

# **Human Rights Based Approach towards Global Environment Protection: a Comprehensive Study of Bangladesh**

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**Abstract:** The significance of introducing a credible protection of the worldwide environment has recently become a global necessity. The national and international communities are trying to carry out an in-depth study of various practical, definite and effective solutions for the emerging global environmental threat which has turned out to be hazardous as they are elevating with time. Although the present development towards environmental protection are based on public regulations regarding human rights approaches, yet a new human rights approach has come to light which is supposed to have association with the environmental protection as it amalgamates an individual's right to an indisputable rank of environment. The canonical global system of human rights guarantees have been progressively utilised as an effectual tool for the complete protection of environment. This paper attempts to demystify the connection between the human rights and the environmental protection as per the existing national and international mechanisms as well as to scrutinise how these procedures are dealt within Bangladesh.

**Keywords:** Environment, Human Rights, Sustainable Development, Public Interest Litigation

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## **I. INTRODUCTION:**

The contemporary international environment law is a fragment of Public International Law which has now become a rapidly emerging sector of law. It is rudimentarily positioning the legal standards to improvise diversified global environmental issues and comprises of a disparate framework of law for the environmental protection. The protection of environment has become essential because of the misuse of environment for fulfilling the greed of human being by the increasing commercialisation around us and it can only be controlled by enforcing appropriate and adequate legislation. Thus, the need to ensure the concerned law for environmental protection is paramount for preserving and attaining the enhancement of environment. The exaltation and preservation of human rights is one of the vital functions of the state and hence the right to healthy environment should be as significant as the predominant human rights such as the right to life, right to healthcare, food, housing and clothing recognising the disintegration of natural environment. To flourish the personality development as well as comfort of human beings, human rights play the material role and relevantly healthy environment is must for assurance to such a personality development. Nobody can attain his objective without hygienic good and that is why there is a deep cohesion between Environment and Human Rights.

The environmental protection has been an alarming incident in Bangladesh and as like other thriving nations. Bangladesh has recently conceded the urgent demand of uplifting environment on top of all agendas. The comprehensive study on environmental problems in Bangladesh portrays the anthropogenic involvement in the natural and lucrative chain induces several perilous environmental issues such as air pollution, water pollution, land degradation, municipal and industrial pollution, deforestation, etc (Razzaque, 2002 pg.101). The supreme reason behind the acceleration of these issues is nothing but the constant thrust for dispatched industrialisation, strain of increasing population and urbanisation (Noman, 2010 pg.73). Although the current administrative and institutional framework imposed in Bangladesh is not enough efficient and well-equipped to resolve these growing environmental issues. The long-established judicial system can barely offer pertinent panacea for environmental afflictions and substantial justice.

### **Intercommunion between Environmental Deterioration and Human Rights:**

An environment which is clean and healthy serves as a part and parcel for a normal way of life securing the present and future of every generation. People urge that their mediums of breathing, drinking and eating is absolutely free of pollution and their desire for a world which is pollution free has turned out to be a basic need or eventually a right of every living being. On the other hand, Human rights is the concept which comprises of all the rights that are considered universal and are meant for every individual in the globe, no matter what is their religion, nationality, age, gender identity, ethnicity or any other political beliefs. A balanced and healthy natural system is significant for carrying out a safe and secured life on earth (Ojha, 2013 pg.42). It is our foremost duty as human being to preserve the real value of nature for both the present and future generation. Human rights and protection of environment are interrelated, so as to have a clean, safe, and healthy environment is significant for enjoying human rights which also incorporates the right to a healthy environment. Despite of having several legislations, the effectiveness of these laws is barely seen. It is practically impossible to hold efficacy in the legislation without a clear conceptual and analytical structure for protecting environment otherwise policy improvement will be severely hampered leading towards violation of the human rights. These two distinct concepts, Human rights and Environmental law are conventionally treated as the independent domains of rights. It was during the end of the 20th century that the perception of promoting the protection of environment emerged by fitting it in the skeleton of human rights which is now mightily addressed as a vital element of international law and practice. Human rights and environmental protection are interdependent and interconnected to each other in order to gain the highest quality and healthy environment to live a life which ensures right to life considering all the necessary measures to ensure the right to a healthy environment. But a lack of effective legal measures in the enforcement of environmental laws in Bangladesh worsens the current condition encouraging general people in violating the environmental laws.

At present there are three existing approaches concerning the link between human rights and environmental protection (Pathak, 2014 pg.18). The first approach states that the environmental protection is reported as a feasible way of attaining the standards of human rights. Here, the key point is to achieve the human rights through environmental law. The second approach proclaims that the human rights protection is a potent way to reach the goals of protecting and preserving environment. Here, the sole focus is on the prevailing human rights as a way to satisfy the environmental protection. The third approach deals with denying the fact that “there is a formal connection between human rights and environmental protection”. This approach states that there is no basic connection termed as an ‘environmental human right’. It claims that after the 1972 Stockholm conference, the international law has extensively developed and contributed towards the environmental protection without the need of any additional human right for environment (Mia, 2014 pg.59).

There are several views opposing to the third approach as it is believed that there is a deep connection between the human rights and the environmental law which can present the society with a fruitful outcome in the means of a human-centric-environment. In the favour of this context, Diego Quiroz (2010) stated that by embracing such an approach which combines the essence of human rights and environmental law would enhance the competency by improving the outcomes of environment. Philippe Cullet (1995) also supported this specific relation stated in the first two approaches by saying that both human rights and environmental law have entangled purpose for better surroundings in this planet. He also added that, protecting and preserving environment has become an integral part to enjoy the rights to health, food and life involving an adequate social life. Furthermore, as per Paula Spieler (2010), human rights and environmental protection has become the two major concerns in this modern international jurisdiction.

The preservation of the environment is an important issue and it should be done by each and every of us living in the society. Every individual of the nation should be more vigilant about ensuring the safety of his environment. We need to guard our environment for a better living and to reach to this end we should protect all the elements of the environment keeping them free from pollution and by keeping our surroundings clean otherwise it may have an adverse effect on the environment. It should be a global approach towards defining an eco-friendly environment which also takes care of the human rights giving a potent enforcement of all the legislations declared in the favour of a well-established livelihood.

### **International Human Rights Instruments:**

It is quite unfortunate to note that there is no precise international human rights instrument describing about the right to healthy environment. Article 7 of the ICESCR mentions the provision of environment regarding hygiene and Convention on the Rights of the Child (CRC) covers the facts of environment discussed in issues relating disease and malnutrition. Article 24, paragraph 2 (c) of the CRC imposes liability of the State to ensure proper realization of the child rights free from the danger of environmental hazards. However regional human rights instrument such as African Charter on Human and People’s Rights in its Article 24 describes that “all people have the right to a generally satisfactory environment favourable for their development”. But most of the international human rights instruments do not make direct guideline to the environment, healthy environment as vital prerequisites for the enjoyment of human rights mainly the right to life (Article 3 of

UDHR; Article 6(1) ICCPR; Article 6 CRC) and health (Article 25(1) of UDHR; Article 12(1) ICESCR; Article 24 CRC and Article 12 CEDAW).

Basically the material portion of international environmental law is still falls under the category of soft law. In 1990 the United Nations General Assembly in its resolution observed the necessity of environmental protection for achieving the full enjoyment of human rights by all (UNGA, 1990, Res. 45/94.). Accordingly the Rio Declaration on Environment and Development, 1992 annexed the concept of sustainable development and rights of healthy environment for the future generation (A/Conf.151/5/rev.1, 1992). In 2002 a Joint Expert Seminar was arranged by the UN Commission on Human Rights inviting the High Commissioner for Human Rights and the Executive Director of UNEP which determined that both national and international approaches represent the rising interrelationship between the theory of human rights and environmental safeguard (Human Rights and the Environment, 2002). In 2009 a report was concluded by the Office of the UN High Commissioner for Human Rights which determined that climate change threatened the enjoyment of human rights in a broad range (A/HRC/10/61, 2009).

In 1994, in the case of *Lopez-Ostra vs. Spain*, the European Court made a milestone decision by opening the door for the safeguard of human rights against all sorts of environmental pollutions. Similarly in *Diego Cali & FigliSrl vs. ServiziEcologici Porto Di GenovaSpa (SEPG)*, the European Court of Justice declared that the preclusion of pollution saves the interests of not only the present generation but also future (Giorgetta, 2010).

### **Rights relating to healthy and sound environment:**

The Constitution of Bangladesh does not pledge any immediate environmental protection and neither has it had the basic rights nor the state approaches regarding the right to a healthy living in a sound environment. The Article 31 and the Article 32 of the constitution distinctly states that every citizen has the right to protection from any adverse action to the life, body, freedom, prestige or belongings unless these are taken according to the law.

It further affirmed that the residents and the citizens of Bangladesh have the inviolable right to be treated as per the law but reimbursement is must if any of these rights is seized from any citizen unnecessarily with the motive to exploit them. These two articles of the constitution jointly consolidate the conservation of the right to life. Subsequently the question that comes up in mind is “Whether the right to life comprises of the right to healthy environment?” and will this right be capable enough to brace the expansion of the meaningful purpose of life?

In two of the famous cases concerning environmental rights, the Appellate division and the High Court Division of the Supreme Court of Bangladesh had embraced a comprehensive approach. In the case of *Dr. Mohiuddin Farooque vs. Bangladesh & others (1996)* at Appellate Division, it has been proposed that article 31 and 32 of the Constitution of Bangladesh protect right to life and it is considerable as the basic right of every citizen. It is barely possible for a human to enjoy his life without proper sanitation, environmental balance, as well as air and water pollution free environment. Thus this case encompasses within the scope of the preservation and protection of the environment and any omission to it will be the violation of the protection of “Right to life”. Similarly for the same case of *Dr. Mohiuddin Farooque vs. Bangladesh & others* in the High Court Division, it was affirmed that, right to fresh air and water as well as a circumstance to expect normal perpetuity of life is included in this right. It is important to address that both these cases were the Litigation for the protection of Public Interest commonly known as PIL. In accordance to the laws, right to healthy environment has become a crucial part of human life as like any other fundamental rights. Though this right to healthy environment is not yet considered to be of similar importance as the basic rights do because of the strategically pitfalls of our judiciary system which has been disastrously the barriers in the way to imposition of these rights. The Supreme Court of Bangladesh had no case delineated on environmental problems up till 1994 and after several Public Interest Litigation were registered for the preservation of environment, pollution and community health etc yet they prevailed unresolved. The canvas of “locus standi” remained ill-defined in all cases. In January 1994, the foremost case on this issue was filed by BELA whose petitioner was firmly rejected on the ground on the base that it had no position by the HCD. FAP case was one of the most famous cases and even the legitimacy of the framework of the large FAP was challenged as it was the first case where the concerned question on the right to healthy environment came into picture. The petitioner of BELA then submitted an appeal to the Appellate Division to reach a conclusion on the “locus standi” in PIL and the court finally granted leave to decide accordingly.

Eventually in the month of July 1994, this inquisition has been resolved by the Appellate division possessing that every citizen has the right to appear in court in case anyone associated with the hardship of typical infringement of basic rights. After the development of locus standi in 1996, few of the PIEL/PIL has been discarded by the HCD which were not only brought by BELA but also other public assisted people along with ASK, BLAST, BNWLA, Bangladesh Mohila Ainjibi Samiti and Bangladesh Mohila Porishod for the rectification of the atrocity of the impoverished division of the people.

Finally through the judgement of these Public Interest Environmental Litigations, the right to healthy environment is considered to be of the similar status as the fundamental rights (Noman, 2010 pg. 75). Now even Bangladesh equivalently to the other developing nations can impose this right through lawful acts and specifically through PIL.

#### **Legal Frameworks concerning Environmental issues:**

The People's Republic of Bangladesh has adopted necessary legal measures for the protection and preservation of its environment as a part of her ecological duties. The Department of Environment is the fruitful outcome of an agile participation of Bangladesh in the development procedure of conserving global implementation of the Stockholm mandate. It was established in accordance to the introductory Environmental Pollution Control Ordinance proclaimed in 1977, which later influenced the Environmental Pollution Control Board subsequently to be succeeded as the department of Environment. Environmental laws prevailed in Bangladesh since the 19th century yet they continued to be unenforced and very less number of people as well as public agencies knew about their practical existence. In spite of having around 200 laws excluding rules and bylaws been recognised by BELA, the laws remained unenforced and failed to convey the visualisation of the regulation in practical life. There are many relating laws which are neither properly known to everyone nor do they have been properly explored, utilised and even rarely proposed (Mia, 2014 pg.60).

From the year 1989 to 2000, a revolutionary change has been seen in the legislation of Bangladesh. The Ministry of Environment and Forest was rooted in the year 1989 to mark all the environmental affairs of Bangladesh. Bangladesh Environment Conservation Act 1995 was enacted after the government of Bangladesh defined an approach towards national preservation by affiliating the 1992's policy of national environment with the revision of the old law. This Conservation Act as well as the rules which were passed in addition to the Act was modified in the year 2000 and 2002 to incorporate vital provisions and to adapt with the varying situations. This department of Environment was recognised and NEMAP which is the National Environment Management Action Plan has also been resolved by the Ministry in collaboration with a large number of NGOs and other organisations (Islam, 2002 pg.02).

A throng of laws was enacted along with the legislation "Environment Court Act" in 2000 to create a separate forum with the vision to organise several environmental courts in the six divisions of Bangladesh. The several legislations aforementioned are as follows:

Environmental Pollution Control Ordinance 1977, Territorial Water and Maritime Zones Act 1905, Agricultural Pesticides Ordinance 1971, Marine Fisheries Ordinance, Forest Act, Brick Burning Act 1989, Pure Food Ordinance 1959, the Paurashava Ordinance 1977, the Mines Act 1924, Agricultural Pesticides Ordinance 1971 etc.

We can perceive that there are numerous legislations present in Bangladesh yet they are unenforced and at times misused. Moreover, they are even barely used in accord to their objectives and to mention Institutional set, conventional system, policy legislation and community values are the several inconsistent components of the existing regulatory system.

#### **Subsisting Measures of Environmental Justice:**

##### **Environmental Court:**

All the cases on the preservation of environmental pollution would be filed and discarded in the environment courts with the implementation of Environmental Conservation Act. The Environmental Conservation Act 2010 has recently passed which yields in laying out these courts in every divisional headquarters. Even though if there are several other legal arrangements to proceed with any environmental subject matters, any concerned case about such context can be filed in this court as well (Jona, 2004 pg.396). Moreover, any legal proceedings established under the environmental law must be actuated at this court for any sort of trial and reimbursement for any infringement occurred.

##### **Authority and Jurisdiction of Environmental Court:**

The Environment Court comprises of both criminal as well as civil province and it follows the "Civil Procedure 1908" provision of code while dealing with the reimbursement matters involved. It can direct any individual to take deterrent and remedial actions for the proceeding on account of an offence or an instance which can be detrimental to the environment. Inspection is needed to enforce the order and this may also need a report from an authorised body or the Director General and a time may be fixed to implement this whole procedure. To consider the status quo, it also has the authority to publish any provisional orders or improvised rulings. The provision of the code of Criminal Procedure 1898 shall be issued when any complaint is lodged about a crime and the court shall serve as a criminal court. All the trials and disposal of such crimes must be under this provision of the court as it has the substantial power for pursuance of environmental crimes. The court has the ultimate power to punish the lawbreaker and enforce incarceration and penalty on him for violating

the laws (Noman, 2010 pg.78). The court also has the authority to pass order for any indemnity because of continuing violations of environmental law and harming the environment because of any of the person's wrong activities.

Along with these, the court also had the aptitude to direct any person to not get engaged with any act which initiates an offence which is against the environment. The case shall be dismissed after an approximate time limit and the trial of the environmental court should reach to a conclusion within 180 days. In any case, if the case is not dissolved in this prescribed time then the Environment Court should notify the Environmental Appellate Court stating the reasons within the last 15 days of the end of the time and dissolve the case within the following 90 days. By any chance if the case is not dismissed after this certain period, the lawyer can appeal to the Environment Appellate Court within 15 days to shift this case to the other Environment Court. If the case is eventually shifted to the other court, this must be settled within next 90 days.

On these terms, if the case still remains unresolved then the Environment Appellate court will take strict measures against the one who is liable for his delay and will commend the appropriate authority to carry out legal action against him as well as this authority is asked to send a report within 60 days to the Environment Appellate Court After getting this recommendation. Few special magistrates can be assigned under the Environment Court Act 2010 who can subject the environmental crimes where the retribution cannot surpass 5 years of incarceration or a fine of amount 5 lacs.

The breaching of any order of the court initiates a siled offence and a penalty of 5 lacs or penalising for 5 years of imprisonment can be enforced by the court.

Any faction affronted by the decree of the Environment Courts relating to any suit may plead to the Environment Appellate Court and the necessity provisions have been made in this court to hear such pleas from the Environment Courts when needed.

#### **Drawbacks of the court:**

- There is a lack of proper and special knowledge on environmental law or science of the judges of the environmental court whereas it is significant to have expert knowledge on this domain for verifying the level of pollution which can represent breach of environmental law (Faruque, 2007). This court does not have the power "suo moto" to mark up and inspect the subject of environmental pollution.
- Despite of having several NGOs in Bangladesh who are expert in the field of environment, they are not granted to be in the environmental court. Their presence in the court can greatly enhance the efficacy of the court.
- There are less number of logical assistance as well as expertise and resources in the Department of Environment.

## **II. PUBLIC INTEREST LITIGATION:**

PIL is one of the most recent developments of Bangladesh judicial system which brings a remarkable change in its conventional judiciary structure and is being regularly used as a legal strategical tool to regulate environmental rights in Bangladesh. It is established before the High Court Division as a decree which confronts several actions of the individuals or public bodies engaged in breaching the environmental law.

In the earlier discussions we see that, the people who were not directly affected by the violation of law had no opportunity to confront the court to seek any remedy on behalf of others who were personally affected. It had become a general rule that no one except the personally affected was supposed to be able to go before the court and no other proxies of the victim can claim the defiance of a law. Subsequently we have seen that the HCD has served in resolving the question of "locus standi" and has changed the field of vision. Eventually PIL is now used as a potent instrument to authorise the deteriorating acts of environment in Bangladesh and to serve as a powerful tool for various aspects (Noman, 2010 pg.82). PIL has assisted in filling up the gaps of the legal jurisdiction of Bangladesh comprising of weak and ambiguous laws which are arduous to impose in real life as like any other developing nations.

In the addition, firstly after the Environment Conservation Act 1995 passed, it was extensively anticipated that the proper enforcement of the Environment Court in Bangladesh will prevent the probable lawbreakers by allowing effective imposition of environmental jurisdiction. But this court has failed to deliver the expected goals because of its integrated weakness. PIEL worked as an effective alternative to environmental adherence in absence of a potent Environment Court. Secondly, PIEL is also prominent amongst the NGOs or public interest groups for its ability of defending the unified basic rights whereas in other case NGOs are not even granted to have access to the courts and its vital information regarding the subject matter. Throughout the years, NGOs like BELA has successfully filed many PIEL against the degeneration of environment and had received several judgements in favour of almost a number of cases.

Thirdly, PIEL has become the basic tool to get environmental justice as it diligently footholds the consistency in conducting the jurisdiction between law and policy making as well as the institutional framework

which exhorts law with morality. At times, when the government itself acts as the violator of environmental law, instead of promoting the preservation of environment then through PIL it is possible to prosecute the government and compelling the government to deteriorate the environment (Mia, 2014 pg.62).

Apart from these two approaches of environmental justice, there is other arrangement of prototypical suit in the Code of Civil Procedure 1908, through which a representative on behalf of the people affected can move a plead to the court to corroborate their legal rights.

But this fails in providing appropriate measures against harming the environment as the legal proceedings involved are time consuming due to the overload taken at the lower courts as well as of the complicated procedures associated with it.

### **III. RECOMMENDATIONS:**

#### **1. Applications of International Law in National legislation:**

The application of International concept of environment in the national ground may bring in a major revolution in the field of environment in Bangladesh. If these principles are granted to be implemented in the national court, then this will drastically change the norm of the legal structure and aid in shaping future prosecution. Eventually through the National Court's decision in boosting these international applications can help to involve the international standards into national law, consequently adding up any required corrections in the legislature.

#### **2. Legal Aid:**

There is no legal assistance in Bangladesh in regard to the funding of petitions filed on any environmental problems. As such cases are expensive and general people do not have this huge financial support to move forward with the cases, so in this scenario if the Legal Assistance Act 2000 of Bangladesh provides and deals with the concerned environmental matters as well as the NGOs are involved to keep a record of all lawyers to deliver public legal assistance at least for the initial stage then only this major issue can be resolved. Since this is not a subjective matter but a public issue, an individual will not willingly spend such a big amount and the hassle to attain a solution for all and his mother nature. Therefore to boost the interest of filing PIEL against the wrongdoers of environment, necessary measures must be taken to ensure the need of financial assistance while dealing with these cases and support the humanity by saving the right to healthy environment.

#### **3. Participation of common people in decision making mechanism:**

The implementation of public participation in significant matters is rarely seen and in reality this public do not get a real opportunity to intervene in the decision making procedure or to be able to guide and recommend actions which can ultimately affect their own livelihood. The execution of such public interest in the sensitive matters must not only be a void promise but this should be carefully administered as early as possible to come up with better performance and a guaranteed change in the environment.

#### **4. Access to information:**

It is very much important to have the notable chance to every citizen to have the access to information regarding environment which is beneficial for the public and it also becomes easier for the general people to give the crucial support in any decision making procedure in the favour of the mother nature. The state should incentivise and make it easier for the public to widely retrieve information to ensure public awareness. Moreover, the state should also pay attention to the concept of "State on Environment" and should bring out regular reports on it and several necessary environmental issues.

#### **5. Modernising the role of judiciary:**

A dedicated and influential legal framework is important for setting the environmental controversies. The judges should more actively cooperate in promulgating environmental equity in Bangladesh and for this they need proper training on environmental law and its constitution. The financial assistance can be given to them for research and guiding them with proper judiciary instructions on environmental laws. In addition to this, the NGOs should be encouraged to get involved in the policy making and also by engaging new judges in the High Court are appraised of environment making it an easier option to file PIEL which will eventually boost interest in the general people in the near future.

#### **6. Creating Public Awareness:**

Having the basic knowledge on laws and rights, specifically those concerned to environment as well as their duties should be made compulsory for every citizen. The ignorance of public awareness has become a major problem which is not yet settled. Several education programs should be conducted to aware people on such vital rights and laws which can highly influence their way of living. Such programs can contribute in the advancement of the courts.

#### **7. Constitutional Recognition:**

The constitution of Bangladesh should include the right to a safe and healthy environment which will play a major role in promoting substantial environmental protection and can provide a firm grip on the concept of the environment.

#### **8. Facilitating PIEL in Environment Court:**

As we already discussed, PIEL is usually a tool which is used effectively to make sure of the environmental justice. The facilities should be made on filing PIEL in the environment court and the environmental human rights should be encouraged as it is not always possible for the NGOs or general people to file PIL in the HCD with whole interest. This will finally allow the NGOs or the general people to take appropriate actions against the environmental lawbreakers in the divisional headquarters.

#### **IV. CONCLUSION:**

Environmental protection and human rights are mutually connected and responsive as both of them aspire the prosperity of humanity. The connection between these two perspectives has been recognised in several national and international areas as well as in various resolutions of United Nations which addresses the structure of human rights as a constructive and applicable method to achieve the edge of preserving and protecting environment. The violations of basic human rights and the deterioration of environment have been treated very lightly by many of the organisations and even most of the governments of developing nations. So this linkage apparently generates an approach which is based on rights to environmental protection and can successfully create a victim-centric regulating body which can define the right to a healthy environment in broader aspects. There is a basic need to develop a central body for policy development and monitoring the overall implementation procedure of the environment policy. Moreover as mentioned earlier in the discussion, PIL is comparatively expensive and this gradually holds the general people from pleading a PIL whenever they see anyone violating the environmental laws. There should be an appropriate guideline concerning costs and expenses as well it is important to add up a special fund which will aid these people to deal with PIL. The concept of having a healthy environment which can assure a safe and sound livelihood as a part and parcel of basic human rights is not yet strongly inscribed in the judiciary of Bangladesh. This is necessary to have a firm access to legal justice on environmental disputes and despite of having numerous legislations, yet they remained unenforced which as a whole is hampering the environmental judgement. The lack of knowledge as well as the proper understanding and communication between the legal structures has been continuously the reason behind the elevation of unresolved environmental problems. The environment court has to be well-established by applying appropriate measures to rectify their built-in weakness. To enjoy the human rights involving environment to the fullest, it has become a great necessity to amend the laws associated in the environmental court. Furthermore, it is also significant to address the need of logical and knowledgeable support to settle the procedural complexities of environment court and to expand the horizon of Public Interest Environment Litigation.

#### **REFERENCES**

- [1]. Boyle, A. (2012). Human Rights and the Environment: Where Next?. *Environmental Journal of International Law*. 23(3), pp. 613-642
- [2]. Diego Cali & FigliSrl vs. ServiziEcologici Porto Di GenovaSpa (SEPG)[1997] ECR I-1547
- [3]. Giorgetta, S. (2002). The Right to a Healthy Environment, Human Rights and Sustainable Development. *International Environmental Agreements: Politics, Law and Economics*. pp. 173-194
- [4]. Hassan, Dr. Parvez. (2013). Human Rights and the Environment: A South Asian Perspective. 13<sup>th</sup> Informal ASEM Seminar on Human Rights on 21-23 October 2013, Copenhagen, Denmark. pp. 1-22
- [5]. HRC Resolution 7/23. Human Rights and Climate Change, 28 March 2008
- [6]. Jain, R.B. (1994). Conflict and Co-operation on Environmental Issues in South Asia. *Journal of Bangladesh Institute of International and Strategic Studies* 15(1). pp. 37-59
- [7]. Kelishadi R. (2012). Environmental Pollution: Health effects and Operational Implications for pollutions Removal. *Journal of Environmental and Public Health*. 341-637
- [8]. Kumar, Rajeev. (2012). Environmental Law and Human Rights. *International Journal of Engineering and Management Research*, Vol. 2, pp. 58-60
- [9]. Leelakrishnan, P. (1992). Law and Environment. Eastern Book Company, India. Chapter 10. pp. 144-152
- [10]. M. Farooque vs. Bangladesh (FAP case) (1997) [49 DLR(AD) 1]
- [11]. Mia, Badsha. (2014). Human Rights Approach to Environmental Protection: An Appraisal of Bangladesh. *Journal of Law, Policy and Globalization*. Vol. 22, pp. 59-64
- [12]. Noman, A.B.M. Abu. (2010). Human Rights Approach to Environmental Protection: A Bangladesh Study. *The Chittagong University Journal of Law*, Vol. XV, pp. 71-85
- [13]. Nweke, OC. (200). Modern environmental health hazards: a public health issue of increasing significance in Africa. *Environmental health perspectives*, 117(6). pp. 863-870
- [14]. Office of the High Commissioner for Human Rights Meeting of Experts on Human Rights and the Environment (2002). Retrieved from <http://www.unhchr.ch> on 16 November, 2018.

- [15]. OHCHR, Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship Between Climate Change and Human Rights, UN Doc. A/HRC/10/61, Jan. 15, 2009
- [16]. Ojha, Dr. K.B. (2013). Human Rights and Environment Pollution in India and Judiciary Contribution. International Journal of Humanities and Social Science invention, Vol. 2, pp. 42-47
- [17]. Pathak, Puneet. (2014). Human Rights Approach to Environmental Protection. Ontario International Development Agency. pp. 17-24
- [18]. Paula, S. (2010). The La Oroya Case: the Relationship between Environmental Degradation and Human Rights Violations. Human Rights Brief 18(1). pp.19-23
- [19]. Quiroz, Diego. (2010). The Environment and Human Rights: Making the Connections. Scottish Human Rights Journal, 50(2). pp. 1-12
- [20]. Razzaque, Jona. (2002). Human Rights and the Environment. Environmental Policy and Law, 32/2, pp. 93-111
- [21]. Rio Declaration, UN Do. A/Conf.151/5/rev.1 (13 June 1992)
- [22]. Rosencranz, A. (1993). 'Region/Country Report: South Asia: India', Year-book of International Environmental law 4. pp. 415-419
- [23]. Sabharwal, Y.K. (2005). Human Rights and the Environment. Retrieved from [http://supremecourtfindia.nic.in/speeches/speeches\\_2005/humanrights.doc](http://supremecourtfindia.nic.in/speeches/speeches_2005/humanrights.doc) on 15 November 2018
- [24]. Sattar, AFM Arshedi. (2014). Environmental Pollution and Health Hazards: Present and Future Perspective of Bangladesh. Journal of Current and Advance Medical Research. Vol, 1, pp. 1-2
- [25]. See the GEO 2000 report prepared by UNEP, at [www.unep.org](http://www.unep.org).
- [26]. Stockholm Declaration, Principle 1, UN Doc. A/Conf.48/14, at 2-65 (5-16 June 1972)
- [27]. Ullah, M. (1999). Environmental Politics in Bangladesh. CFSD, Dhaka. pp. 153-161
- [28]. Un Secretary General (2005), Human rights and the environment as part of sustainable development- Report of the Secretary General, E/CN.4/2005/96, 19 January 2005
- [29]. UNGA Res., 2997 (XXVII)
- [30]. World Summit on Sustainable Development Johannesburg Declaration on Sustainable Development A/CONF.199/20 (4 September 2002), Johannesburg Declaration
- [31]. The Constitution of The People's Republic of Bangladesh (1972)
- [32]. The Constitution of The People's Republic of Bangladesh (1972)
- [33]. The Environment Court Act, 2010

Mohammad Aktarul Alam Chowdhury. " Human Rights Based Approach towards Global Environment Protection: a Comprehensive Study of Bangladesh. " IOSR Journal of Humanities and Social Science (IOSR-JHSS). vol. 23 no. 12, 2018, pp. 21-28.