods and passengers and 50 million people such carried through such water ways. Amounting to 50% of total freight traffic. Its total contribute to GDP 0.64 percent. Waterways transport is the most vital source for our transboundary trade system. Which is very potential for our economic growth. Garments sector is the most important source to increase GDP. If we think deeply about that it is clearly visible that the garments sector always developed on the banks of the river. Bangladesh is successfully holding 3<sup>rd</sup> position on garments sector over the world which is playing vital role in the economic development of the country. But since the independence the illegal occupation and pollution of rivers is increased. The impact of climate change has already begun. It has been forecasted that there will be a huge flood over the country which may destroy our economy<sup>37</sup>. Almost 100 of rivers are being occupied over the country. This would be the threat to our nation. Bangladesh water act 2013 has many provisions for the protection of our rivers from illegal occupation and water pollution. However, we have not able to actually protect our river. Rather, the damage is increasing.

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<sup>36</sup> Tanjim Ferdous, “protection of river to save Agricultural and economy: Role of state and citizens” October 22, 2020

<sup>37</sup> ibid

## 5.2 Hazard on Human Health

We know that water is an important element of human health. When water gets polluted then polluted water directly affects the human body. Polluted water is too harmful for human body and water pollution causes various diseases on human body like typhoid, cholera, hepatitis, cancer etc. in polluted water there are lacking of oxygen. Water pollution damage the plants and hydrophyte animals present in the river by decreasing the oxygen content from the water.<sup>38</sup> Polluted water destroying the essential nutrients and elements which plants need out of the soil and also leaves large amounts of aluminums and toxic in the soil, which is very dangerous for our human life and plants. There are many reasons for water pollution some are involved directly and some are non-directly involved. Many factories and industries dumping wastes and garbage into the river. It is directly Affects River<sup>39</sup>. On the other hand uses of modern technique in farm land is the indirect cause of water pollution. Pollution can be of various types for example Inorganic, radioactive, organic and so on. It should be solved as early as possible. Bangladesh water development board is the main culprit responsible for the state of our rivers today. The government also responsible for whole reason. If this continues, the nation will suffer from lack of pure water in a few years.

## 5.3 Pressure on Communication

Once the main mode of transportation in our country was the river. But in the evolution of time the rivers of our country are almost extinct. One of the main reason behind this matter is river occupation and river pollution. As a result there is extra stress on the high way roads and precious time of human life is being wasted in traffic stuck. Road side travel is very expensive and kills our important time. Roads are being repaired frequently due to extra pressure which is hurting the nation economically.<sup>40</sup> Rivers are the natural and common waterways in our country which can be used in transportation. Rivers are suitable with big ship and small boat also. But the main benefit of waterways transport is it is a natural highway and does not need any kinds of construction and

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<sup>38</sup> Melissa Denchak “ water Pollution: Everything you need to know” 14<sup>th</sup> May, 2018

<sup>39</sup> ibid

<sup>40</sup> <https://www.yourarticlelibrary.com/geography/transportation/water-transport-kinds-advantages-and-disadvantages-of-water-transport/42133>

maintenance. It is not use in transportation but also irrigation system. It is also cheapest mode for transport goods from one place to another. On the other hand if we use highway road it would be very costly matter. It can carry much larger quantities of heavy and bulky goods. Another advantage of water ways transport is the risk of accidents and breakdown are minimum as compared to any other form of transport.<sup>41</sup> For drying up almost rivers the main responsible behind this situation is government and water development board. They didn't take any necessary steps for saving our river from pollution and extinction. It is every citizen responsibility to save our river and water. Otherwise in near future there would be trouble everywhere.

#### **5.4 Hazardous Hydro Atmosphere**

Pollution of the hydrosphere is a major problem. Pollution can affect the entire ecosystem. Water pollution is not directly involved with the damage of hydrosphere. At first air pollution effects on water then polluted water affects hydrosphere. Air pollution causes most short term measurable damage to the water quality when toxic chemicals fall from the air as a dust and poison. The major significance of the hydrosphere is that water sustains various life of forms. It has playing a vital important role in our ecosystem and regulates the whole atmosphere<sup>42</sup>. Hydrosphere covers all water surface on the earth. We rarely think that the role of the planet that keeps us alive and take hydrosphere for granted. Hydrosphere covers all water present on earth surface. It also included fresh water, salt water and frozen water also. Hydrosphere and water is connected deeply and water is the most important living part of a human. Every person is built up of about 75% water. Hydrosphere gives the places for many plants and animal to live in. some gasses like CO<sub>2</sub>, O<sub>2</sub>, nutrients like ammonium and nitrite and others elements dissolved in water. Hydrosphere regulate our climate.

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<sup>41</sup> <https://lisbdnet.com/why-are-waterways-important/>

<sup>42</sup> Faisal Ahsan " Hydro Atmosphere in Bangladesh" 14<sup>th</sup> October 2018

## CHAPTER 6

### Conclusion

#### 6.1 Remarks

Every year we are celebrating victory day. But the questions remains as to how much patriotism has been awakened in the spirit of Victory. Although the policy is word of mouth but it is not implemented in practice. Corruption has engulfed all areas over the country. The country's natural resources are not immune from corruption, the river is one of them. Those who are responsible for protecting these rivers and natural resources are illegally occupying them. If you look at the survey of the last twenty years, many laws have been passed but the government of the country has failed to stop the illegal occupation of the river. But it is constantly being written about in different places including papers and magazines. In this case, the government alone is not responsible, every citizen in the country is responsible for this water pollution and river extinction. Examining the past 20 years, it is seen that about 100 rivers of the country are being occupied and dried up. The water of the main river of the capital is 100% polluted today, isn't that an ominous sign for us. But the main source of livelihood of most of the people of the country is river. The role of rivers in economic development is immense, which we can see only when we discuss the survey. We need to be very aware of water pollution prevention and river occupation. Otherwise there will be very danger in near future. Only the government can strictly enforce the law and bring accused under the law and provide appropriate punishment so that no one of the next generation would dare to commit this crime further. If we want to give a beautiful future to the next generation, we have to protect our natural resources.

#### 6.2 Findings

- a. Protecting the river is very important for the future of the country. Otherwise the country will be in Grave.

- b. It is found that there are various provisions relating to river protecting and occupation in Bangladesh But that is not enough to clear the whole concept of river extinction and pollution
- c. The economic condition of the country is deteriorating day by day, one of the reasons behind which is the drying up rivers.
- d. The developed countries of the world are playing an important role in the protection of rivers and water. As a result, it is safe to say that there is no river occupation in those countries.
- e. The source of pure water in the country is decreasing day by day. Drinking contaminated water endangers human life.
- f. Although there is a law in our country's to protect diversity, there is clearly no article to protect the river.
- g. The greedy people of the country are constantly occupying the river. But the country's administration is not taking any drastic steps. In this case, The government is fully responsible.
- h. The water ways system is disappearing. Due to which there is extra pressure on the Highway road. For which the economic pressure on the country and the suffering of the people are increasing.

### **6.3 Recommendation**

Throughout this research some problems have been found. The probable recommendation to recover them are,

- a. There is no statutory definition of river land grab in Bangladesh, an adequate provision need to be set to define river occupation and pollution. This give the people chance to define river extinction and pollution on their favorable way.
- b. There should be strict enforcement of law by the administration to protect the river occupation and pollution over the country.
- c. The amount of punishment and fine should be increased to prevent river extinction and pollution.



- d. Proper provision should be relating to the punishment for illegal river land grab and river pollution in Bangladesh
- e. In Bangladesh and India a separate court should be established to deal with the issue

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