

Challenges in the Enforcement of Environmental Laws in Bangladesh: A Social Science Perspective on Policy Effectiveness, Social Equity, and Sustainable Development

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Abstract- Bangladesh has a comprehensive and well-planned legal framework, which is reflected in the Bangladesh Environment Conservation Act, 1995. The main purpose of enacting this Act is to protect the environment from pollution and to ensure the planned and proper use of nature and the natural resources of Bangladesh so that sustainable development can be achieved. This research paper examines the gap between the Environment Court Act, 2010 and its practical implementation. The most direct and important constitutional provision concerning the environment in Bangladesh is Article 18A. However, several other Articles are also significantly related to environmental protection. For example, the Right to Life and Personal Liberty is relevant in this context. Although the term “environment” is not directly mentioned in this Article, the courts of Bangladesh, in environmental cases, have connected the meaning of the right to life with the right to live a meaningful and healthy life in a healthy environment. Article 31, concerning the Right to Protection of Law, provides every person with the right to legal protection and may be relevant when seeking legal remedies against environmental harm. Article 8(2) is also important because Article 18A is included among the Fundamental Principles of State Policy. Although these principles form the basis for the governance of the State, they are generally not directly judicially enforceable. Using the above information and existing literature, this research analyzes institutional weaknesses, resource limitations, overlapping jurisdictions, limited public participation, and socio-economic challenges that hinder effective environmental conservation and governance and contribute to environmental degradation. The findings of the research indicate that weak enforcement of laws disproportionately affects marginalized and vulnerable communities, reinforces social inequality, and hinders progress toward sustainable development. To transform legal provisions into meaningful social outcomes, it is essential to strengthen institutional capacity, increase public awareness, ensure international support, demonstrate

political will, ensure the ability to use the judiciary independently, and reform the judiciary. At the same time, these laws must be freed from political influence.

Keywords: *Environmental Law; Enforcement Challenges; Bangladesh; Social Conditions; Policy Implementation.*

I. INTRODUCTION

At present, environmental degradation is an alarming and risky issue throughout the world. Among the countries facing significant risks, Bangladesh is particularly vulnerable due to problems such as severe air and water pollution, biodiversity loss, and deforestation. In Bangladesh, illegal occupation of rivers and the establishment of industrial factories beside rivers have become serious concerns, as their waste materials severely pollute the rivers. Such negligence and public unawareness are creating highly adverse impacts on the environment. Despite the enactment of more than 200 laws related to environmental protection in Bangladesh, including major statutes such as the Bangladesh Environment Conservation Act (BECA), 1995 and the Environment Court Act, 2010, the country's contribution to the Global Environmental Performance Index remains very low. Environmental law is not merely a document; it is a matter of public rights and a justice-based system that includes the right of people to live. If environmental degradation occurs, it becomes impossible to ensure the proper use of resources and to provide a healthy and normal environment for future generations. It also hinders sustainable development and undermines its principles. The impact of environmental degradation is particularly significant on marginalized and poor communities. At the same time, almost all classes and professions of people in

the country are affected. The effects of pollution pose a threat to people from all levels of society, including workers, businesspeople, and both rich and poor people. Therefore, there is a need to create a proper and disciplined framework and establish institutions that the government will empower through proper governance to regulate and protect the environment and make it suitable for future generations. These issues will provide us with a practical framework through the integration of research in social science, political science, and development. The main focus of this research paper is to explore the key challenges of law enforcement and examine how social equality and sustainable development can be implemented. It argues that deficiencies in institutional capacity, political influence, inadequate public participation, economic crises, and lack of public awareness in Bangladesh hinder both social justice and environmental protection.

II. RESEARCH OBJECTIVES

The primary objectives of this research are as follows:

1. To identify and examine the major barriers to the enforcement of environmental laws in Bangladesh, with particular emphasis on the Bangladesh Environment Conservation Act, 1995 and the Environment Court Act, 2010, and to investigate the underlying causes of these barriers through statistical analysis.
2. To identify all major problems that create obstacles to the effective enforcement of environmental laws, including institutional, legal, economic, social, and political barriers, and to investigate the root causes of environmental degradation by developing an autonomous institution. The research also aims to analyze the social consequences of weak environmental law enforcement and to conduct a statistical analysis of the adverse impacts it may have on people and the natural environment. It will comprehensively analyze political, economic, social, and public-awareness issues and identify the barriers arising from them.
3. To conduct a social analysis of weak environmental law enforcement and identify its underlying causes,

including lack of citizen awareness, financial weakness, legal complexities, interference by influential individuals, political barriers, corruption, and the lack of environmental awareness among students. The research also aims to identify the obstacles these factors create in achieving environmental justice and to find possible solutions.

4. To take all necessary steps to strengthen environmental governance, hold the government accountable on these issues, and provide evidence-based recommendations regarding the existing gaps in environmental protection and sustainable development.

III. LITERATURE REVIEW

Developing countries are highly concerned about environmental issues and provide practical frameworks for achieving the Sustainable Development Goals (SDGs). They are increasingly aware of environmental protection, and citizens can seek institutional support to protect and exercise their rights. This is because their legal and political systems are required to remain accountable to the people. Research shows that many developed countries have strong environmental laws on paper; however, they also suffer from weak institutional capacity, limited monitoring resources, and competing development priorities. One of the major reasons is industrialization and their influence in the international arena, which makes it difficult for international environmental institutions to take proper steps against them. As a result, environmental pollution occurs on a large scale. However, citizens in those countries can exercise their fundamental rights against such institutions and organizations and are often able to seek remedies for violations of their rights. For an underdeveloped country like Bangladesh, however, these issues are highly challenging. The major reasons include economic problems, lack of public awareness, lack of knowledge about environmental laws, and the forced interference of influential individuals. With political support, these problems can sometimes be settled through financial means. Due to the progress of industrialization and competing development priorities, everyone has entered into a competitive stage of development. As a result, there is often

insufficient awareness of the needs of the environment and future generations. Consequently, fundamental rights, environmental rights, and the constitutional provisions relating to the environment are not properly maintained. When legal problems arise, influential individuals may use financial resources to prevent legal action and achieve their own interests. The Bangladesh Environment Conservation Act, 1995 established the Department of Environment (DoE) and provided the Director General with powers to take measures to control pollution. The Act also contains provisions for declaring areas as Ecologically Critical Areas (ECAs) and includes provisions concerning the Polluter Pays Principle. However, due to political and social influence, these legal provisions are not properly enforced, and only a very small amount of compensation or payment is often imposed, which may be considered a misuse of the law. The financial capacity of many people in Bangladesh is limited. Although some people are concerned about environmental issues, they are often unable to file sufficient cases because of financial constraints. The rate of filing environmental cases is therefore very low. Moreover, environmental cases in higher courts are often delayed through the obtaining of stay orders by influential individuals, which delays enforcement measures. From the perspective of social science, literature on justice emphasizes that weak enforcement creates unequal social outcomes. Climate and environmental policies often fail to adequately address distributive and procedural justice, and as a result, certain groups are disproportionately affected. One of the major reasons for this is public unawareness and lack of knowledge about environmental laws. The high levels of air and water pollution in Bangladesh are severely affecting low-income residents. Communities whose livelihoods depend on rivers are particularly badly affected, while the general population also faces environmental problems. In addition, the agricultural community of Bangladesh is affected by environmental degradation and may fail to produce sufficient crops. Bangladesh remains far behind in global environmental rankings. Although the government has enacted environmental laws for the country, these laws are not being properly utilized. One of the major reasons is the lack of accountability, while government and judicial institutions do not always give sufficient attention to environmental

issues. Comparative research indicates that effective environmental governance requires not only strong legal frameworks but also adequate resources, independent institutions, meaningful public participation, and freedom from political influence in environmental matters. Where political influence exists, it should contribute positively to environmental protection. All stakeholders need to remain committed to environmentally sustainable development. These insights are important for examining and analyzing the enforcement challenges in Bangladesh. A special committee may be formed to examine these challenges and create environmental awareness among people throughout the country while informing them about their rights. Such measures can contribute to environmental protection, social equality, and sustainable development.

IV. METHODOLOGY

This chapter is based on data analysis and doctrinal legal review and adopts a qualitative approach. The study will systematically examine environmental laws, particularly the Bangladesh Environment Conservation Act, 1995, including its amendments, and the Environment Court Act, 2010. It will also review scholarly articles, reports, assessments by government agencies, and media analyses to identify the existing gaps and examine how these laws can be effectively utilized for environmental protection. The study will also examine whether the Bangladesh Environment Conservation Act, 1995 and the Environment Court Act, 2010 require reform and whether modern and sustainable mechanisms should be adopted. If any individual or institution engages in activities that cause environmental degradation, the government should take appropriate measures to ensure that such individuals or institutions are brought under the relevant environmental laws of Bangladesh and face proper justice. A timely judicial system should be established so that cases cannot be unnecessarily stayed or delayed. The final judgment of the court should be effectively implemented, and a proper investigation should be conducted to establish the truth and facts of each incident accurately. The environmental laws should be amended, where necessary, by considering contemporary circumstances so that offenders cannot escape

responsibility for their harmful activities. Financial compensation should also be sufficient to ensure accountability and to discourage other individuals or institutions from engaging in similar activities. Previous cases and punishments should create an awareness that encourages individuals and institutions to comply properly with environmental laws. The analytical approach will combine doctrinal legal analysis with a social science perspective focusing on institutional capacity, power relations, the right to access justice, and distributive outcomes. This approach will help examine the contextual, enforcement-related, functional, and social challenges associated with environmental law in Bangladesh. The sources will be selected based on their relevance to the research context, enforcement challenges, practical performance, and social significance. Recurring themes and patterns found in the literature and relevant materials will be analyzed thematically and used to identify the major challenges and possible measures for reducing environmental pollution. The study will also emphasize the need to make people of Bangladesh aware that environmental protection is connected with their human rights and constitutional rights. Government and private institutions should discuss with the public how these rights can be exercised in real life and should take steps to increase public awareness. Environmental pollution and environmental protection should also be discussed in educational institutions so that students become aware of environmental issues from an early stage and become capable of exercising their constitutional rights.

V. LIMITATIONS

This research is limited by its reliance solely on secondary sources. It was not possible to collect primary data through interviews with officials of the Department of Environment, judges, lawyers, or affected communities. Due to the absence of field-level interviews, the findings are influenced by existing published analyses rather than field-level research. We have attempted to review the literature based on the information obtained from our surrounding national and international media and have tried to present logical reasons for each issue. Information about cases in courts is not

consistently available to the public, which somewhat limits the accuracy of the numerical data. The main reason is that most people in Bangladesh are not aware of environmental laws and have limited knowledge about the environmental degradation taking place in Bangladesh. In many cases, it can be seen that industrialization is expanding rapidly in densely populated areas, which is increasing health risks for people and causing significant damage to the environment. For example, deforestation has increased compared to the past. Due to the establishment of various industries in riverbank areas, aquatic life and the surrounding environment are being severely affected, and various species of aquatic and terrestrial animals are becoming extinct. However, the government is not taking sufficient action regarding these issues. Even when it attempts to take action, various influential individuals try to protect themselves from legal consequences by creating legal complications. As a result, reducing environmental pollution has become a very challenging issue in Bangladesh. Some dishonest lawyers in Bangladesh show a lack of responsibility regarding environmental issues in the country. In exchange for money and for the purpose of achieving personal interests, they disregard environmental protection issues and the Polluter Pays Principle. They also do not give these issues the importance they deserve.

VI. FINDINGS AND DISCUSSION

1. Institutional and Resource Limitations

A central issue is that the Department of Environment suffers from serious capacity limitations. The main reason is that the government's monitoring of environmental laws is very limited. Various large industrial and commercial institutions in the country use their influence and power to control these departments, while some officials and employees of the department are involved in corruption. Research indicates that, compared to the scale of pollution in industrial and urban areas, there are insufficient personnel and organizations, as well as inadequate financial and technical resources. Due to insufficient budget allocation, continuous monitoring in major cities is not properly conducted. As a result, it is not possible to inspect all environmental issues properly, which causes serious environmental damage and

makes it very difficult to protect the environment from pollution. In addition, since environmental issues outside major cities are not adequately monitored, taking legal action on these matters becomes extremely difficult. As a result, the enforcement of environmental laws becomes ineffective and is often weak.

2. Procedural and Access to Justice Barriers

Although the Environment Court Act, 2010 provided for environmental courts in every district, currently only a very limited number of courts in major cities are performing these functions. In addition, corruption creates further obstacles to these activities. Due to procedural requirements, access to the courts is very limited. Many cases cannot proceed without a formal report from an inspector of the Department of Environment. This can be considered one of the limitations of the law. If cases could be directly presented before the Environment Court, it would be possible to obtain remedies to a greater extent. The requirement of forming a group also reduces the ability of citizens to seek direct remedies. The government should conduct field-level activities on its own initiative and introduce new provisions into environmental laws for better environmental protection. For example, an autonomous institution could be placed under the supervision of the court and given the authority to exercise judicial power over any offence related to environmental pollution. The Department of Environment, local government, Forest Department, and other agencies should be brought under accountability. Their activities should be submitted to the court through such an institution in written, video, or electronic document form. This would ensure proper accountability and prevent overlapping responsibilities, confusion, and the opportunity for one institution to blame another, which could weaken the enforcement process.

3. Political and Economic Limitations

Enforcement is often hindered by political and economic pressure. One of the main reasons is the tendency of officials and employees to engage in corruption. Industrial organizations that generate revenue often oppose environmental regulations because such regulations may significantly affect their ability to earn profits. Officials often give priority to

short-term financial growth over long-term environmental protection. Influential individuals may also exert pressure in this regard. Through corruption and the use of influence, regulatory credibility is further weakened. Reports indicate that when orders are issued under the Polluter Pays Principle, the amount of compensation collected is often very low due to appeals and delays. This creates a culture of impunity among powerful polluters. As a result, influential industrialists use appeals to pay a very small amount of compensation

compared to the amount they are supposed to pay and continue the same pollution again. This has currently become a system.

4. Impact on Social Equality and Environmental Justice

The social consequences of weak environmental law enforcement are serious. High levels of air pollution, polluted water bodies, and limited access to environmental resources disproportionately affect low-income communities, who often have no means to move elsewhere. The movement of old and unfit vehicles on roads is causing widespread pollution. The authorities are not adequately monitoring these vehicles, as a result of which vehicle owners and associations continue to cause air pollution without considering it a serious offence. Due to the financial difficulties of the people of Bangladesh, they are often unable to take action regarding these issues. As a result, addressing these environmental problems becomes very difficult, and these factors accelerate environmental injustice.

VII. OVERALL FINDINGS

Overall, although Bangladesh has a planned and organized environmental legal framework, the implementation of these legal measures has become extremely difficult due to various challenges. These failures do not only affect the environment; they also pose serious threats to people and future generations.

VIII. CONCLUSION

This research paper examines the existing challenges in the enforcement of environmental laws in

Bangladesh from the perspective of social science. Although the Bangladesh Environment Conservation Act, 1995 and the Environment Court Act, 2010 provide strong formal provisions for environmental protection, they are seriously affected by capacity limitations, procedural barriers, overlapping jurisdictions, and economic pressures. As a result, the implementation gap is not being fully addressed, and environmental pollution is increasing day by day. As a consequence, the general public is facing various forms of harm. To address these problems, the government, various NGOs, lawyers' associations, and civil society of the country must take a strong position against these issues. If this cannot be done, environmental degradation will continue to increase day by day. To address these challenges, a multifaceted approach must be adopted. If these measures are taken, the human and technological capacities of the Department of Environment can be properly reviewed and improved. Along with addressing these challenges, a comprehensive approach is necessary so that whenever environmental pollution occurs, information about it can reach the relevant authorities.

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