

ENVIRONMENTAL LAWS & ENVIRONMENTAL ETHICS

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Environmental law

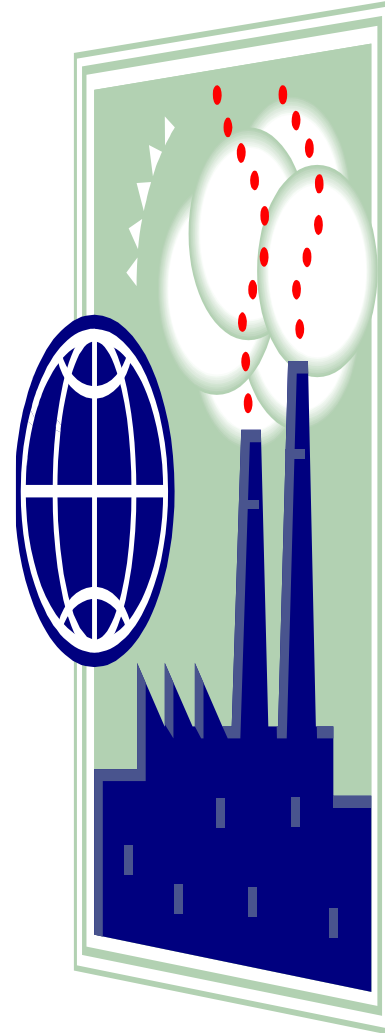


- Collective term describing international treaties (**conventions**), Ordinance, Act, Statutes, **Regulations**, Order, Rules and common **law or national legislation** (where applicable) that operates to regulate the interaction of humanity and the natural environment, toward the purpose of **reducing the impacts of human activity**.

Environmental Act's



- Air (Prevention and Control of Pollution) Act
- Biological Diversity Act
- Environment (Protection) Act
- Forest Conservation Act
- Protection of Plant Varieties and Farmers' Rights Act
- Public Liability Insurance Act
- Water (Prevention and Control of Pollution) Act
- Noise Pollution Act



Bangladesh Context

Environment Conservation Act

- ❑ **The Environmental Laws in Bangladesh:**
 - ✓ **The Environment Conservation Act, 1995 (Amendment Act-2010)**
 - ✓ **The Environment Conservation Rules, 1997**
 - ✓ **Declaring an Ecologically Critical Area (under Section-5 of ECA and Rule-3)**
 - ✓ **Environmental Clearance**
- ❑ **The Environment Policy, 1992**
- ❑ **The Environment Action Plans: Bangladesh**

Environmental Laws: British Regime

Main strategy of the British laws were to **Optimal allocation of resources:**

References:

- ✓ The Bengal Irrigation Act 1876,
- ✓ The private fisheries protection Act 1889,
- ✓ Forest Act 1927

Other laws:

- ✓ The smoke nuisance Act 1905,
- ✓ The juvenile smoking Act 1919,
- ✓ the Fatal Accidents Act 1855,
- ✓ The Public Parks Act 1904,
- ✓ Coalmine Labour Welfare Act 1947

Environmental Laws: Pakistan Regime

Major Environmental Laws:

- ✓ The Protection and Preservation of Fish Act 1950
- ✓ The Embankment and Drainage Act 1959
- ✓ The Pure Food Ordinance 1959
- ✓ The Government Fisheries Ordinance 1959
- ✓ The Private Forest Ordinance 1959
- ✓ The Agricultural Pesticides Ordinance 1971

Development of Environmental Law was not satisfactory because of:

- Political instability,
- Lack of environmental concern locally and globally,
- Lack of Government initiatives.

Environmental Laws: Bangladesh Period

Environmental Laws in Bangladesh mainly focused on the **protection of the environment, ecology and ecosystem.**

Major Environmental Instruments in Bangladesh:

- ✓ **The Wildlife Preservation Order, 1973**
- ✓ **Environnent Pollution Control Ordinance, 1977**
- ✓ **Bangladesh Environment Conservation Act (ECA), 1995
(Amendment Act-2010)**
- ✓ **Environment Conservation Rules, 1997**
- ✓ **Bangladesh Environment Court Act, 2000**

Environmental laws in Bangladesh are based on the guiding principles stated in the “Bangladesh Environmental Policy 1992”

The Environment Policy, 1992 (Bangladesh)

The Environmental policy of Bangladesh is formulated based on a set of guiding principles of two UN conferences:

- ✓ 1972 conference on the Human Environment in Stockholm
- ✓ 1992 'Earth Summit' held in Rio De Janeiro

The Environment Policy, 1992 recognizes a set of concerns/issues:

- 1) Coordinated Vigilance and Necessary Action Program (in addressing the Global and Regional environmental pollution)**
- 2) Adapting Integrated Environment Policy (by setting priorities)**
- 3) Sustainable use of Natural Resources (through mass awareness)**
- 4) Considering natural Disasters as integral part of all actions**
- 5) Improvement of National Environment and Global Cooperation**

Objectives of the Environment Policy: BD

Six Key Objectives:

1. To maintain **ecological balance** and overall development through protection and improvement of the environment
2. To protect the country against **natural disasters**
3. To **identify and regulate activities** which pollute and degrade the environment
4. To ensure environmentally **sound development** in all sectors
5. To ensure sustainable, long-term and environmentally **sound use of national resources**
6. To actively remain **associated with all the international environmental initiatives** to the maximum possible extent

Priority Sectors in Environment Policy, 1992

The Environment Policy Considered the 15 different sectors:

- 1. Agriculture**
- 2. Industry**
- 3. Health and sanitation**
- 4. Energy and fuel**
- 5. Water development, flood control and irrigation**
- 6. Land**
- 7. Forest, wildlife and biodiversity**
- 8. Fisheries and livestock**
- 9. Food**
- 10. Coastal and marine environment**
- 11. Transport and communication**
- 12. Housing and urbanization**
- 13. Population**
- 14. Education and public awareness**
- 15. Science, technology and research**

Legal and Institutional Frameworks Proposed in the Environment Policy, 1992

Legal framework proposed:

- ✓ **Amend all laws** to meet the present day needs
- ✓ **Frame new laws** in all sectors necessary to control pollution and degradation
- ✓ Ensure **implementation of laws** and create **public awareness**
- ✓ **Ratify** all concerned international laws/conventions/protocols and modify existing national laws in line with ratified international laws

Institutional Arrangements considered:

- ✓ Ministry of Environment and Forest (**MoEF**) to **coordinate** the policy implementation
- ✓ **A National Environment Committee** chaired by Head of Government to give overall direction
- ✓ **MoEF** will perform timely amendments on the backdrop of changing state of environment and socio-economic and other needs of the country
- ✓ **Department of Environment** (DoE) will review/approve **all EIAs** (**Environmental impact assessment**)

Environment Conservation Act (ECA), 1995

- ❖ The **Environment Conservation Act (ECA)** of 1995 was enacted for fulfilling three major objectives:
 - 1) **conservation of environment;**
 - 2) **improvement of environmental standards; and**
 - 3) **the control and mitigation of environmental pollution.**
- ❖ The Act was formulated on the basis of the **Environment Policy of 1992** and **the National Environment Management Action Plan (NEMAP)** of 1995.
- ❖ As to supplement the objectives of the ECA, 1995, Bangladesh adopted the **Environment Conservation Rules (ECR) in 1997** in accordance with **Section 20** of the ECA, 1995.

Basic Features of the Environment Conservation Act:

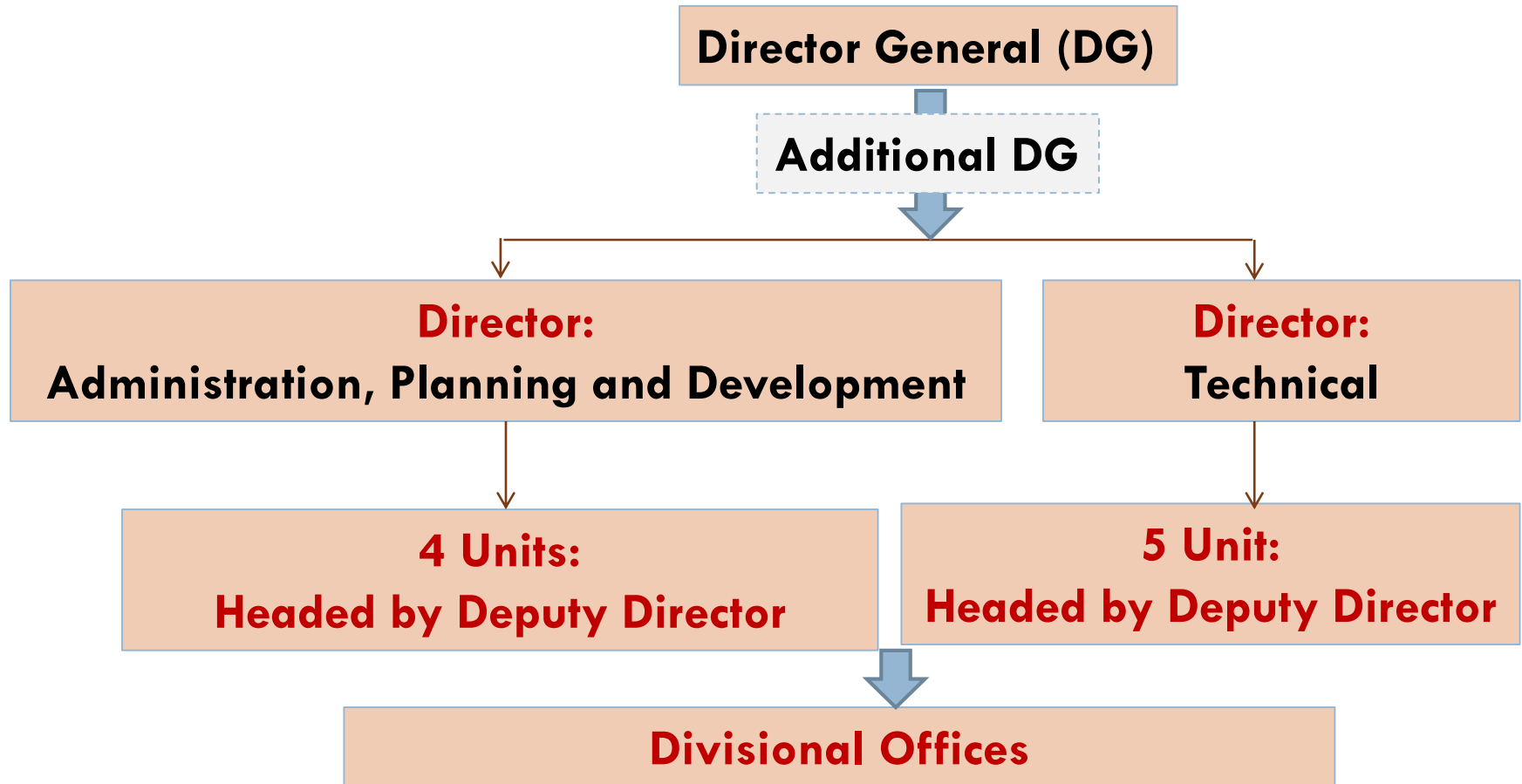
Basic features:

- ✓ First to **address the environment** in a comprehensive way
- ✓ Establishment of the **Department of Environment (DoE)**
- ✓ Environmental **Clearance Certificate**
- ✓ Power to make Rules
- ✓ Legal Action
- ✓ Good faith clause
- ✓ Providing substantive and procedural provisions
- ✓ Declaration of **ecologically critical area.**

Department of Environment (DoE): History

- I. 1973: started with 27 DPHE staffs (water pollution control)**
- II. 1977: 16-member Environment Pollution Control Board and 26-member Environment Pollution Control Cell.**
- III. 1985: Department of Environment Pollution Control (DEPC)**
- IV. 1989: Restructured and renamed as Department of Environment (DoE).**
- V. Got its legal basis directed by Section-3 of ECA 1995**

DoE: Organizational Structure



Power and Functions: DG

☐ **Take necessary action** for conservation of environment, improvement of environmental standards, control and mitigation of environmental pollution. **Measures** include:

- ✓ **Co-ordinate with activities of other relevant organizations**
- ✓ **Remedial actions for probable accidents**
- ✓ **Advice to persons/companies**
- ✓ **Inquiry and research**
- ✓ **Search and examination**
- ✓ **Publication of information**
- ✓ **Advising the govt.**
- ✓ **Maintaining quality of drinking water**

Continuation...

Environment Conservation Act

- ☐ **Direction to industry (under section 4 of ECA)**
- ☐ **Test of any vehicles (under section 6(1) of ECA)**
- ☐ **Restriction on using Polythelene (Rule 6A or ECR)**
- ☐ **Give directions to persons who cause degradation of the ecosystem (under section 7 of ECA)**
- ☐ **Issuance of Environment Clearance Certificate prior to setting up of industries (under section 12 of ECA)**
- ☐ **Issue of pollution control certificate (section 4(1) of ECA and Rule 7A of ECR)**
- ☐ **Filing suit for compensation for violation of provisions and Rules of ECA**
- ☐ **Delegation of power**

Declaring an Ecologically Critical Area

(under Section-5 of ECA and Rule-3)

The following factors to be taken into consideration:

- ✓ **Human habitat**
- ✓ **Ancient monument**
- ✓ **Archeological site**
- ✓ **Forest sanctuary**
- ✓ **National Park**
- ✓ **Game Reserve**
- ✓ **Wild animals habitat**
- ✓ **Wetland**
- ✓ **Mangrove**
- ✓ **Forest area**
- ✓ **Biodiversity of the relevant area etc.**

Decelerated Ecologically Critical Area:

SL	Name of the ECA	District	Area (Ha)	Dec. Year
1.	Strip of 10 km. outside the Sundarbans Reserved Forest	Khulna, Bagerhat, Satkhira	762, 034	1999
2.	Sea Front of Cox's Bazar and Teknaf	Cox's Bazar	10465	1999
3.	St Martin's Island	Cox's Bazar	590	1999
4.	Sonadia Island	Cox's Bazar	4916	1999
5.	Hakaluki Haor	Moulvibazar	18383	1999
6.	Tanguar Haor	Sunamganj	9727	1999
7.	Marjat Baor (Oxbow Lake)	Jhenaidah	200	1999
8.	Gulshan-Baridhara Lake	Dhaka City	20	2001
9.	Buriganga River	Dhaka City	-	2009
10.	Sitalakhaya River	Dhaka City	-	2009
11.	Turag River	Dhaka City		2009
12.	Balu River	Dhaka City		2009

Ecologically Critical Area: for Rivers

রেজিস্টার্ড নং ডি এ-১



অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, অক্টোবর ৪, ২০০৯

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
পরিবেশ ও বন মন্ত্রণালয়
পরিবেশ শাখা-৩

প্রজ্ঞাপন

তারিখ, ০১ সেপ্টেম্বর, ২০০৯

নং পবম/পরিবেশ-৩/৫/মামলা-০৪/২০০৯/৩৮৫—সরকার এ মর্মে সন্তুষ্ট হয়েছে যে, মানুষের অপরিণামদর্শী এবং অপরিবর্তিত কার্যকলাপের কারণে রাজধানী ঢাকার চতুর্দিকে প্রবাহিত বুড়িগঙ্গা, তুরাগ, বালু ও শীতলক্ষ্যাসহ সংশ্লিষ্ট নদীসমূহের প্রতিবেশ ব্যবস্থা (Ecosystem) সংকটাপন্ন অবস্থায় উপনীত হয়েছে, যার ভবিষ্যতে আরও অবনতি হবার আশংকা রয়েছে।

এ বিষয়ে দায়েরকৃত একটি রীট পিটিশনের (নং ৩৫০৩/২০০৯) রায়ে মহামান্য সুপ্রীম কোর্টের হাইকোর্ট বিভাগ উপরোক্ত নদীসমূহকে প্রতিবেশগত সংকটাপন্ন এলাকা (Ecologically Critical Area) হিসেবে ঘোষণা করার নির্দেশ প্রদান করেছেন।

MoEF made Restriction on:

- hunting,
- Fishing
- all activities that could result in the destruction of floral or faunal habitats,
- activities that could destroy natural characteristics of water and soil
- activities detrimental to fishery
- installation of polluting industrial units, and
- discharge of domestic/ industrial liquid waste.

Offences and penalties

Violations of orders or directions of the DG, MoEF:

- Prohibited actions under section 5 (Ecologically critical areas)
- Offences related to vehicles
- Substances injurious to the environment
- Injury to the ecosystem
- Discharge of excessive environmental pollutant
- Assistance to the Authorized person
- Environmental Clearance Certificate
- Violation of any other provisions of ECA 1995

Punishment: imprisonment (upto 10 years) and fines (upto 10 lakh Taka) or both

Environmental Clearance

- ✓ Environment clearance refers to a permission of the Director General, Department of Environment (DoE) to start up a new industrial unit or project, or extension of the industrial unit. This has to be taken by the respective implementing agency under the **Section- 12 of the Environment Conservation (Amendment) Act, 2010.**

Classification/Category

- Green
- Orange-A
- Orange-B
- Red

**Location clearance
required**

- ✓ Need to **apply to the respective Divisional Administrator of the DoE** in prescribed form (**Form-3** as per Rule-7 of ECR, 1997) with appropriate fees and necessary documents,
- ✓ **May appeal**, if rejected
- ✓ **Must renew the clearance certificate** after a certain period

Categories of Industrial Units: Examples

❑ **Green Category:**

Examples:

Television/radio assembling, book-binding, tea packing, sports goods, laundry without washing

❑ **Orange-A Category:**

Examples:

dairy, poultry, saw mill, printing press, restaurant, cinema hall, dry cleaning

❑ **Orange- B Category:**

Examples:

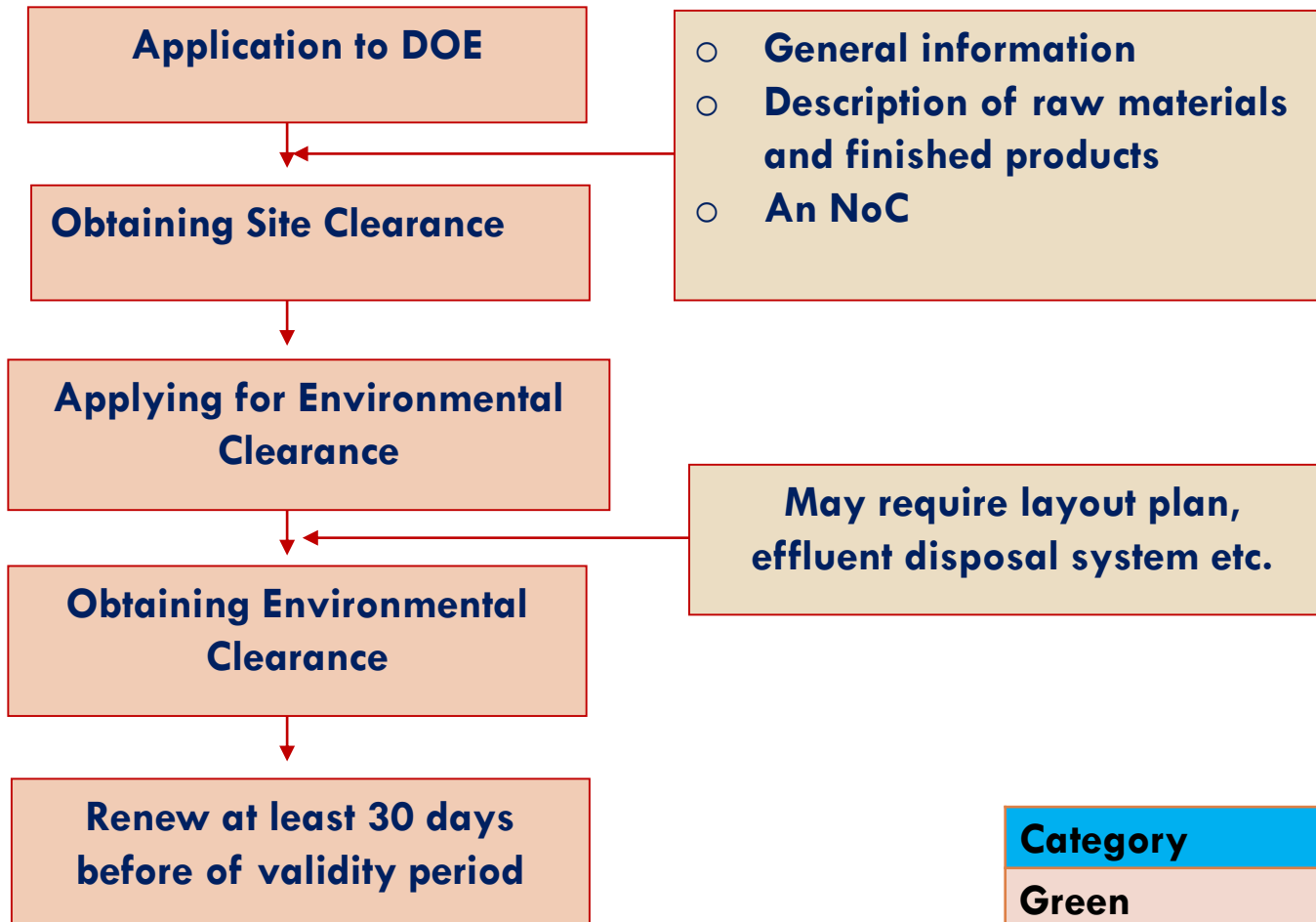
glass factory, edible oil, jute mill, coal tar, hotel, multi-storied apartment, brick field, Ice cream factory

❑ **Red Category:**

Examples:

Textile, tannery, fertilizer factory, power plants, chemical dyes, cement, refinery, paper & pulp, sugar etc.

General Process of Gaining Environmental Clearance



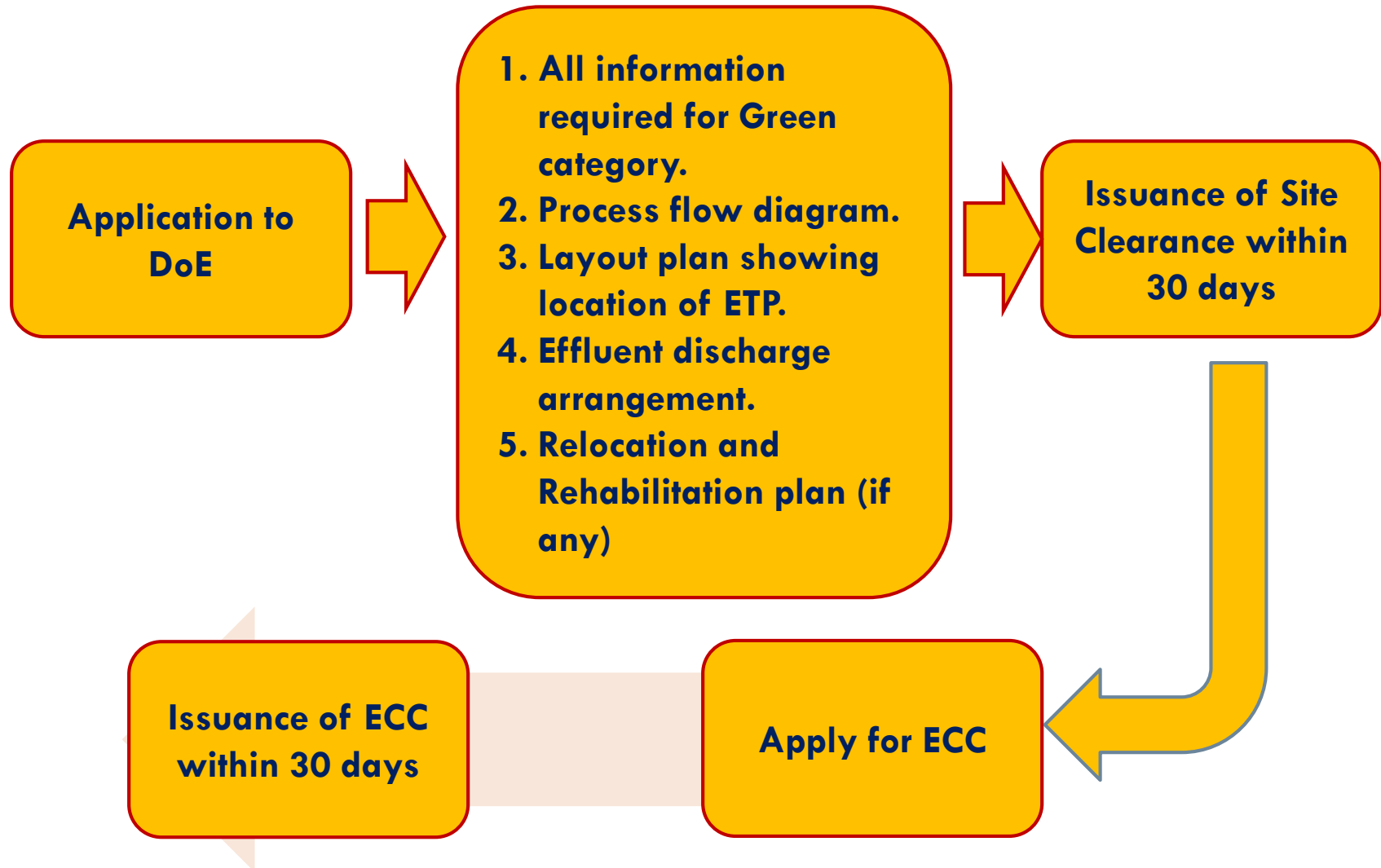
Category	Duration of ECC
Green	3 years
Orange to Red Category	1 Year

Figure-1: General process for gaining ECC.

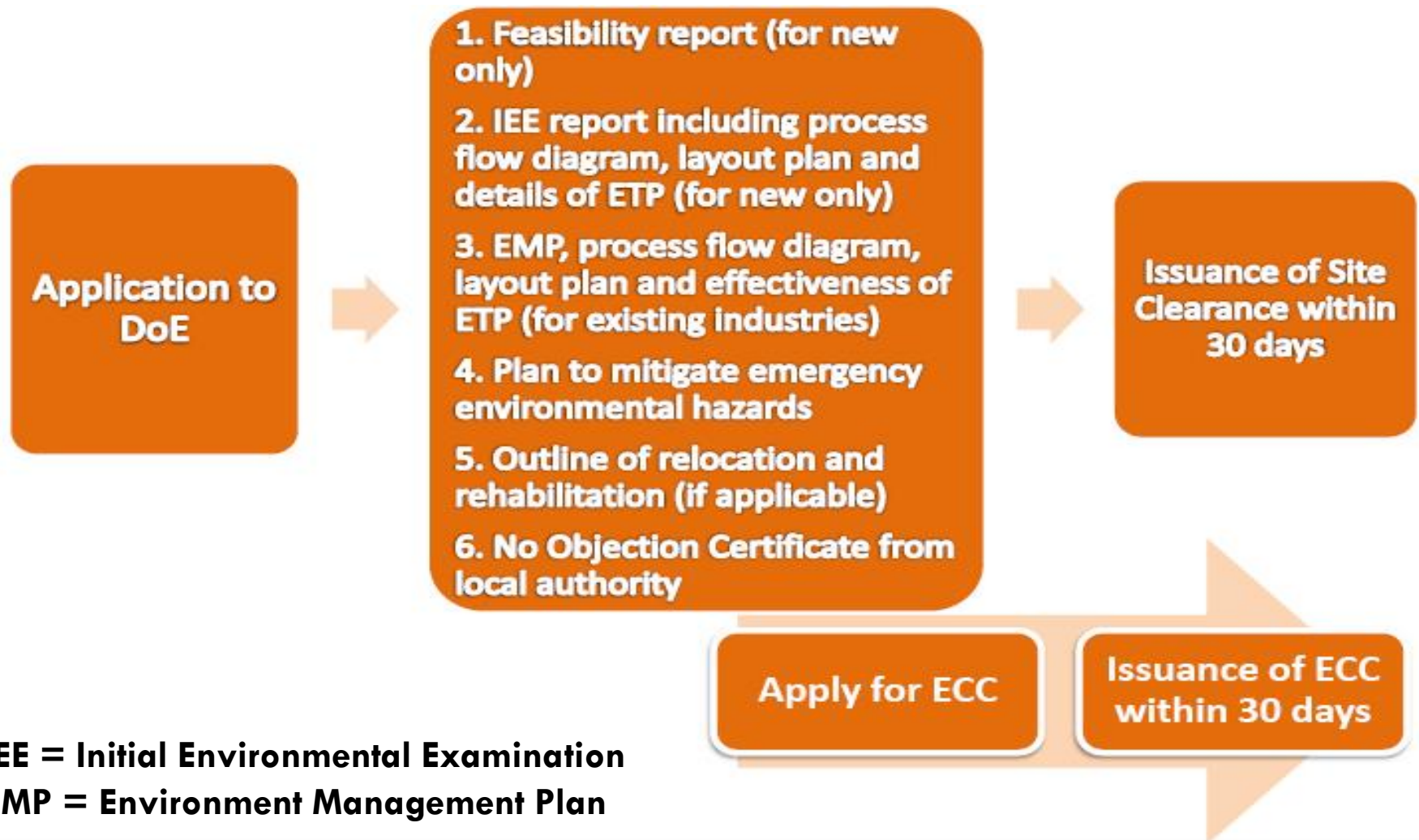
“Green” Category



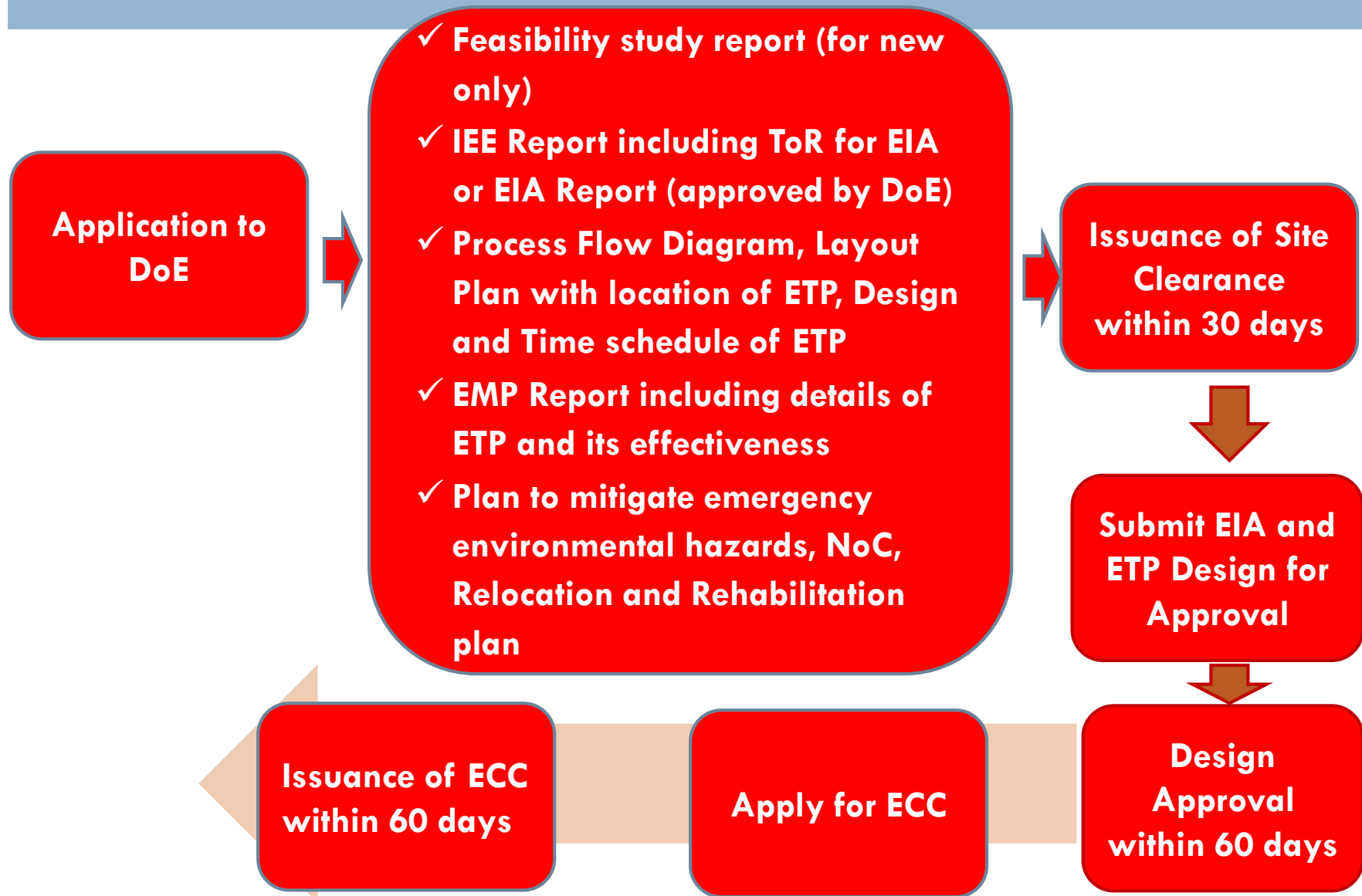
“Orange A” Category

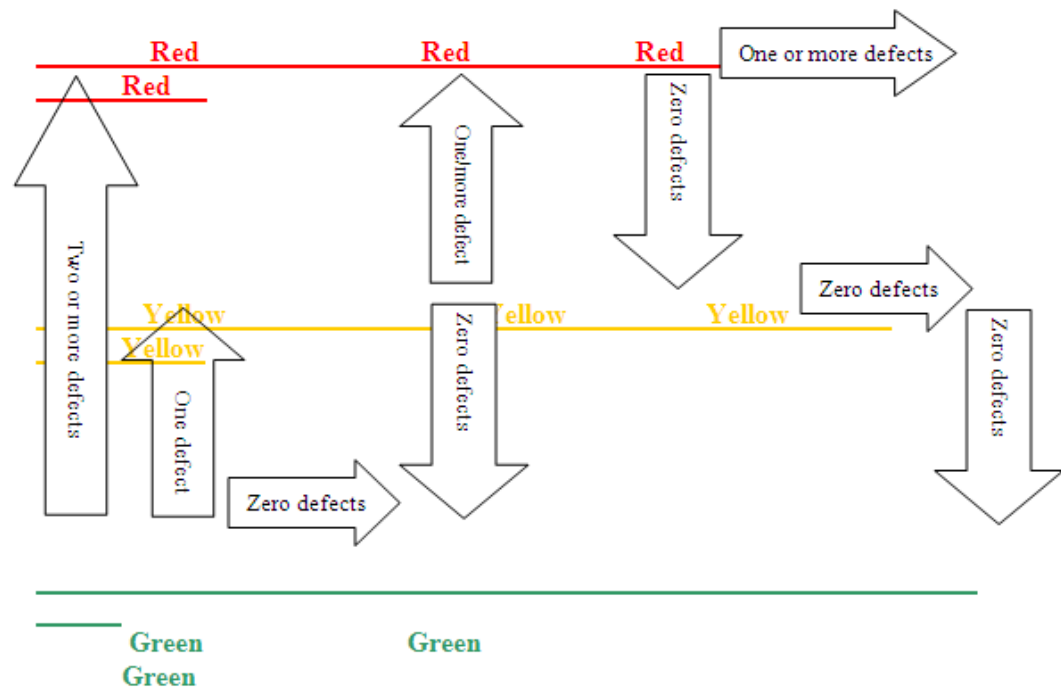


“Orange B” Category



“Red” Category





TRAFFIC LIGHT SYSTEM



Two or more defects-Red



One defect - Yellow



Zero defects - Green

• Actions:

- **Green** Appreciate & ask to continue the operation
- **Yellow** Inform to operator & Production Supervisor to increase the attention & the level of her own inspection
- **Red** Stop the operation. Inform to Operator, Production Supervisor to identify the problem & solve it with the help of Mechanic & Technician.



- The result is marked on the Traffic Light Chart or Daily In-line Audit Sheet.
- In-line Auditor makes the normal random audit route as follows by considering the 3 highest defect making operations / Critical operations on the previous day.

The Environment Action Plans: Bangladesh

1. The Environment Action Plan (NAP), 1992

2 National Environment Management Action Plan (NEMAP), 1995

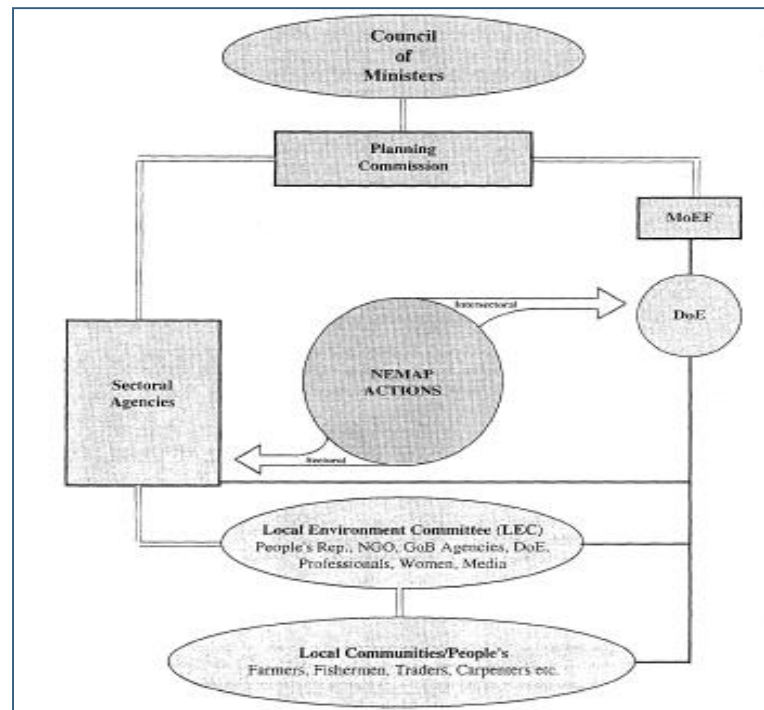


Figure: Proposed Institutional Arrangement for Implementation of NEMAP

ENVIRONMENTAL ETHICS



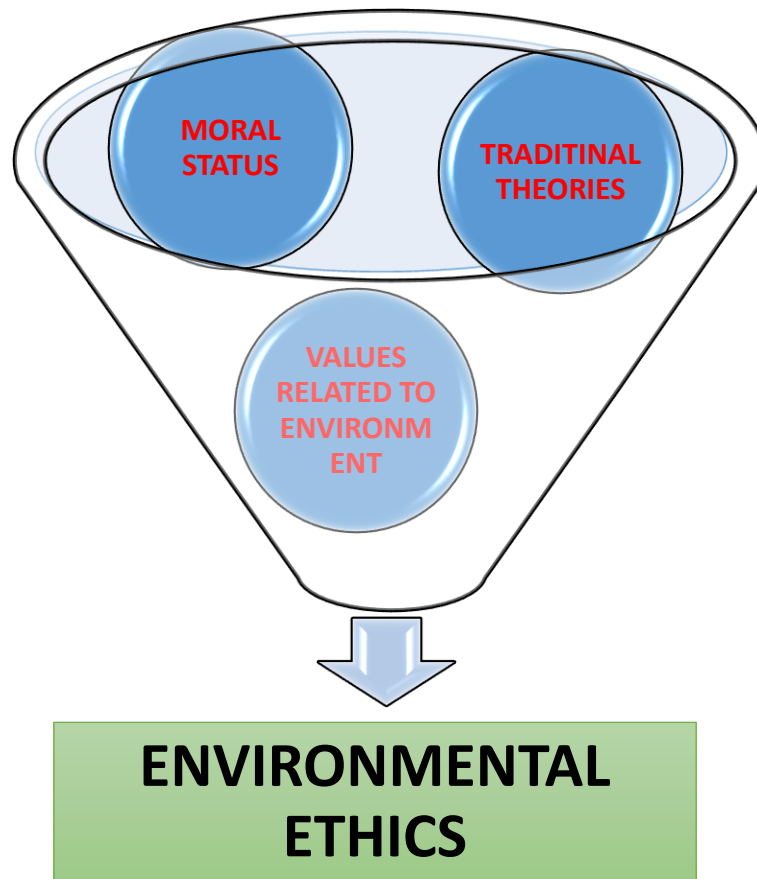
What really matters , what really works, examines morality from an environmental perspective.

ENVIRONMENTAL ETHICS

- **Environmental ethics** is the part of environmental philosophy which considers extending the traditional boundaries of ethics from solely including humans to including the non-human world.



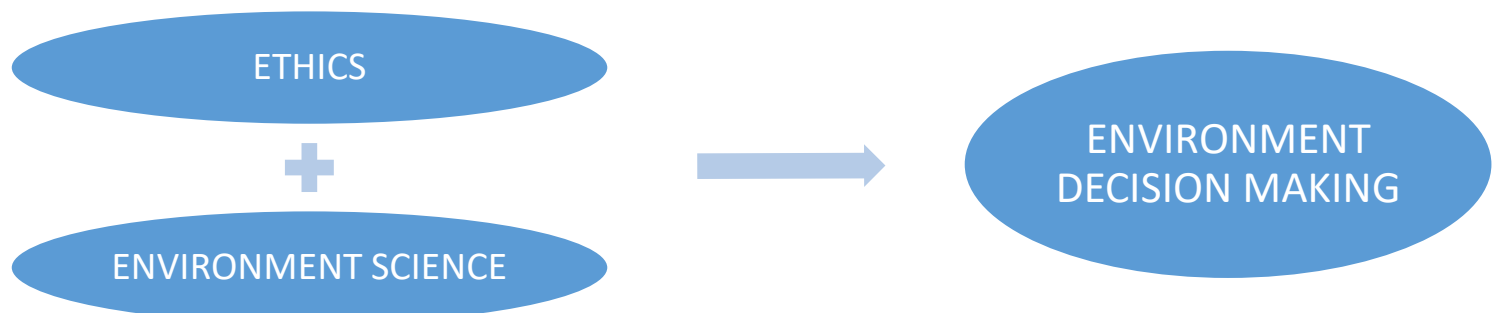
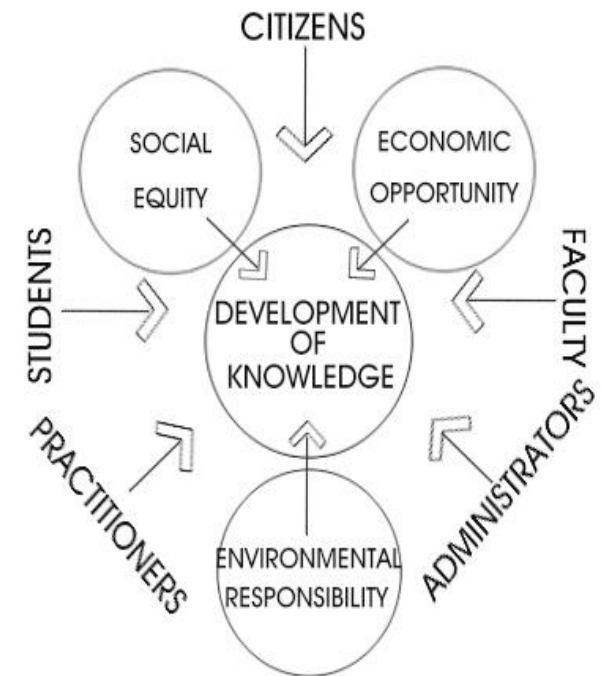
OBJECTIVES & IMPORTANCE OF ETHICS



- Understand how different types of value, namely instrumental and intrinsic, function in relation to the environment
- Distinguish between the following views on the moral status of the environment: anthropocentrism, zoocentrism, and biocentrism
- Explore implications that follow from individualist and holistic approaches to the environment
- Evaluate the merits and shortcomings of traditional moral theories as they account for the environment
- Apply ethical concepts and theories to environmental issues

DEVELOPEMENT OF ETHICS

- **There are many ethical decisions that human beings make with respect to the environment.**
- Should we continue to clear cut forests for the sake of human consumption?
- Why should we continue to propagate our species, and life itself?
- Should we continue to make gasoline powered vehicles?
- What environmental obligations do we need to keep for future generations?
- Is it right for humans to knowingly cause the extinction of a species for the convenience of humanity?
- How should we best use and conserve the space environment to secure and expand life?





Save trees it will Save Us....

THANKS...