

# **Existing Laws and Policies to Save the Lakes of Dhaka**

**Taslima Islam**

Lawyer, BELA

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# **Major Lakes of Dhaka City: the Dying Lakes**

- Gulshan lake
- Dhanmondi lake
- Uttara lake
- Ramna lake
- Crescent lake



# Importance

*Water bodies should constitute about 10% of a city for it to function properly*

- water retention basins during the Monsoon
- natural drainage system
- convenient network of communication
- source of biodiversity
- scenic beauty
- source of recharge of ground water
- ensure reduction of sound and air pollution

# Major Issues and Problems

- Unplanned urbanization
- Industrialization/Commercialization
- Illegal, unlawful encroachment and allotment
- Rampant pollution

“Gulshan lake is under constant pressure to be filled by RAJUK for creating new residential plots. If this is allowed to continue unhindered, it will not only destroy this wonderful open space, but also the essential retention capacity for stormwater from a vast area resulting in local flooding and water logging”



# Effects

- deteriorating the quality of water
- killing the aquatic life
- endangering its ecological balance
- affecting ground water
- causing water logging
- water borne diseases/health hazards

**RIGHT TO LIFE DENIED!**

# Some Admitted Facts!!!

- Lakes and water bodies are of irregular and haphazard shape and form with significant variation in width at various sections
- Due to lack of proper drainage facilities, water levels in different seasons are not satisfactory and not suitable for fisheries development
- In some places, Lake beds are raised by national fill due to erosion of sides and seepage of soil from the slope of banks. As a result, depths of beds are not uniform. This ununiformity causes obstruction in natural water flow creating water stagnancy and obstruction in disposal of rainwater and sometimes surrounding low lying areas are also artificially flooded
- Unauthorized occupants with temporary structures have captured some of the Lake side areas which has become very much hazardous to the environment, and the cause of pollution of the waterbodies
- Unauthorized encroachment to the lake side by constructing temporary and permanent structures by the allottees of plots at lake sides
- Absence of necessary walkways, pathways and drive ways along the lake sides, which could be of great importance for well being of the dwellers at lake sides. The lake side dwellers as well as the people living in the area are deprived of such facilities
- Insufficient green belts, park areas etc. along lake sides etc.



# Laws and Policies

- **The Constitution of the People's Republic of Bangladesh**
  - Article 18A Protection and improvement of environment and biodiversity
  - Article 31 Right to protection of law
  - Article 32 Protection of right to life

# **Laws and Policies (contd...)**

- **The Town Improvement Act, 1953**
  - Section 73 of the Act has entrusted RAJUK to adopt Master Plan for the City and certain areas within its vicinity
  - Section 74 of the Act elaborates the legal effect of an approved Master Plan
  - All future developments and construction, both public and private, shall be in conformity with the Master Plan or with the amendment thereof.



# Laws and Policies (contd...)

- **The Environment Conservation Act, 1995 (Act No. I of 1995)**
  - Section 5 has empowered the government to declare any area as ecologically critical area (ECA) if the state of ecology of the area is under threat. For proper maintenance of the ECAs, the government may prohibit certain activities in a given area
  - Under Section 7, the government may direct any person responsible for causing damage to the ecology to adopt corrective measures
  - Newly amended section to include waterbodies

# Laws and Policies (contd...)

- **Penal Code, 1860 (Act No. XLV of 1860)**

Section 409 of the - prescribes for punishment for breach of trust by public servant. The said section runs as follows:

"Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."



# Laws and Policies (contd...)

- The State Acquisition and Tenancy Act, 1950

prohibits any change in nature of  
lands without approval from the  
concern authorities

# Laws and Policies (contd...)

- **Act No. 36 of 2000** (on the fact of increased threats to the water bodies, this Act was enacted)
  - Section 5 has defined it an offence if nature of open spaces including waterbodies are changed without due approval - changing the nature and character of any water body is strictly prohibited
  - As per section 6, in approving conversion of open spaces, the public interest issues involved shall be duly considered



# **Laws and Policies (contd...)**

- **Gazette Notification dated 26 November, 2001, memo No. ceg-4/7/87/2001/839**
  - Gulshan Lake has been declared as “ecologically critical area” under the Bangladesh Environment Conservation Act, 1995 and the Rules made thereunder in 1997.

# Laws and Policies (contd...)

The said notification has prohibited certain activities in the ECA of Gulshan Lake

- changing the nature of land
- catching of all kinds of aquatic animals
- activities harmful to the fish and other aquatic animals and their habitat
- establishment of industries that pollute soil, water, air and create noise



# **Laws and Policies (contd...)**

- **The Environment Policy, 1992**
  - 3.5.5 Keep the rivers, canals, ponds, lakes, haors, baors and all other water bodies and water resources free from pollution
  - 3.12.4 Focus greater importance on the role of water bodies in enhancing beatification of the cities

# Laws and Policies (contd...)

- Water for environment is a notable feature of the **Water Policy, 1999** (Section 4.12). The Policy recognizes that continued development and management of the water resource should include the protection and preservation of environment and its biodiversity. As per the Policy, environmental needs and objects would be treated equally with the resource management needs. All water related agencies and departments have been required to give full consideration to environmental protection, restoration and enhancement measures consistent with the National Environment Management Action Plan (NEMAP).



# Laws and Policies (contd...)

- The **Industrial Policy** seeks to promote privatization and project the government as facilitator instead of regulator. The Policy envisaged that industrial development would be sustainable from the point of view of environmental concerns and resource availability.

# Laws and Policies (contd...)

- **DMDP**

**-*Banani and Gulshan Lakes*** provide open space as well as function as retention ponds

**-*Dhanmondi Lake*** provides a very important open space and recreation area

Adequate measures are required to prevent further filling and reduction in size of the Lakes, so as to maintain its effective retention function and develop it as a centre of recreation



# Implementing Authorities

- Rajdhani Unnayan Kartipakkha (RAJUK) created under the Town Improvement Act, 1953 which has been authorised and entrusted with the responsibilities, among others, to adopt Master Plan, allot plots, approve building construction, recreational and other civic facilities, infrastructure plans for the Dhaka City
- Department of Environment (DoE) which is the implementing agency of the Environment Conservation Act, 1995 (Act No. I of 1995) and assumed all responsibilities regarding environmental protection and conservation and the National Environmental Policy, 1992
- Department of Public Works (responsible for, *inter alia*, the urban development in specific cities and townships)
- Dhaka Water Supply and Sewerage authority (WASA)
- Dhaka City Corporation (DCC)

# Court's Order to Save Lakes

- not to disturb or destroy the greenaries for the purpose of construction any road or creating any residential and commercial plots on the lands or on the waters of Gulshan lake
- not to allot any newly created plot to anybody
- not to make deviation from the Map and not to encroach upon the Lake or the lakeside greenery
- not to dump earth/soil in the Gulshan Lake



# Court's Order (contd...)

- to prepare a detailed and complete statement regarding allotment of plots and filling-up the lake water and/or lake-side in violation of the approved master lay out plan and encroachment upon the same
- to take positive, infallible and pervasive steps to draw demarcation over the entire area, adjoining Gulshan-Mohakahli-Banabi lake, by paving walkways throughout the bank of the lake
- declare the entire area as ECA
- to make alternative arrangement by constructing waste disposal sites where all sewage and other environment polluting waste shall be discharged
- to take steps to ensure that a committee, comprising personnel from the ministry of Public Works, RAJUK, WASA, DCC, DMP, DoE, Gulshan society, media personality and environment activists to incessantly monitor the inviolability of the lake against encroachers, polluters
- To take legal measures against the officials who have given illegal allotment

# The Way Forward

- demarcation of lakes
- prevention of waste dumping and other pollution
- cleaning up of water
- involvement of the community/local people
- corporate responsibility
- coordination of all relevant agencies
- awareness/self