

**The Code of Criminal Procedure, 1898 (Extracts)**  
**Act No V of 1898**

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## The Code of Criminal Procedure, 1898 (Extracts)

### Act No V of 1898

#### CHAPTER I

**Sec. 1. Short title. Commencement.**- (1) This Act may be called the Code of Criminal Procedure, 1898; and it shall come into force on the first day of July, 1891.

(2) It extends to the whole of Bangladesh; but in the absence of any specific provision to the contrary, nothing herein contained shall affect any special Law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force.

**Sec. 4. Definitions.**- (1) In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context:-

(b) "bailable offence" means an offence shown as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence;

(f) "cognizable offence" means an offence for, and "cognizable case" means a case in, which a police-officer may in accordance with the second schedule or under any law for the time being in force, arrest without warrant;

(l) "investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police-officer or by any person (other than a Magistrate) who is authorised by Magistrate in this behalf;

(n) "non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a police-officer may not arrest without warrant;

**Sec. 5. Trial of offences under Penal Code.**- (1) All offences under the Penal Code shall be investigated, inquired into, tried, and otherwise dealt with, according to the provisions hereinafter contained.

(2) All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with, according to the same regulating the manner or place of investigation, inquiring into, trying or otherwise dealing with such offences.

#### CHAPTER V

##### *A- Arrest generally*

**Sec. 46. Arrest how made.**- (1) In making an arrest the Police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

(2) If such person forcibly resists the endeavor to arrest him, or attempts to evade the arrest, such Police-officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with transportation for life.

**Sec. 47. Search of place entered by Person sought to be arrested.-** If any person acting under a warrant of arrest, or any Police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such Police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

**Sec. 48. Procedure where ingress not obtainable.-** If ingress to such place cannot be obtained under section 47 it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a Police-officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public such person or Police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

**Sec. 49. Power to break open doors and windows for purposes of liberation.-** Any Police-Officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

**Sec. 50. No unnecessary restraint.-** The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

**Sec. 51. Search of arrested persons.-** Wherever a person is arrested by a Police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

Whenever a person is arrested without warrant, or by private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail.

The officer making the arrest or, when the arrest is made by a private person, the Police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him.

**Sec. 52. Mode of searching women.-** Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

**Sec. 54. When Police may arrest without warrant.-** (1) Any Police-officer may, without an order from a Magistrate and without a warrant, arrest,-

- first,* any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned ;
- secondly,* any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;
- thirdly,* any person who has been proclaimed as an offender either under this Code or by order of the Government;
- fourthly,* any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;
- fifthly,* any person who obstructs a Police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;
- sixthly,* any person reasonably suspected of being a deserter from the armed forces of Bangladesh;
- seventhly,* any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in Bangladesh;
- eighthly,* any released convict committing a breach of any rule made under section 565, sub-section (3);
- ninthly,* any person for whose arrest a requisition has been received from another police-officer, provided that the requisition specified the person to be arrested and the offence or other cause for which the arrest is to be made and it appears

therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

**Sec. 60. Person arrested to be taken before Magistrate or officer in charge of Police-station.-** A police-officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of police-station.

**Sec. 61. Person arrested not to be detained more than twenty-four hours.-** No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

**Sec. 62. Police to report apprehensions.-** Officers in charge of police-stations shall report in a Metropolitan Area, to the Chief Metropolitan Magistrate, and in other areas, to the District Magistrate, or if the District Magistrate so directs, to the Sub-divisional Magistrate, the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

**Sec. 63. Discharge of person apprehended.-** No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

**Sec. 64. Offence committed in Magistrate's presence.-** When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provisions herein contained as to bail commit the offender to custody.

**Sec. 65. Arrest by or in presence of Magistrate.-** Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

**Sec. 66. Power, on escape, to pursue and retake.-** If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in Bangladesh.

**Sec. 67. Provisions of section 47, 48 and 49 to apply to arrests under section 66.-** The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a police-officer having authority to arrest.

## CHAPTER VII

### *B- Search-warrants*

**Sec. 96. When search warrant may be issued.-** (1) Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, sub-section (1), has been or might be addressed, will not or would not produce the document or thing as required by such summons or requisition,

or where such document or thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provisions hereinafter contained.

(2) Nothing herein contained shall authorize any Magistrate other than a District Magistrate or Chief Metropolitan Magistrate to grant a warrant to search for a document, parcel or other thing in the custody of the Postal or Telegraph authorities.

## CHAPTER VIII

### *D- General Provisions relating to Searches.*

**Sec. 102. Persons in charge of closed place to allow search.-** (1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being in charge of such place shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of section 52 shall be observed.

**Sec. 103. Search to be made in presence of witnesses.-** (1) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search and may issue an order in writing to them or any of them so to do.

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

(3) The occupant of the place searched, or some person in this behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

(4) When any person is searched under section 102, sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person at his request.

(5) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Penal Code.

## CHPATER XIV

### *Information to the Police and their powers to Investigate*

**Sec. 154. Information in cognizable cases.-** Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such informant, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Government may prescribe in this behalf.

**Sec. 155. Information in non-cognizable cases.-** (1) When information is given to an officer in charge of a police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the information to the Magistrate.

(2) No police-officer shall investigate a non-cognizable case without the order of a magistrate of the first or second class having power to try such case or send the same for trial.

(3) Any police-office receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case.

**Sec. 156. Investigation into cognizable cases.-** (1) Any officer in charge of a police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

(2) No proceeding of a police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.



(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.

**Sec. 157. Procedure where cognizable offence suspected.-** (1) If, from information received or otherwise, an officer in charge of a police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate; he shall forthwith send a report of the same to Magistrate empowered to take cognizance of such offence upon a police-report, and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the Government may, by general or special order, prescribe in this behalf to proceed to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided as follows:-

- (a) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot;
- (b) if it appears to the officer in charge of a police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso the sub-section (1), the officer in charge of the police-station shall state in his said report his reasons for not fully complying with the requirements of that sub-section, and in the case mentioned in clause (b), such officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the Government, the fact that he will not investigate the case or cause it to be investigated.

**Sec. 158. Reports under section 157 how submitted.-** (1) Every report sent to a Magistrate under section 157, shall, if the Government so directs, be submitted through such superior officer of police as the Government by general or special order, appoints in that behalf.

(2) Such superior officer may give such instructions to the officer in charge of the police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

**Sec. 159. Power to hold investigation of preliminary inquiry.-** Such Magistrate, on receiving such report, may direct an investigation or, if he thinks fit at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

**Sec. 160. Police-officer's power to require attendance of witnesses.-** Any police-officer making an investigation under this Chapter may, by order in writing, require

the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

**Sec. 161. Examination of witnessed by police.-** (1) Any police-officer making an investigation under this Chapter or any police-officer not below such rank as the Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to such case put to him by such officer, other-than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

(3) The police-officer may reduce into writing any statement made to him in the course of an examination under this section, and if he does so he shall make a separate record of the statement of each such person whose statement he records.

**Sec. 162. Statements to police not to be signed; use of such statements in evidence.-** (1) No statement made by any person to a police officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police-diary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any part of such statement, if duly proved, may be used to contradict such witness in the manner prescribed by section 145 of the Evidence Act, 1872. When any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination:

Provided further that, if the Court is of opinion that any part of any such statement is not relevant to the subject-matter of the inquiry or trial or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interests, it shall record such opinion (but not the reasons therefore) and shall exclude such part from the copy of the statement furnished to the accused.

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1), of the Evidence Act, 1872 or to affect the provisions of section 27 of that Act.

**Sec. 163. No inducement to be offered.**- (1) No police-officer or other person in authority shall offer or make, or cause to be offered or made any such inducement, threat or promise as is mentioned in the Evidence Act, 1872, section 24.

(2) But no police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will.

**Sec. 164. Power to record statement and confessions.**- (1) Any Metropolitan Magistrate, any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the Government may, if he is not a police-officer, record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.

(2) Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

(3) A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make confession and that if he does so it may be used as evidence against him and no magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect :-

"I have explained to (name) that he is not bound to make a confession and that, if he does so any confession he may this confession was voluntarily made. I was taken in my presence and hearing, an was read over to the person making it and admitted by him to be correct; and it contains a full and true account of the statement made by him.

(Singed) A. B.,  
Magistrate."

**Explanation.**- It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

**Sec. 165. Information.**- (1) Whenever an officer in charge of a police-station or a police-officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police-station of which he is in charge, or to which he is attached, and that such thing cannot in this opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station :

Provided that no such officer shall search, or cause search to be made, for anything which is in the custody of a bank or banker as defined in the Bankers' Books Evidence Act, 1891 (XVII of 1891), and relates, or might disclose any information which relates, to the bank account of any person except,-

- (a) for the purpose of investigating an offence under sections 403, 406, 408 and 409 and sections 421 to 424 (both inclusive) of the Penal Code) with the prior permission in writing of a Sessions Judge; and
- (b) in other cases, with the prior permission in writing of the High Court Division.

(2) A Police-officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may after recording in writing his reasons for so doing require any officer subordinate to him to make the search, and he shall deliver to the subordinate officer an order in writing specifying the place to be searched and, so far as possible, the thing for which search is to be made; and such subordinate officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search warrants and the general provisions as to searches contained in section 102 and section 103 shall, so far as may be, apply to a search under this section.

(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the Magistrate:

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.

**Sec. 166. When officer in charge of police-station may require another to issue search warrant.-** (1) An Officer in charge of a police-station or a police-officer not being below the rank of sub-inspector making an investigation may require an officer in charge of another police-station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.

(2) Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

(3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police-station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police-

officer making an investigation under this Chapter to search, or cause to be searched, any place in the limits of another police-station, in accordance with the provisions of section 165, as if such place were within the limits of his own station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police-station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 103, and shall also send to the nearest Magistrate empowered to take cognizance of the offence copies of the records referred to in section 165, sub-sections (1) and (3).

(5) The owner or occupier of the place searched shall, on application, be furnished with a copy of any record sent to the Magistrate under sub-section (4):

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.

**Sec. 167. Procedure when investigation cannot be completed in twenty four hours.-**

(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police-station or the police-officer making the investigation if he is not below the rank of sub-inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or send it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the Government shall authorise detention in the custody of the police.

(3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

(4) If such order is given by a Magistrate other than the Chief Metropolitan Magistrate, District Magistrate or Sub-Divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom is immediately subordinate.

(5) If the investigation is not concluded within one hundred and twenty days from the date of receipt of the information relating to the commission of the offence or the order of the Magistrate for such investigation,-

- (a) the Magistrate empowered to take cognizance of such offence or making the order for investigation may, if the offence to which the investigation relates is not punishable with death, imprisonment for life or imprisonment exceeding ten years, release the accused on bail to the satisfaction of such Magistrate; and
- (b) the Court of Session may, if the offence to which the investigation relates is punishable with death, imprisonment for life or imprisonment exceeding ten years, release the accused on bail to the satisfaction of such Court:

Provided that if an accused is not released on bail under this sub-section, the Magistrate or, as the case may be, the Court of Session shall record the reasons for it:

Provided further that in cases in which sanction of appropriate authority is required to be obtained under the provisions of the relevant law for prosecution of the accused, the time taken for obtaining such sanction shall be excluded from the period specified in this sub-section.

**Explanation.-** The time taken for obtaining sanction shall commence from the day the case, with all necessary documents, is submitted for consideration of the appropriate authority and be deemed to end on the day of the receipt of the sanction order of the authority.

(8) The provisions of sub-section (5) shall not apply to the investigation of an offence under section 400 or section 401 of the Penal Code, 1860 (Act XLV of 1860).

**Sec. 168. Report of investigation by subordinate police-officer.-** When any subordinate Police-officer has made any investigation under this Chapter, he shall report the result of such investigation to the Officer-in-Charge of the Police-station.

**Sec. 169. Release of accused when evidence deficient.-** If, upon an investigation under this Chapter, it appears to the Officer-in-Charge of the police-station or to the Police-officer making the investigation that there is no sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear if and when so required, before a Magistrate empowered to taken cognizance of the offence on a police report and to try the accused or send him for trial.

**Sec. 170. Case to be sent to Magistrate when evidence is sufficient.-** (1) If, upon an investigation under this Chapter, it appears to the Officer-in-charge of the police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police-report and to try the accused or send him for trial, if the offence is bailable and the accused is able to give security, shall take

security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

(2) When the officer in charge of a police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and procedure or give evidence (as the case may be) in the matter of the charge against the accused.

(3) If the Court of the Chief Metropolitan Magistrate, District Magistrate or Sub-divisional Magistrate is mentioned in the bond, such Court shall be held to include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice or such reference is given to such complainant or persons.

(5) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it and shall then to the Magistrate the original with his report.

**Sec. 171. Complainants and witness not to be required to accompany police-officer.**- (1) No complainant or witness on his way to the Court of the Magistrate shall be required to accompany as police-officer,

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the police-station may forward him in custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

(2) Notwithstanding anything contained in sub-section (1), it shall be the responsibility of the police-officer to ensure that the complainant or the witness appears before the Court at the time of hearing of the case.

**Sec. 172. Diary of proceedings in investigation.**- (1) Every police-officer making an investigation under this Chapter shall day by day enter his proceeding in the investigation in a diary setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

(2) Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court: but, if they are used by the police-officer who made them, to refresh his memory, or if the Court uses them for the purpose of

contradicting such police-officer, the provisions of the Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

**Sec. 173. Report of police-officer.-** (1) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the police-station shall-

- (a) forward to a Magistrate empowered to take cognizance of the offence on a police-report a report, in the form prescribed by the Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused (if arrested) has been forwarded in custody or has been released on his bond, and, if so, whether with or without sureties, and
- (b) communicate in such manner as may be prescribed by the Government, the action taken by him to the person, if any, by whom what information relating to the commission of the offence was first given.

(2) Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation.

(3) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

(3A) When such report is in respect of a case to which section 170 applies, the police-officer shall forward to the Magistrate along with the report-

- (a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;
- (b) the statements recorded under sub-section (3) of section 161 of all the persons whom the prosecution proposes to examine as its witness.

(3B) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (1) has been forwarded to the Magistrate and where, upon such investigation, the officer in charge of the police-station, obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-section (1) to (3A) shall, as far as may



be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-session (1).

(4) A copy of any report forwarded under this section shall on application be furnished to the accused before the commencement of the inquiry or trial:

Provided that the same shall be paid for unless the Magistrate for some special reason thinks fit to furnish it free of cost.

### **CHAPTER XLIII** *Of the Disposal of Property*

**Sec. 516A. Order for Custody and disposal of Property Pending trial in certain.-** When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

**Sec. 517. Order for disposal of property regarding which offence committed.-**

(1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise of any property or to document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

(2) When High Court Division or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the Chief Metropolitan Magistrate or District Magistrate.

(3) When an order is made under this section, such order shall not, except where the property is livestock or subject to speedy and natural decay, and save as provided by sub-section (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.

(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.

**Explanation.-** In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

**Sec. 518. Order may take form of reference to District or Sub-divisional Magistrate.-** In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to the Chief Metropolitan Magistrate, District magistrate or to a Sub-divisional Magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

**Sec. 519. Payment to Innocent purchasers of money found on accused.-** When any person is convicted of any offence which includes, or amounts to theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

**Sec. 520. Stay of order under section 517, 518 or 519.-** Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just.

**Sec. 524. Procedure where no clamant appears within six months.-** (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government, and may be sold under the orders of the Metropolitan Magistrate, or of a Magistrate of the first class empowered by the Government in this behalf.

(2) In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

**Sec. 525. Power to sell perishable property.-** If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less than ten taka the Magistrate may at any time direct it to be sold; and the provisions of section 523 and 524 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

Code of Criminal Procedure, 1898  
Schedule II (Extracts)

1	2	3	4	5	6	7	8
Section	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code	By what Court triable.
****	****	****	****	****	****	****	****

OFFENCES AGAINST OTHER LAWS

	If punishable with death, transportation or imprisonment for more than five years.	May arrest without warrant.	Warrant Not bailable.		Not compoundable	---	Court of Session
	If punishable with imprisonment for not less than two years and not more than five years.	Ditto	Ditto	Ditto Except in cases under the Arms Act, 1878, section 19, which shall be bailable.	Ditto	---	Metropolitan Magistrate or Magistrate of the first class or second class.
	If punishable with imprisonment for less than two years or with fine only.	shall not arrest without warrant.	Summons.	Bailable	Ditto	---	Any Magistrate

\*\*\* Sections of the Penal Code and the relevant entries- not printed.

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Uptodate English Version of some  
Environmental Laws

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

## **Act No. 1 of 1995**

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Un-official English Version

## The Bangladesh Environment Conservation Act, 1995 Act No. 1 of 1995

*[Bangla text of the Act was published in the Bangladesh Gazette, extra-ordinary issue of 16-2-1995 and amended by Act Nos 12 of 2000 and 9 of 2002.]*

**An Act to provide for conservation of the environment, improvement of environmental standards and control and mitigation of environmental pollution.**

Whereas it is necessary and expedient to provide for conservation of the environment, improvement of the environmental standards, and control and mitigation of environmental pollution;

It is hereby enacted as follows:

1. **Short title and commencement.**- (1) This Act may be called the Bangladesh Environment Conservation Act, 1995.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, <sup>1</sup>specify and it shall be brought into force in different areas on different dates.

2. **<sup>2</sup>Definitions.**- In this Act, unless there is anything contrary in the subject or context-

**"Conservation of environment"** means improvement of the qualitative and quantitative characteristics of different components of environment as well as prevention of degradation of those components; [Ref: Clause (f).]

**"Department"** means the Department of Environment established under section 3 of this Act; [Ref: Clause (a).]

**"Director General"** means Director General of the Department; [Ref: Clause (m).]

**"ecosystem"** means the inter-dependent and balanced complex association of all components of the environment which can support and influence the conservation and growth of all living organisms; [Ref: Clause (g).]

<sup>1</sup> The Act was brought into force by MoEF notification of 30 May in Dhaka, Chitagong, Rajshahi, Khulna and Barisal Divisions w.e.f. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> of June 1995, respectively.

<sup>2</sup> The definitions are rearranged in English alphabetical order with reference to relevant clause of the original Bangla text of section 2.

\* **"environment"** means the inter-relationship existing between water, air, soil and physical property and their relationship with human beings, other animals, plants and micro-organisms; [Ref: Clause (d).]

\* **"environment pollutant"** means any solid, liquid or gaseous substance which causes harmful effect to the environment and also includes heat, sound and radiation; [Ref: Clause (e).]

\* **"hazardous substance"** means a substance the chemical or biochemical properties of which are such that its manufacture, storage, discharge or unregulated transportation can be harmful to the environment; [Ref: Clause (j).]

**"occupier"**, in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises, and in relation to a product, means the person in possession of the product; [Ref: Clause (c).]

**"person"** means a person or group of persons, and includes any company, association or corporation, whether incorporated or not; [Ref: Clause (h).]

\* **"pollution"** means the contamination or alteration of the physical, chemical or biological properties of air, water or soil, including change in their temperature, taste, odor, density, or any other characteristics, or such other activity which, by way of discharging any liquid, gaseous, solid, radioactive or other substances into air, water or soil or any component of the environment, destroys or causes injury or harm to public health or to domestic, commercial, industrial, agricultural, recreational or other useful activity, or which by such discharge destroys or causes injury or harm to air, water, soil, livestock, wild animal, bird, fish, plant or other forms of life; [Ref: Clause (b).]

**"rule"** means rule made under this Act; [Ref: Clause (k).]

**"use"**, in relation to any material, means manufacturing, processing, treatment, package, storage, transportation, collection, destruction, conversion, offering for sale, transfer or similar activity relating to such material; [Ref: Clause (i).]

\* **"waste"** means any solid, liquid, gaseous, radioactive substance, the discharge, disposal and dumping of which may cause harmful change to the environment; [Ref: Clause (l).]

<sup>1</sup>2A. **Overriding effect of the Act.**- Notwithstanding anything contained to the contrary in any other law for the time being in force, the provisions of this Act, rules and directions issued under this Act shall have effect.

3. **Department of Environment.**- (1) The Government shall, for carrying out the purposes of this Act, establish a Department to be called the Department of Environment and headed by a Director General.

<sup>1</sup> Section 2A was inserted by section 2 of Act 9 of 2002.

★ (2) The Director General shall be appointed by the Government and the terms and conditions of his service shall also be determined by the Government.

★ (3) For proper performance of the functions of the Department, necessary officers and employees shall be appointed in the manner and on the terms and conditions prescribed by rules.

Power and Functions of the Director General.- (1) Subject to the provisions of this Act, the Director General may take such measures as he considers necessary and expedient for the conservation of the environment, and improvement of environmental standards, and for the control and mitigation of environmental pollution, and he may issue necessary directions in writing to any person for the discharge of his duties under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such measures may include all or any of the following :-

- (a) co-ordination with the activities of any authority or agency having relevance to the objectives of this Act;
- (b) prevention of probable accidents which may cause environmental degradation and pollution, and undertaking safety measures and determination of remedial measures for such accidents and issuance of directions relating thereto;
- (c) giving advice or, as the case may be, issuing directions to the concerned person regarding the environmentally sound use, storage, transportation, import and export of a hazardous substance or its components.
- (d) conducting inquiries and undertaking research on conservation, improvement and pollution of the environment and rendering assistance to any other authority or organization regarding those matters;
- (e) searching any place, examining any equipment, manufacturing or other processes, ingredients, or substance for the purpose of improvement of the environment, and control and mitigation of pollution; and issuance of direction or order to the appropriate authority or person for the prevention, control and mitigation of environmental pollution;
- (f) collection and publication of information about environmental pollution;
- (g) advising the Government to avoid such manufacturing processes, commodities and substances as are likely to cause environmental pollution;



- (h) carrying out programs for observation of the quality of drinking water and preparation of reports thereon, and rendering advice or, as the case may be, issuing direction to the concerned persons to follow standards for drinking water.

X (3) A direction issued under this section may include matters relating to closure, prohibition or regulation of any industry, undertakings or processes, and the concerned person shall be bound to comply with such direction:

<sup>1</sup>[Provided that-

- (a) the Director General shall, before issuing a direction of closure or prohibition of an industry, undertaking or process, send to the owner or occupier thereof a written notice so that he gets reasonable opportunity to make that industry, undertaking or process environmentally sound; and
- (b) where the Director General considers it appropriate, he may also specify in the notice that actions under sub-section (2) of section 4A may be taken if, pursuant to the notice, measures are not taken to make the relevant activities environmentally sound:]

Provided further that, if the Director General considers that, due to a particular environmental pollution, the public life is likely to be in danger and that urgent action is necessary, he may immediately issue necessary directions.

X (4) A time limit may be specified by the Director General for carrying out a direction issued under this section.

<sup>2</sup>[4A] **Assistance from law enforcing agencies and other authorities.-** (1) The Director General or a person authorized by him may, for the purpose of exercising any power or performing any function under this Act, request any law enforcing agency, or any other Government or statutory authority to render necessary assistance, and upon such request that agency or authority shall render the assistance.

(2) Where the Director General issues a direction for closure, prohibition or regulation of an industry, undertaking or process under section 4(3) and the owner or occupier thereof does not comply with the direction, the Director General may direct the provider of electricity, gas, telephone or water or all such services or any other service provided to the industry, undertaking or process to disconnect the service.

(3) Where a direction is issued under sub-section (2), the concerned person or institution shall be bound to take necessary action as specified in the direction.]

<sup>1</sup>The first proviso to sec 4(3) was inserted by sec 3 of Act 9 of 2002.

<sup>2</sup>Section 4A was inserted by section 4 of Act 9 of 2002.

5. **Declaration of ecologically critical area.-** (1) If the Government is satisfied that an area is in an environmentally critical situation or is threatened to be in such situation, the Government may, by notification in the official <sup>1</sup>Gazette, declare such area as an ecologically critical area.

(2) The Government shall, in the notification published under sub-section (1) or in a separate notification, specify the activities or processes that cannot be initiated or continued in an ecologically critical area.

**Restrictions regarding vehicles emitting smoke injurious to environment.-** (1) A vehicle emitting smoke or gas injurious to health or environment shall not be operated nor shall such vehicles be switched on except for the purpose of test-operation for stopping the emission of such smoke or gas.

**Explanation.-** In this section “smoke or gas injurious to health or environment” means any smoke or gas which exceeds the standards fixed by rules.

(2) For the purposes of sub-section (1), the Director General or any person authorized by him may test any vehicle at any place or may stop a vehicle in motion for testing, and instantly test it or detain it for necessary period or may, if any vehicle violates that sub-section, seize it and related documents, or may give necessary direction for testing the vehicle.

(3) A report of the test under sub-section (2) shall be admissible as evidence in the proceedings of a court.

(4) For the violation of sub-section (1) or a direction given under sub-section (2), the driver or, as the case may be, the owner or both shall be liable.]

**Restrictions on manufacture, sale etc. of articles injurious to environment.-** If, on the advice of the Director General or otherwise, the Government is satisfied that all kinds or any kind of polythene shopping bag, or any other article made of polyethylene or polypropylene, or any other article is injurious to the environment, the Government may, by notification in the official Gazette, issue a <sup>4</sup>direction imposing absolute ban on the manufacture, import, marketing, sale, demonstration for sale, stock, distribution, commercial carriage or commercial use, or allow the operation or management of such activities under conditions specified in the notification, and every person shall be bound to comply with such direction :

Provided that such direction shall not be applicable to the following cases:-

<sup>1</sup> Certain areas declared as ecologically critical area by four notifications of MoEF.

<sup>2</sup> Section 6 was substituted for the old section 6 by Sec. 5 of Act 9 of 2002.

<sup>3</sup> Section 6A was inserted by Sec. 5 of Act 9 of 2002.

<sup>4</sup> All kinds of Polyethin shopping bag have been banned by a notification of MoEF and certain bags have been exempted by another notification.

- (a) if the article specified in the notification is exported or used for export;
- (b) if the direction mentions that it is not applicable to any particular kind of polythene shopping bag.

**Explanation.-** In this section "polythene shopping bag" means a bag, *thonga* or other container which is made of polyethylene or poly propylene or any compound or mixture thereof and is used for purchasing, selling, keeping or carrying another article.]

**17. Remedial measures for injury to ecosystem.-** (1) If it appears to the Director General that any act or omission of a person is causing or has caused, directly or indirectly, injury to the ecosystem or to a person or group of persons, the Director General may determine the compensation and direct the firstly mentioned person to pay it and in an appropriate case also direct him to take corrective measures, or may direct the person to take direct both the measures; and that person shall be bound to comply with the direction.

(2) If a person, to whom a direction under sub-section (1) has been issued, fails to comply with the direction, the Director General may file a suit for compensation in the competent court or file a criminal case for failure to comply with the direction or file both kinds of cases.

(3) For the purposes of determination of compensation or corrective measures under sub-section (1), the Director General may engage any specialist and other persons.

(4) The Government may direct the Director General to take any action under this section and to submit a report thereon.]

**8. Information to the Director General regarding environmental degradation or pollution.-** (1) Any person affected or likely to be affected as a result of ~~pollution~~ or degradation of the environment may, in the manner prescribed by rules, apply to the Director General for remedy of the damage or apprehended damage.

(2) The Director General may hold a public hearing and take other measures for disposing of an application made under this section.

**9. Discharge of excessive environmental pollutant etc.** (1) Where, due to an accident or other unforeseen incident, the discharge of any environmental pollutant occurs or is likely to occur in excess of the limit prescribed by the rules, the person responsible and the person in charge of the place of occurrence shall take measures to control or mitigate the environmental pollution.

✓(2) The persons referred to in sub-section (1) shall immediately inform the Director General of the occurrence or the likelihood of such occurrence as mentioned in that sub-section.

✓(3) On receipt of information under this section with respect to the accident or other incident, the Director General shall take necessary remedial measures to control or mitigate the environmental pollution, and the said person shall be bound to render assistance and co-operation as required by the Director General.

✓(4) The expenses incurred with respect to remedial measures to control and mitigate the environmental pollution under this section shall be payable to the Director General and may be realized from the persons referred to in sub-section (1) as public demand.

১১/১১/১১/ (10) **Power of entry etc.-** (1) Subject to the provisions of this section, any person generally or specially authorized in this behalf by the Director General shall have the right to enter any building or other place at all reasonable times, with such assistance as he considers necessary for the following purposes, namely :-

- (a) to perform his duties under this Act or rules;
- (b) to inspect any activity carried out at such place or building under this Act or rules or a notice, order or direction issued thereunder;
- (c) to test or verify any equipment, industrial plant, record, register, document or any other significant material;
- (d) to conduct a search of a building or place if such person has reason to believe that an offence has been committed in that building or place in contravention of this Act or rule or any notice, order or direction issued thereunder;
- (e) to seize any equipment, industrial plant, record, register, document or other material that may be used as evidence of the commission of any offence punishable under this Act or rules.

(2) The person operating any industry, activity or process or the person handling any hazardous substance shall be bound to render all assistance to the said authorised person, in discharging his duties under this Act.

(3) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall be followed in conducting any search and seizure under this section.

১১/১১/ (11) **Power to collect samples etc.-** (1) A person authorised in this behalf by the Director General may, in the manner prescribed by rules, collect from any factory, premises or other place any sample of air, water, soil or other substance for analysis;

~~1~~<sup>1</sup> [(2) Subject to the provisions of sub-section (3) or (4), as the case may be, the report of a sample collector or the report of a laboratory or both the reports shall, in relation to a sample collected under this section, be admissible as evidence in the concerned proceedings.]

~~3~~ (3) Subject to the provisions of sub-section (4), the person collecting the sample under sub-section (1) shall --

- (a) serve in the manner prescribed by rules, a notice to the occupier of the place or his agent specifying his intention to collect any sample;
- (b) collect samples in presence of that occupier or his agent;
- (c) place the sample in a container and seal the container after recording signatures of himself and of the occupier or his agent on the container;
- (d) prepare a report on the collection of the sample and record signatures of himself and of the occupier or his agent;
- (e) without delay send the container to the laboratory specified by the Director General.

~~4~~ (4) Where, after issuing a notice under clause (a) of sub-section (3), the sample collector collects the sample under sub-section (1), but the occupier or his agent remains absent at the time of collecting sample or being present refuses to put signature on the container of the sample and report, then the collector shall, in the presence of two witnesses, secure the container by putting his own signature and seal the sample, and without delay send the samples to the laboratory <sup>2</sup>specified by the Director General for analysis and shall state the fact of willful absence of the occupier or his agent or, as the case may be, of his refusal.

~~12~~ **Environmental Clearance Certificate.**- No industrial unit or project shall be established or undertaken without obtaining, in the manner prescribed by rules, an Environmental Clearance Certificate from the Director General.

13. **Formulation of environmental guidelines.**- The Government may, by notification in the official Gazette from time to time, formulate and publish environmental guidelines relating to the control and mitigation of environmental pollution, conservation and improvement of the environment.

~~14~~ **Appeal.**- (1) Any person aggrieved by a notice, order or direction issued under this Act or rules may, within 30 days from the date of issuance of the notice, order or direction, appeal to the <sup>3</sup>Appellate Authority constituted by the Government

<sup>1</sup> Section 11(2) was substituted by section 6 of Act 9 of 2002.

<sup>2</sup> Under sub-sec 11(4) DG, DoE by a circular dated 23/7/2002 has specified DoE divisional laboratories for the purpose of this Act.

<sup>3</sup> An appellate authority has been constituted by MoEF by a notification dated 1/11/1997.

and the decision of such Authority on the appeal shall be final and shall not be called in question in any court :

Provided that the Appellate Authority may, if it is satisfied that for some unavoidable reason the aggrieved person could not file the appeal within that time, extend the period for filing the appeal by a period not exceeding thirty days.

(2) The Appellate Authority constituted under sub-section (1) may consist of one or more members:

Provided that where the Appellate Authority consists of more than one member, the Government shall appoint one of the members to be the Chairman of the Authority.

(3) An appeal filed under this section shall be disposed of within 3 months from the date of its filing.

**[15.] Penalties.** ~~X~~(1) For violation of a provision or for non-compliance of a direction, or for the activities specified in the following Table, the penalty mentioned against them may be imposed :

**TABLE**

Sl. No.	Description of Offence	Penalty that may be imposed
1	Non-compliance of a direction issued under sub-section (2) or (3) of section 4	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both.
2	Violation of sub-section (2) by continuing activities or processes or by initiating activities or processes, prohibited under sub-section (1) of section 5 in an area declared as an ecologically critical area	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both.
3	Violation of sub-section (1) of section 6	In case of first offence, a fine not exceeding taka 5 (five) thousand; in case of second offence, a fine not exceeding taka 10 (ten) thousand; in case of each subsequent offence, an imprisonment not exceeding 1 year or a fine not exceeding taka 10 (ten) thousand or both.

- 4 If, in violation of a direction issued under sub-section (1) of section 6A, any article specified in the direction is –
- |                                                                                                   |                                                                                         |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| (a) manufactured, imported, marketed;                                                             | (a) Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both.      |
| (b) sold, exhibited for sale, stocked, distributed, commercially transported or commercially used | (b) Imprisonment not exceeding 6 months or fine not exceeding 10 thousand taka or both. |
- 5 Non-compliance of a direction issued under sub-section (1) of section 7 Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both.
- 6 Violation of sub-section (1) or (2), or failure to take remedial measures in accordance with sub-section (3) of section 9 Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both:
- Provided that where a lower penalty is fixed by rules for violation of section 9(1), that penalty shall be applicable.
- 7 Failure to render, without reasonable excuse, assistance or cooperation to the Director General or a person authorized by him as required by sub-section (2) of section 10 Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both.
- 8 Violation of section 12 Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both.
- 9 Violation of any other provision of this Act or a direction issued under the rules or obstructing the Director General or a person authorized by him in discharging his duties or intentionally delaying the discharge of such duty. Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both.

(2) Subject to the other provisions of this section, certain offences and penalties for such offences may be specified in the rules, but the penalty so

specified shall not exceed imprisonment for 2 (two) years or a fine of Tk. 10 (ten) thousand or both.]

<sup>1</sup>(15A) **Confiscation of materials and equipments involved in offence.-** Where a person is found guilty and sentenced under section 15, all equipments or parts thereof, transport, substance or any other thing used in the commission of the offence may be confiscated under order of the court.]

<sup>2</sup>[15A. **Claim for compensation.-** Where a person or a group of persons or the public suffers loss due to violation of a provision of this Act or the rules made thereunder or a direction issued under section 7, the Director General may file a suit for compensation on behalf of that person, group or the public.]

<sup>3</sup>16. **Offences committed by companies.-** [(1) Where a company violates any provision of this Act or fails to perform its duties in accordance with a notice issued under this Act or the rules or fails to comply with an order or direction, then the owner, director, manager, secretary or any other officer or agent of the company, shall be deemed to have violated such provision or have failed to perform the duties in accordance with the notice or failed to comply with the order or direction, unless he proves that the violation or failure was beyond his knowledge or that he exercised due diligence to prevent such violation or failure.

**Explanation.-** For the purposes of this section -

- (a) "company" means any statutory public authority, registered company, partnership firm, and association or organisation,
- (b) director, in relation to a commercial establishment, also includes any partner or member of the board of directors.]

<sup>4</sup>[(2) Where a company mentioned in sub-section (1) is a body corporate, such company, apart from any person charged and convicted under that sub-section, may also be charged and convicted under that sub-section in the same proceedings, but the penalty of fine only may be imposed on such company in a criminal proceedings.]

<sup>5</sup>(17) **Cognizance of offence and claim for compensation.-** No court shall take cognizance of an offence or receive any suit for compensation under this Act except on the written report of an Inspector of the Department or any other person authorized by the Director General :

<sup>1</sup> Section 15A was substituted by sec. 7 of Act 9 of 2002.

<sup>2</sup> Section 15A was inserted by sec. 4 of Act 9 of 2002.

<sup>3</sup> Existing provisions of sec. 16 was numbered as sub-sec.(1) by sec 8(a) of Act 9 of 2002.

<sup>4</sup> Sub-section (2) of sec. 16 was inserted by section 8(b) of Act 9 of 2002.

<sup>5</sup> Section 17 was substituted by sec. 9 of Act 9 of 2002.



Provided that if the competent court is satisfied that a person presented a written request to the said Inspector or authorized person to accept a complaint about an offence or a claim for compensation and no action was taken within 60 (sixty) days after such request, and that the complain or claim deserves to be taken into cognizance for the purpose of trial, then the court may, after giving the Inspector or the authorized person or the Director General a reasonable opportunity of being heard, directly receive the complaint or claim for compensation without such written report, or may, if it considers appropriate, direct the said Inspector or the authorized person to investigate the offence or claim.]

18. **Action taken in good faith.**- No civil or criminal case or other legal proceeding may be instituted against the Government, Director General, or any other person of the Department for any action which caused or is likely to cause injury to any person, if such action is taken in good faith under this Act or rules.

19. **Delegation of Power.**- (1) The Government may delegate to the Director General or any other officer any of its powers under this Act or rules.

(2) The Director General may <sup>1</sup>delegate to any other officer of the Department any of his powers under this Act or rules.

20. **Power to make rules.**- (1) The Government may, by notification in the official <sup>2</sup>Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:

- (a) determination of the standards of air, water, sound, soil and other components of the environment in relation to different areas for different purposes.

Provided that the Government may, by notification in the official Gazette, for a specified period suspend the application of such standard, generally or individually, in respect of industries or projects existing at the time of commencement of this Act;

- (b) regulation of the establishment of industries and other development activities for conservation of environment;
- (c) determination of safe procedures for the use, storage and transportation of hazardous substances;
- (d) determination of safety and remedial measures for prevention of accidents which may cause pollution of the environment;

<sup>1</sup> DG, DoE has delegated certain powers to DoE officers by a notification dated 9/9/1998 and by a circular dated 23/7/2002.

<sup>2</sup> The Government has made Environment Conservation Rules 1997.

- (e) determination of the standards for effluent and discharge;
- (f) procedures for assessment of the environmental impact of various projects and activities, and procedures for their review and approval;
- (g) procedures for protection of the environment and ecosystem;
- (h) determination of fees for obtaining environmental clearance certificates and other services.

21. **Repeal and saving.**- (1) The Environment Pollution Control Ordinance, 1977 (Act XIII of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the repealed Ordinance shall be deemed to have been done under the provisions of this Act.

(3) The Department of Environment existing before the commencement of this Act shall be deemed to have been established under section 3, and the Director General and other officers and employees of that Department shall be deemed to have been appointed under this Act.

**The Environment Court Act, 2000**  
**Act No. 12 of 2000**

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Un-official English Version

**The Environment Court Act, 2000**  
**Act No. 11 of 2000**

*[Bangla text of the Act was published in the Bangladesh Gazette, extra-ordinary issue of 10-4-2000 and amended by Act No. 10 of 2002]*

**An Act to provide for the establishment of environment courts and matters incidental thereto.**

Where as it is expedient and necessary to provide for the establishment of Environment Courts for the trial of offences relating to environmental pollution and matters incidental thereto;

It is hereby enacted as follows:-

1. **Short Title.**- This Act may be called the Environment Court Act, 2000.
2. **Definitions.**- In this Act, unless there is anything contrary to the subject or context-

“**Civil Procedure Code**” means the Code of Civil Procedure, 1908 (Act V of 1908); [Ref. Clause (a)]

“**Criminal Procedure Code**” means the Code of Criminal Procedure, 1898 (Act V of 1898); [Ref. Clause (e)]

“**Director General**” means the Director General of the Department of Environment; [Ref. Clause (f)]

“**Environment Appeal Court**” means an Environment Appeal Court constituted under this Act; [Ref. Clause (d)]

“**Environment Court**” means an Environment Court constituted under this Act; [Ref. Clause (c)]

\*<sup>2</sup>“**environmental law**” means this Act, the Bangladesh Environment Conservation Act, 1995 (Act No. 1 of 1995), any other law specified by the Government in the official Gazette for the purposes of this Act, and the rules made under these laws; [Ref. Clause (bb)]

<sup>1</sup> The definitions are rearranged in English alphabetical order with reference to relevant clause of the original Bangla text of section 2.

<sup>2</sup> Clause (bb) was inserted by sec. 3 of Act 10/2002.

\***“Inspector”** means an Inspector of the Department of Environment or any other person <sup>2</sup>authorized by the Director General by a general or special order or a person authorized under any other environmental law to inspect or investigate; [Ref. Clause (b)]

<sup>3</sup>**“Special Magistrate”** means a Special Magistrate appointed under section 5B. [Ref. Clause (g)]

3. **Overriding effect of the Act.**- Notwithstanding anything contained to the contrary in any other law for the time being in force, the provisions of this Act shall have effect.

~~১৬৯~~ **Establishment of Environment Courts.**- (1) For carrying out the purposes of this Act, the Government shall, by notification in the official Gazette, <sup>4</sup>establish one or more Environment Court in each Division.

<sup>5</sup>[(2) An Environment Court shall be constituted with one judge and, in consultation with the Supreme Court, the Government shall-

- (a) appoint an officer of the judicial service of the rank of Joint District Judge, and such Judge shall dispose of cases only under environmental laws; and
- (b) if it considers necessary, appoint a judge of the rank of Joint District Judge for a Division or a specified part thereof to act as the judge of an Environment Court in addition to his ordinary functions, and the said judge shall, in addition to his ordinary functions, dispose of the cases that fall within the jurisdiction of an Environment Court.]

(3) Each Environment Court shall have its seat at the Divisional Headquarter; however, the Government, if it considers necessary, may, by general or specific order published in the official Gazette, specify places outside the Divisional Headquarter where the court can hold its sittings.

(4) If more than one Environment Court are established in any Division, the Government shall, by notification in the official Gazette, specify the territorial jurisdiction of each such Court.

<sup>1</sup> Clause (b) was substituted by sec. 3 of Act 10/2002.

<sup>2</sup> S.I to ASP/Asstt. Commissioner of Police and their equivalent authorized as Inspector by DoE circular No. Paribesh/1006 of 04/05/2002 in relation to ban on Polythene Shopping bag.

<sup>3</sup> Clause (g) was inserted by sec. 3 of Act 10/2002.

<sup>4</sup> One Env. Court each at Dhaka and Chittagong established by MoL Notification No. SRO 45-Law/2002, of 06/03/2002.

<sup>5</sup> Sub-section (2) was substituted by sec. 4 of Act 10/2002.

*Handwritten: ১৭১১* *Handwritten: ১২* *Handwritten: ১৩* **Jurisdiction of Environment Court.**- (1) Notwithstanding anything contained to the contrary in any other law, a case shall, in accordance with the provisions of this Act, be directly instituted in an Environment Court for trial of an offence or for compensation under an environmental law, and only that court can take cognizance and hold proceedings for trial and disposal of those cases.

<sup>1</sup>[(2) An Environment Court shall be competent to impose penalty for offences under section 5A of this Act and under any other environmental law, to confiscate an equipment or part thereof, a transport used in the commission of such offence or an article or other thing involved with the offence, and to pass order or decree for compensation in appropriate cases; and in addition, the said court may in the same judgment make all or any of the following orders keeping in view of the circumstances of the offence or relevant facts:-

- Handwritten: ১৪* (a) issuing a direction to the offender or other relevant person not to repeat or continue or, as the case may be, not to do the act or to make the omission which constitutes the offence;
- Handwritten: ১৫* (b) issuing a direction to the offender or other relevant person to take such preventive or remedial measures in relation to the injury or probable injury to environment as the court considers appropriate keeping in view of the circumstances of the offence or the relevant facts;
- Handwritten: ১৬* (c) in case of a direction under clause (b), specifying a time-limit and a further direction to submit within the specified time a report to the Director General or other appropriate authority on the implementation of the direction :

Provided that where a direction under clause (b) or (c) is issued, the person directed may apply to the court within 15 days of the judgment for review of such direction and the court shall, after giving the Director General a reasonable opportunity of being heard, dispose of the application within 30 days after it is made.]

<sup>2</sup>[(3) No Environment Court shall take cognizance of an offence or receive any suit for compensation except on the written report of an Inspector or any other person authorized by the Director General:

Provided that if the Environment Court is satisfied that a person presented a written request to the said Inspector or authorized person to accept a complaint about an offence or a claim for compensation and no action was taken within 60 (sixty) days after such request, and that such complain or claim deserves to be taken into cognizance for the purpose of trial, then the court may, after giving the Inspector or the authorized person or the Director General a reasonable opportunity of being heard, directly receive the complaint or claim for compensation without

<sup>1</sup> Sub-section (2) was substituted by sec. 5 of Act 10/2002.

<sup>2</sup> Sub-section (3) was substituted by sec. 5 of Act 10/2002.

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such written report, or may, if it considers appropriate, direct the said Inspector or the authorized person to investigate the offence or claim.]

<sup>1</sup> [(4) Omitted.]

<sup>1</sup> [(5) Omitted.]



**Penalty for violating court's order.-** If a person -

(a) violates a direction issued under clause (a) of section 5(2) by repeating or continuing the offence for the commission of which he has been sentenced, he shall be liable to be sentenced with the penalty prescribed for that offence, provided such penalty shall not be less than the one imposed on him at the time of issuance of the direction;

(b) violates a direction issued under clause (b) or (c) of section 5(2), the violation shall be an independent offence for which he shall be liable to be sentenced to an imprisonment not exceeding 3 (three) years or to a fine not exceeding 3 (three) lac taka or to both.

**Explanation.-** The other provisions of this Act shall apply to the investigation and trial of an offence under this section.



**Trial of certain offences by Special Magistrates.-** Where an environmental law provides for a penalty of an imprisonment not exceeding 2 (two) years or a fine not exceeding 10 (ten) thousand taka or both or confiscation of anything, for the commission of an offence, a Magistrate of the first class or a Metropolitan Magistrate who is <sup>3</sup>appointed to deal only with such cases arising in a specified area or who is assigned to deal with such cases in addition to his ordinary duties, as the Government may specify, shall be competent to try the offences; such Magistrates shall be known as Special Magistrates:

Provided that if such offence is combined with another offence under an environmental law and if both the offences require trial in the same proceedings, then the offences shall be triable in the Environment Court.



**Trial procedure in Special Magistrate's Court.-** (1) No Special Magistrate shall take cognizance of an offence except on a written report of an Inspector :

Provided that, if authorized by the Director General in relation to the institution of a particular kind of case triable by such Magistrate, an Inspector may present a report on such offence directly to the Magistrate without following the procedure prescribed in section 7.

<sup>1</sup> Sub-sections (4) and (5) were omitted by sec. 5 of Act 10/2002.

<sup>2</sup> Sections 5A, 5B & 5C were inserted by sec. 6 of Act 10/2002.

<sup>3</sup> M/O Establishment Notification No.- Sa/Ma/JA-4/45/2002-309 of 29<sup>th</sup> May, 2002 issued for appointment of Special Magistrates in districts and Metropolitan areas.

(2) A Special Magistrate appointed under this Act shall follow the procedure for summary trial as prescribed in the Criminal Procedure Code.

(3) A case triable by the court of a Special Magistrate shall be conducted by an Assistant Public Prosecutor or a police officer specified by the Government or an Inspector of the Department of Environment on behalf of the State.]

**16. Power of entry, search, etc.-** (1) For the purposes of conducting an inspection of any matter or investigation of an offence under an environmental law, or when directed by the Director General or the Environment Court for assessing compensation under this Act, an Inspector may, at any reasonable time, enter any place, search into, or seize any thing or collect sample from, or inspect, that place.

(2) For the purposes of sub-section (1), an Inspector may, whenever he considers necessary, apply to the Environment Court or to any Magistrate for issuance of a search warrant.

(3) An Inspector shall, as far as practicable, follow the Criminal Procedure Code and the relevant provisions of the environmental law in conducting a search, seizure or inspection under this section.]

**Procedure for investigation.-** (1) An offence under an environmental law shall ordinarily be investigated by an Inspector, but the Director General may, by a general or special order, authorize any other officer subordinate to him to investigate any particular kind of offences or a specified offence.

(2) The said Inspector or other officer, hereinafter referred to as the investigating officer, shall on the basis of a written complaint or other information, initiate proceedings under this section after obtaining approval of the officer authorized in this behalf by the Director General.

(3) The investigating officer shall, before initiating a formal investigation of an offence, inquire into and collect information about the offence, prepare a preliminary report thereon and present it to a higher<sup>3</sup> officer authorized by the Director General in this behalf, and the officer secondly mentioned shall, upon consideration of the relevant facts and circumstances, give his decision within 7 (seven) days as to whether a formal investigation may be initiated or whether no action at all is necessary, and accordingly next actions shall be taken.

(4) If a decision is taken to initiate a formal investigation under sub-section (3), the investigating officer shall present the said preliminary report to the concerned police station, and it shall be recorded in the police station as a first

<sup>1</sup> Section 6 was substituted by sec. 7 of Act 10/2002.

<sup>2</sup> Section 7 was substituted by sec. 7 of Act 10/2002.

<sup>3</sup> Vide DoE circular No. Paribesh/1642 of 23/02/2002 in this regard. Moreover ASP/Asstt Commissioner of Police and above authorized under sub-sections (3) and (7) by DoE circular No. Paribesh-1006 of 04/05/2002.



information report or ejarah of the offence and thereafter the said investigating officer or, as the case may be, another officer authorized by the Director General shall conduct the investigation.

(5) The investigating officer while investigating an offence shall, in relation to that offence, be competent to exercise the same powers as an officer in charge of a police station and he shall, subject to this Act and the rules, follow the Criminal Procedure Code.

(6) Any statement recorded, any article seized, any sample or other information collected at the inquiry stage held before formal investigation may be considered and used for the purpose of investigation.

(7) The investigating officer shall, after completion of the investigation, obtain the approval of an officer<sup>1</sup> authorized by the Director General in this behalf and submit one copy of the investigation report and the original or attested copies of the supporting documents directly to the environment court or as the case may be to a Special Magistrate if the case is triable by such Magistrate, and shall also keep one copy at his office and present another copy to the police station; and such report shall be deemed to be a police report under section 173 of Criminal Procedure Code.

(8) Notwithstanding the provisions of sub-section (3), where the investigating officer has reasons to believe that any document, article or equipment involved with an offence is likely to be removed or destroyed, he may, even before a decision for formal investigation, seize the document, article or equipment, and if the investigator has reasons to believe that the offender is likely to abscond, he may also arrest the offender.]

**7A Assistance from law enforcing agencies and other authorities.**- For the purposes of sections 6 and 7, the investigating officer may request any law enforcing agency or other authority for assistance and the requested agency or authority shall accordingly render assistance.]

**Procedure and power of Environment Court.**- (1) Unless otherwise provided in this Act, provisions of the Criminal Procedure Code shall be applicable in the case of lodging a complaint about an offence under this Act, trial thereof and the Environment Court shall be deemed to be a criminal court and it shall follow the procedure laid down in the Criminal Procedure Code for trial and disposal of a case triable by the Sessions Court.

<sup>3</sup>[(2) Omitted.]

<sup>1</sup> Vide DoE circular No. Paribesh/1642 of 23/02/2002 in this regard. Moreover ASP/Asstt Commissioner of Police and above authorized under sub-sections (3) and (7) by DoE circular No. Paribesh-1006 of 04/05/2002.

<sup>2</sup> Section 7A was inserted by sec. 7 of Act 10/2002.

<sup>3</sup> Sub-section (2) was omitted by sec. 8 of Act 10/2002.

(3) The Environment Court shall be competent to order the investigating officer or other person investigating to hold further investigation of the offence in relation to which a case is pending before it and also to specify the time-limit for submission of the report of such further investigation.

(4) The Environment Court shall be competent to exercise any power conferred on it by this Act or any other environmental law.

<sup>1</sup>(5) A case triable by an Environment Court shall be conducted by a Public Prosecutor or an Additional or Assistant Public Prosecutor on behalf of the State :

Provided that an Inspector or an officer authorized by the Director General may assist the said prosecutor in conducting the case and if necessary may make his submission before the court.]

~~X~~ (6) Subject to provisions of this Act, the Civil Procedure Code shall be applicable to the trial and disposal of a case relating to compensation; and the Environment Court, for the purpose of trial and disposal of a suit for compensation, be deemed to be a civil court and shall be competent to exercise all the powers of a civil court.

(7) Hearing of a case at the trial stage shall not be adjourned more than three times and the Environment Court shall conclude the trial within one hundred eighty days:

Provided that where the trial is not completed within the above time-limit, the Environment Court shall, within 15 days after expiry of that period, inform the Environment Appeal Court of the delay and the reasons for such delay, and shall complete the trial of the case within ninety days after the expiry of the above mentioned one hundred eighty days.

9. **Conversion of fines to compensation.**- (1) Notwithstanding anything contained to the contrary in any other law for the time being in force, the Environment Court may, if it considers necessary, convert fines imposed by it as compensation to be paid to persons affected as a result of the commission of an offence under an environmental law; and the fine or compensation shall be realizable from the person who has been sentenced with the fine.

(2) If a claim for compensation is related to an offence under an environmental law in such a manner that the trial of the offence and the claim should be held in the same proceedings, then the Environment Court shall try the offence first and, if the compensation to be awarded is not commensurate with the fine imposed as a penalty of the offence, then the application for compensation can be considered separately.

~~X~~ 10. **Authority of Environment Court to inspect.**- (1) If, at any stage of the trial of a case, any question arises relating to any property, object or place of occurrence of an offence the Environment Court can inspect the property, object or

<sup>1</sup> Sub-section (5) was substituted by sec. 8 of Act 10/2002.

the place of occurrence, after serving notice on the parties or their lawyers as to the place and time of inspection.

(2) During inspection or immediately thereafter, the Judge shall record the results of the inspection in the form of a memorandum and such memorandum shall be an evidence in the trial of the case and such evidence shall not be called in question by any party.

~~(1)~~ **Appeal.**- (1) Notwithstanding anything contained to the contrary in the Civil Procedure Code or the Criminal Procedure Code, no question shall, except in accordance with the provisions of this Act, be raised before any court or other authority on the proceedings, order or decision of, or a decree of compensation passed and penalty imposed by, the Environment Court.

(2) A party aggrieved by a Judgment or a decree of compensation passed or a penalty imposed by the Environment Court can file an appeal to the Environment Appeal Court established under section 12 within thirty days of the date of passing the judgment, decree of compensation or penalty, or order of dismissal of a civil suit or an order specified in sub-section (3).

~~X~~<sup>1</sup> [(3) An appeal shall lie to the Environment Appeal Court against an order of interim or temporary injunction, an order to maintain status quo, an order granting or refusing bail, an order of framing charge or discharge, and an order of taking cognizance of an offence or refusal thereof passed by an Environment Court; no other interim order shall be appealable nor shall the legality or propriety thereof shall be called in question before the Environment Appeal Court or any other court.

~~X~~<sup>1</sup> (3A) An appeal shall lie to the Environment Appeal Court against an order of conviction and sentence or acquittal, an order granting or refusing bail, an order of framing charge or discharge, and an order of taking cognizance of an offence or refusal thereof, passed by a Special Magistrate Court; no other interim order passed by such Magistrate shall be appealable nor shall the legality or propriety thereof shall be called in question before the Environment Appeal Court or any other court.]

(4) Notwithstanding the provisions of sub-section (1), a party aggrieved by a judgment or decree passed by an Environment Court in a suit for compensation shall not be entitled to file an appeal against the said judgment or decree without depositing half of the decreed amount with the court which passed the decree.

~~(2)~~ **Environment Appeal Court.**- (1) For carrying out the purposes of this Act, the Government shall, by notification in the Official Gazette, establish <sup>2</sup>one or more than one Environment Appeal Court.

<sup>1</sup> Sub-section (3) was substituted and sub-section (3A) was inserted *ibid.* by sec. 9 of Act 10/2002.

<sup>2</sup> One Env. Appeal Court for the whole country at Dhaka established by MoL Notification No. SRO 44-Law/2002, of 06-03-2002.

<sup>1</sup>[(2) An Environment Appeal Court shall be constituted with one judge and, in consultation with the Supreme Court, the Government shall-

- (a) appoint an officer of the judicial service of the rank of District Judge and such Judge shall dispose of cases only under environmental law; and
- (b) if it considers necessary, for a specified area the appoint a District and Sessions Judge of a district to act as the judge of an Environment Appeal Court in addition to his ordinary duties, and such a judge shall, in addition to his ordinary duties, dispose of the cases that fall within jurisdiction of an Environmental Appeal Court.]

(3) The seat of the Environment Appeal Court shall be in Dhaka or any other place specified by the Government.

(4) For the purpose of disposal of appeals relating to offences, the Environment Appeal Court may exercise all the powers of a Sessions Court as an Appeal Court under the Criminal Procedure Code.

(5) For the purpose of disposal of an appeal relating to a suit for compensation, the Environment Appeal Court may exercise all the powers of an appellate court under the Civil Procedure Code.

<sup>2</sup>[12A. **Transfer of cases.**- An Environment Appeal Court may, on an application or other information-

- (a) transfer a pending case from one Environment Court to another such court subordinate to it or to retransfer a case;
- (b) transfer a pending case form the court of a Special Magistrate to that of another Special Magistrate or to an Environment Court subordinate to it, or retransfer such a case.]

13. **Pending cases.**- A case under an environmental law pending in any court immediately before the commencement of this Act, shall be so continued and disposed of in that court as if this Act has not been enacted.

<sup>3</sup>[13A. **Jurisdiction of Environment Court over offences etc. committed earlier.**- (1) If a case has not been instituted against an offence committed before the commencement of the Environment Court (Amendment) Act, 2002, the offence can be taken cognizance of by an Environment Court or by a Special Magistrate, as the case may be, on the basis of a written complaint or report of an Inspector or any

<sup>1</sup> Sub-section (2) section 12 was substituted by sec. 10 of Act 10/2002.

<sup>2</sup> Section 12A was inserted by sec. 11 of Act 10/2002.

<sup>3</sup> Section 13A was inserted by sec. 12 of Act 10/2002.

other person authorized in this behalf by the Director General , and the case can be disposed of according to this Act.

(2) For the purposes of this section, a case instituted on complaint shall not be dismissed under section 247 of the Criminal Procedure Code only on the ground of absence of the complainant.]

14. **Power to make rules.**- For carrying out the purposes of this Act, the Government may, by notification in the Official Gazette, make rules.

# The Environment Conservation Rules, 1997

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Un-official English Version**The Environment Conservation Rules, 1997**

[Bangla text of the Rules was published in the Bangladesh Gazette, Extra-ordinary Issue of 28-8-1997 and amended by Notification SRO 29-Law/2002 of 16 February 2002.]

**Government of the People's Republic of Bangladesh**  
**Ministry of Environment and Forest**

**NOTIFICATION**

Date, 12 Bhadra 1404/27 August 1997

**S.R.O. No. 197-Law/97-** In exercise of the powers conferred by section 20 of the Bangladesh Environment Conservation Act, 1995 (Act 1 of 1995), the Government is pleased to make the following Rules:-

1. **Short Title.** – These Rules may be called the Environment Conservation Rules, 1997.

2. **Definitions.** – In these Rules, unless there is anything contrary to the subject or context --

✓ “**Act**” means Bangladesh Environment Conservation Act, 1995 (Act 1 of 1995); [Ref. clause (b)]

✓ “**Department**” means the Department of Environment established under sub-section (1) of section 3 of the Act; [Ref. clause (a)]

✓ “**Form**” means a form appended to these Rules; [Ref. clause (e)]

✓ “**local authority**” means the City Corporation in relation to a metropolitan area, the Municipality in relation to a municipal area and the Union Parishad in relation to a rural area; [Ref. clause (g)]

✓ “**parameter**” means the characteristics of a standard; [Ref. clause (f)]

✓ “**Schedule**” means a schedule appended to these Rules; [Ref. clause (c)]

✓ “**section**” means a section of the Act. [Ref. clause (d)]

3. **Declaration of Ecologically Critical Area.** – (1) The Government shall take the following factors into consideration while declaring any area as Ecologically Critical Area under sub-section (1) of section 5:-

✓ (a) human habitat;

<sup>1</sup> The definitions are re-arranged in English alphabetical order with reference to the relevant clause of rule 2 as in the Bangla text.



- ✓(b) ancient monument;
- ✓(c) archeological site;
- ✓(d) forest sanctuary;
- ✓(e) national park;
- ✓(f) game reserve;
- ✓(g) wild animals, habitat;
- ✓(h) wetland;
- ✓(i) mangrove;
- ✓(j) forest area;
- ✓(k) bio-diversity of the relevant area; and
- ✓(l) other relevant factors.

✓(2) The Government shall, in accordance with the standards referred to in rules 12 and 13, specify the activities or processes which can not be continued or initiated in an Ecologically Critical Area.

✓(2) **Vehicles emitting smoke injurious to health and otherwise harmful.**- (1) The owner of a vehicle using petrol, diesel and gas as fuel shall, before registration of the vehicle or renewal of its fitness certificate under the Motor Vehicles Ordinance, 1983 (LV of 1983), hereinafter referred to as the said Ordinance, ensure that a catalytic converter or a diesel particulate filter is fitted in the vehicle.

✓(2) If a vehicle is not fitted with the apparatus mentioned in sub-rule (1) and it violates the standards specified in schedule 6 or, as the case may be, 7, the vehicle shall be deemed to be a vehicle emitting smoke harmful to the environment or injurious to health.

✓5. **Application relating to pollution or degradation of environment.** - ✓(1) Any person affected or likely to be affected as mentioned in sub-section (1) of section 8 may apply to the Director General in Form-1 for remedy of the damage or apprehended damage.

✓(2) The Director General shall, within three months of receiving an application under sub-rule (1), dispose it of in accordance with sub-section (2) of section 8.

6. **Notice for collection of Sample.** - An officer intending to collect a sample under sub-section (3) of section 11 shall send to the occupier of the concerned place or his agent a notice in accordance with Form-2 about his intention.

<sup>1</sup> Rule 4 was substituted by MoEF Notification No. SRO 29-Law/2002 of 16 February 2002, w.e.f 28 February 2002.

VI 7 Procedure for issuing Environmental Clearance Certificate. – (1) For the purpose of issuance of Environmental Clearance Certificate, the industrial units and projects shall, in consideration of their site and impact on the environment, be classified into the following four categories:-

- (a) Green;
- (b) Orange – A;
- (c) Orange – B; and
- (d) Red.

(2) Industries and projects included in the various categories as specified in sub-rule (1) have been described in Schedule – 1.

(3) Environmental Clearance Certificate shall be issued to all existing industrial units and projects and to all proposed industrial units and projects falling in the Green Category.

(4) For industrial units and projects falling in the Orange – A, Orange – B and Red categories, firstly a Location Clearance Certificate and thereafter an Environmental Clearance Certificate shall be issued:

Provided that the Director General may, without issuing a Location Clearance Certificate at the first instance, directly issue Environmental Clearance Certificate if he, on the application of an industrial unit or project, considers it appropriate to issue such certificate to the industrial unit or project.

(5) The entrepreneur of the concerned industrial unit or project shall apply to the concerned Divisional Officer of the Department in Form-3 along with appropriate fees as specified in Schedule – 13.

(6) The following documents shall be attached with an application made under sub-rule (5):-

(a) For Green Category:

- (i) general information about the industrial unit or project;
- (ii) exact description of the raw materials and the manufactured product; and
- (iii) no objection certificate from the local authority;

(b) For Orange – A Category:

- (i) general information about the industrial unit or project;
- (ii) exact description of the raw materials and the manufactured product;
- (iii) no objection certificate from the local authority;
- (iv) process flow diagram;

- (v) ✓ Layout Plan (showing location of Effluent Treatment Plant);
- (vi) ✓ effluent discharge arrangement;
- (vii) ✓ outlines of the plan for relocation, rehabilitation (if applicable);
- (viii) ✓ other necessary information (if applicable);

(c) **For Orange – B Category:**

- (i) ✓ report on the feasibility of the industrial unit or project (applicable only for proposed industrial unit or project);
- (ii) ✓ report on the Initial Environmental Examination of the industrial unit or project, and also the process flow diagram, Layout Plan (showing location of Effluent Treatment Plant), design of the Effluent Treatment Plant (ETP) of the unit or project (these are applicable only for a proposed industrial unit or project);
- (iii) ✓ report on the Environmental Management Plan (EMP) for the industrial unit or project, and also the Process Flow Diagram, Layout Plan (showing location of Effluent Treatment Plant), design of the Effluent Treatment Plant and information about the effectiveness of the ETP of the unit or project, (these are applicable only for an existing industrial unit or project);
- (iv) ✓ no objection certificate from the local authority;
- (v) ✓ emergency plan relating adverse, environmental impact and plan for mitigation of the effect of pollution;
- (vi) ✓ outline of the relocation, rehabilitation plan (where applicable);
- (vii) ✓ other necessary information (where applicable).

(d) **For Red Category:**

- (i) ✓ report on the feasibility of the industrial unit or project (applicable only for proposed industrial unit or project);
- (ii) ✓ report on the Initial Environmental Examination (IEE) relating to the industrial unit or project, and also the terms of reference for the Environmental

Impact Assessment of the unit or the project and its Process Flow Diagram;

**OR**

Environmental Impact Assessment report prepared on the basis of terms of reference previously approved by the Department of Environment, along with the Layout Plan (showing location of Effluent Treatment Plant), Process Flow Diagram; design and time schedule of the Effluent Treatment Plant of the unit or project, (these are applicable only for a proposed industrial unit or project);

~~(iii)~~ report on the Environmental Management Plan (EMP) for the industrial unit or project, and also the Process Flow Diagram, Layout Plan (showing location of Effluent Treatment Plant), design and information about the effectiveness of the Effluent Treatment Plan of the unit or project (these are applicable only for an existing industrial unit or project):

~~(iv)~~ no objection certificate of the local authority;

~~(v)~~ emergency plan relating adverse environmental impact and plan for mitigation of the effect of pollution;

~~(vi)~~ outline of relocation. rehabilitation plan (where applicable);

~~(vii)~~ other necessary information (where applicable);

(7) If an application for an Environmental Clearance Certificate for an industrial unit or project of Green Category is made under sub-rule (5) along with the relevant documents specified in sub-rule (6), then, within 15 days of the receipt of the application, the certificate shall be issued or the application shall be rejected mentioning appropriate reason for such rejection.

(8) If an application is made under sub-rule (5) along with the relevant documents specified in sub-rule (6), then in the case of an Orange- A Category industrial unit or project, within thirty days of the receipt of the application, and in the case of an Orange-B or Red Category industrial unit or project, within sixty days of the receipt of the application, a Location Clearance Certificate shall be issued or the application shall be rejected mentioning appropriate reasons for such rejection

(9) Upon receiving Location Clearance Certificate under Sub-rule (8), the entrepreneur--

(a) may undertake activities for land development and infrastructure development;

- (b) may install machinery including ETP (applicable for industrial units or projects of Orange-A and Orange-B Category only);
- (c) shall apply for Environmental Clearance Certificate upon completion of the activities specified in clauses (a) and (b), and, without the Environmental Clearance Certificate, shall not have gas line connection, and shall not start trial production in the industrial unit, and in other cases shall not operate the project (applicable for Orange-A and Orange-B Category industrial units or projects only);
- (d) shall submit for approval of the Department the EIA report prepared on the basis of program outlined in IEE Report along with time schedule and ETP design (applicable only for Red Category industrial units or projects);

(10) Where an application is received under clause (c) of sub-rule (9), Environmental Clearance Certificate shall, within fifteen working days in case of industrial unit or project of Orange-A Category and within 30 working days in case of industrial unit or project of Orange-B Category, be issued to the entrepreneur or the application shall be rejected mentioning appropriate reasons.

(11) Where an application is received under clause (d) of sub-rule (9) in relation to an industrial unit or project of Red Category, the EIA report along with the time schedule and ETP design shall, within sixty working days, be approved or the application shall be rejected mentioning appropriate reasons;

(12) After EIA is approved under sub-rule (11), the entrepreneur –

- (a) may open L/C for importing machineries which shall include machineries relating to ETP; and
- (b) shall, after installation of ETP, apply for Environmental Clearance Certificate without which he shall not have gas line connection and shall not start trial production in case of an industrial unit, and in other cases shall not start operation of the project.

(13) Where an application under clause (a) of sub-rule (12) is received in relation to an industrial unit or project of Red Category, Environmental Clearance Certificate shall be granted to the concerned entrepreneur within thirty working days, or the application shall be rejected mentioning appropriate reasons.

(14) Where an application is received under sub-rule (5) along with the documents specified in sub-rule (6), Environmental Clearance Certificate shall, within thirty working days in case of an industrial unit or project of Orange-A Category and within sixty working days in case of Orange-B and Red Category, be issued to the concerned entrepreneur or the application will be rejected mentioning appropriate reasons.

**7A** **Procedure for issuance of Pollution under Control Certificate.**- The owner of a vehicle shall, after causing the vehicle to be fitted with the apparatus mentioned in sub-rule (1) of rule 4 and before registration of the vehicle under the said Ordinance, or, as the case may be, before renewal of the fitness certificate, collect the Pollution under Control Certificate in accordance with Form-4.

**7B** **Restriction on importation etc. of catalytic converter and diesel particulate filter.**- The importer of catalytic converters or diesel particulate filters shall, before importation and marketing thereof, take written approval of the Director General by demonstrating and proving its effectiveness.]

**8. Validity period of Environmental Clearance Certificate.** - (1) The period of validity of an Environmental Clearance Certificate shall be, in case of Green Category, three years from the date of its issuance and in other cases one year.

(2) Each Environmental Clearance Certificate shall have to be renewed at least thirty days before expiry of its validity period.

**Appeal.** - (1) In the petition of an appeal under section 14, the grounds of the appeal against the relevant notice, order or direction shall be stated clearly and briefly.

- (2) Each appeal shall be accompanied by the following documents:-
- (a) a certified copy of the notice, order or direction against which appeal is filed;
  - (b) a copy of the Environmental Clearance Certificate (if any);
  - (c) a Treasury Chalan showing proof of deposit of the appeal fee of Taka one thousand; and
  - (d) any other paper relevant to the appeal.

**10. Procedure to be followed by Appellate Authority.** - (1) The Appellate Authority shall fix a date of hearing of the appeal keeping in view of their office work load and the time required to serve notice on the parties.

(2) The Appellate Authority shall send to the office against whose notice, order or direction the appeal has been filed a notice mentioning the date of hearing along with a copy of the petition of appeal.

(3) For the purpose of disposing an appeal, the Appellate Authority may, at any time, call for all necessary papers and information from the appellant or the opposite party.

11. **Procedure for hearing of appeal.** – (1) The submission of the appellant in support of the appeal shall be heard on the date fixed for hearing or, if it is adjourned, on a subsequent date.

(2) The Appellate Authority may dismiss the appeal if the appellant does not appear upon call for hearing on such date.

(3) If the appellant is present but the opposite party is absent, the appeal shall be heard ex-parte.

(4) If the appeal is dismissed under sub-rule (2), the appellant may, within the next thirty working days, again apply to the Appellate Authority for allowing the appeal.

(5) The Appellate Authority, after hearing the parties or, as the case may be one of the parties, may approve, modify or set aside the disputed notice, order or direction.

(6) The Appellate Authority shall record proper reasons in support of their decision, and shall specify the remedy to which the appellate is entitled.

(7) Copy of the order of the Appellate Authority shall be sent as soon as possible to the concerned office of the Department and to the Director General.

12. **Determination of environmental standards.**– For carrying out the purposes of clause (a) of sub-section (2) of section 20, the standards for air, water, sound, odor and other components of the environment shall be determined in accordance with the standards specified in Schedules - 2, 3, 4, 5, 6, 7 and 8.

13. **Determination of the standards for discharge and emission of waste.** – For carrying out the purposes of clause (e) of sub-section (2) of section 20, the standard limits of the discharge of liquid waste and gaseous emission shall be determined in accordance with the standards specified in Schedules 9, 10 & 11, and the standards of the discharge or emission of wastes of various industrial units shall be determined in accordance with standards specified in Schedule-12.

14. **Fees for Environmental Clearance Certificate and its renewal.**– The fees for issuance of Environmental Clearance Certificate and its renewal under these Rules shall be payable in accordance with Schedule-13.

15. **Various services and their fees.**– (1) Upon application of any person or organization, the Department shall supply analysis report of the samples of water, liquid waste, air and sound and also the information or data derived from such analysis.

(2) For services under sub-rule (1), appropriate fees are payable as described in Schedule-14.

16. **Procedure for payment of fees.** – Fees payable under these Rules shall be deposited with the Bangladesh Bank or a Government Treasury by a Treasury

Chalan in favour of the Director General under the Head "65 Miscellaneous Income-tax-free Revenue", and the copy of the Treasury Chalan shall be attached to the relevant application.

17. **Information of special incident.**— If, at any place, discharge or emission of environment pollutants occur in excess of the prescribed standards or if any place is under threat of facing such discharge or emission as a result of any accident or unforeseen incident, then the person or persons in charge of that place shall immediately inform the Director General of the occurrence or the threat.



**FORM - 1**

**Application for remedy**  
[See Rule 5(1)]

Director General,  
Department of Environment,  
Government of the People's Republic of Bangladesh,  
E-16, Agargaon, Dhaka-1207.

From:

.....  
.....

Sir,

I am a person affected, or in apprehension of being affected, by environmental pollution or environmental degradation and hence applying for remedy under sub-section-(1) of section-8 of the Bangladesh Environment Conservation Act, 1995, in respect of the following environmental damage/apprehended environmental damage:-

1. Name of the person/persons affected or in apprehension of being affected by environmental pollution or environmental degradation  
.....
2. Reasons, how affected.
3. Site, where affected.
4. Description of damage/apprehended damage.
5. Time, when affected.
6. Name, address, etc., of person/persons/organization involved in causing the damage.
7. Remedy applied for.

Date .....

Signature .....

**FORM - 2**

**Notice of intention for collection of sample**

[See Rule 6]

Whereas it is necessary to collect sample of solid waste/waste water/gaseous emission/soil/any pollutant for analysis, on ..... (date), at ..... hours, from \*\*\* ..... of your industrial unit or project;

Therefore, you are hereby notified of the intention for collection of sample, and you/your appropriate representative are required to be present at the industrial unit or project on the date for putting signature on the container of the sample, and for rendering assistance in collection of the sample.

Sample Collection Officer

Name-

Designation-

M/S.....

.....

.....

---

\*\*\* Describe the source/location of effluent, waste, stack, etc., from where sample would be collected.

**FORM – 3**

**Application for Environmental Clearance Certificate**  
[See Rule 7(5)]

Director/Deputy Director,  
Department of Environment,  
Dhaka Division/Chittagong Division/Khulna Division/Rajshahi Division (Bogra).

Sir,

I do hereby apply for Environmental Clearance Certificate for my proposed industrial unit or project, or for the existing industrial unit or project, and enclose papers and furnish information as follows :

- 1.(a) Name of the industrial unit or project :  
Address of location of the industrial unit or project :  
project :
- (b) Address of present office :
- 2.(a) Proposed industrial unit or project  
: Expected date of starting construction :  
: Expected date of completion of construction :  
: Expected date of trial production in case of :  
industrial unit, in other cases, date of starting :  
operation of the project
- (b) Existing industrial unit or project  
: Date of starting trial production in case of :  
industrial unit, in other cases, date of starting :  
operation of the project
3. Name of product and quantity to be produced :  
(daily/monthly/yearly)
- 4.(a) Name of raw materials and quantity required :  
(daily/monthly/yearly)
- (b) Source of raw material :
- 5.(a) Quantity of water to be used daily :  
(b) Source of water :

- 6.(a) Name of fuel and quantity required :  
(daily/monthly/yearly)
- (b) Source of fuel :
- 7.(a) Probable quantity of daily liquid waste :  
(b) Location of waste discharge :  
(c) Probable quantity of daily emission of gaseous :  
substance  
(d) Mode of emission of gaseous substance :
8. Mouza (village) map indicating "Daag" (plot) :  
number and "Khatiyar" (land tax account)  
number
9. Approval of Rajdhani Unnayan Katripakkhya/ :  
Chittgong Development Authority/Khulna  
Development Authority/ Rajshahi  
Development Authority (if applicable).
- 10.(a) Design & time schedule of proposed Effluent :  
Treatment Plant  
(b) Fund allocated :  
(c) Area :
11. Process Flow Diagram :
- 12.(a) Location map of industrial unit or project :  
(b) Layout plan (with location of Effluent :  
Treatment Plant)
- 13.(a) IEE/IEA report\* (if applicable) :  
(b) Environmental Management Plan\* (if :  
applicable)
14. Feasibility Report (if applicable) :

Seal

Signature of the entrepreneur

Name :

Address:

Phone :

Date :

**-: Declaration :-**

I do hereby declare that all information provided by me in this application are true to the best of my knowledge and no information has been concealed or distorted herein.

(Name & signature of entrepreneur)

- \* Each page be countersigned by the person who fills out this application form and by the entrepreneur.

**<sup>1</sup>FORM - 4****Pollution under Control Certificate**  
[See Rule 7A]

It is hereby certified that vehicle No ..... of  
Mr. .... of .....  
..... (address) emits the following gaseous substances  
as measured at two-thirds of the maximum rotating speed of the vehicle :-

<u>Parameter</u>	<u>Unit</u>	<u>Limit of Standards</u>	<u>Measurement taken</u>
Black Smoke	Hartridge Smoke Unit (HSU)	65	
Carbon Monoxide	gm/k.m. percent area	24 04	
Hydrocarbon	gm/k.m. ppm	02 180	
Oxides of Nitrogen	gm/k.m. ppm	02 600	

- (2) The measurements so taken do not exceed the standards specified in Schedule-6.
- (3) This Certificate shall remain valid till .....

Signature of Director  
General/Authorized Officer  
Seal  
Department of Environment

<sup>1</sup> This form was inserted in the rules by gazette notification S.R.O.29-Law/2002 w.e.f. 28/2/2000.

**SCHEDULE - 1****Classification of industrial units or projects based on its location and impact on environment.**

[ See Rule 7(2) ]

**(A) GREEN Category**

1. Assembling and manufacturing of TV, Radio; etc.
2. Assembling and manufacturing of clocks and watches.
3. Assembling of telephones.
4. Assembling and manufacturing of toys (plastic made items excluded).
- ✓ 5. Book-binding.
6. Rope and mats (made of cotton, jute and artificial fibers).
- ✓ 7. Photography (movie and x-ray excluded).
8. Production of artificial leather goods.
9. Assembling of motorcycles, bicycles and toy cycles.
10. Assembling of scientific and mathematical instruments (excluding manufacturing).
- ✓ 11. Musical instruments.
12. Sports goods (excluding plastic made items).
13. Tea packaging (excluding processing).
14. Re-packing of milk powder (excluding production).
15. Bamboo and cane goods.
16. Artificial flower (excluding plastic made items).
- ✓ 17. Pen and ball-pen.
18. Gold ornaments (excluding production) (shops only).
- ✓ 19. Candle.
- ✓ 20. Medical and surgical instrument (excluding production).
21. Factory for production of cork items (excluding metallic items).
22. Laundry (excluding washing).

**Foot Notes:**

- (a) Units of all kinds of cottage industries other than those listed in this Schedule shall remain outside the purview of Environmental Clearance Certificate (Unit of cottage industry means all industrial units producing

goods or services in which by full-time or part-time labour of family members are engaged and the capital investment of which does not exceed Taka 5 (five) hundred thousand).

- (b) No industrial unit listed in this Schedule shall be located in any residential area.
- (c) Industrial units shall preferably be located in areas declared as industrial zones or in areas where there is concentration of industries or in vacant areas.
- (d) Industrial units likely to produce sound, smoke, odor beyond permissible limit shall not be acceptable in commercial areas.

**(B) ORANGE-A Category**

1. Dairy Farm, 10 (ten) cattle heads or below in urban areas and 25 cattle heads or below in rural areas.
2. Poultry (up to 250 in urban areas and up to 1000 in rural areas).
3. Grinding/husking of wheat, rice, turmeric, pepper, pulses (up to 20 Horse Power).
4. Weaving and handloom.
5. Production of shoes and leather goods (capital up to 5 hundred thousand Taka).
6. Saw mill/wood sawing.
7. Furniture of wood/iron, aluminum, etc.,(capital up to 5 hundred thousand Taka).
8. Printing Press.
9. Plastic & rubber goods (excluding PVC).
10. Restaurant.
11. Cartoon/box manufacturing/printing packaging.
12. Cinema Hall.
13. Dry-cleaning.
14. Production of artificial leather goods (capital up to 5 hundred thousand Taka).
15. Sports goods.
16. Production of salt (capital up to 10 hundred thousand Taka).
17. Agricultural machinery and equipment.
18. Industrial machinery and equipment.



19. Production of gold ornaments.
20. Pin, U Pin.
21. Frames of spectacles.
22. Comb.
23. Production of utensils and souvenirs of brass and bronze.
24. Factory for production of biscuit and bread (capital up to 5 hundred thousand Taka).
25. Factory for production of chocolate and lozenge. (capital up to 5 hundred thousand Taka).
26. Manufacturing of wooden water vessels.

**(C) ORANGE-B Category**

1. PVC items.
2. Artificial fiber (raw material).
3. Glass factory.
4. Life saving drug (applicable to formulation only).
5. Edible oil.
6. Tar.
7. Jute mill.
8. Hotel, multi-storied commercial & apartment building.
9. Casting.
10. Aluminum products.
11. Glue (excluding animal glue).
12. Bricks/tiles.
13. Lime.
14. Plastic products.
15. Processing and bottling of drinking water and carbonated drinks.
16. Galvanizing.
17. Perfumes, cosmetics.
18. Flour (large).
19. Carbon rod.
20. Stone grinding, cutting, polishing.

21. Processing fish, meat, food.
22. Printing and writing ink.
23. Animal feed.
24. Ice-cream.
25. Clinic and pathological lab.
26. Utensils made of clay and china clay/sanitary wares (ceramics).
27. Processing of prawns & shrimps.
28. Water purification plant.
29. Metal utensils/spoons etc.
30. Sodium silicate.
31. Matches.
32. Starch and glucose.
33. Animal feed.
34. Automatic rice mill.
35. Assembling of motor vehicles.
36. Manufacturing of wooden vessel.
37. Photography (activities related to production of films for movie and x-ray).
38. Tea processing.
39. Production of powder milk/condensed milk/dairy.
40. Re-rolling.
41. Wood treatment.
42. Soap.
43. Repairing of refrigerators.
44. Repairing of metal vessel.
45. Engineering works (up to 10 hundred thousand Taka capital.)
46. Spinning mill.
47. Electric cable.
48. Cold storage.
49. Tire re-treading.
50. Motor vehicles repairing works (up to 10 hundred thousand Taka capital).

51. Cattle farm: above 10 (ten) numbers in urban area, and above 25 (twenty five) numbers in rural area.
52. Poultry: Number of birds above 250 (two hundred fifty) in urban area and above 1000 (one thousand) in rural area.
53. Grinding/husking wheat, rice, turmeric, chilly, pulses – machine above 20 Horse Power.
54. Production of shoes and leather goods, above 5(five) hundred thousand Taka capital.
55. Furniture of wood/iron, aluminum, etc., above 5(five) hundred thousand Taka capital.
56. Production of artificial leather goods, above 5(five) hundred thousand Taka capital.
57. Salt production, above 10(ten) hundred thousand Taka capital.
58. Biscuit and bread factory. above 5 (five) hundred thousand Taka capital.
59. Factory for production of chocolate and lozenge. above 5(five) hundred thousand Taka capital.
60. Garments and sweater production.
61. Fabric washing.
62. Power loom.
63. Construction, re-construction and extension of road (feeder road, local road).
64. Construction, re-construction and extension of bridge (length below 100 meters).
65. Public toilet.
66. Ship-breaking.
67. G.I. Wire.
68. Assembling batteries.
69. Dairy and food.

**Foot Notes:**

- (a) No industrial unit included in this list shall be located in any residential area.
- (b) Industrial units shall preferably be located in areas declared as industrial zones or in areas where there is concentration of industries or in vacant areas.

(c) Industrial units likely to produce sound, smoke, odor beyond permissible limit shall not be acceptable in commercial areas.

**(D) RED Category**

- ✓ 1. Tannery.
- ✓ 2. Formaldehyde.
- ✓ 3. Urea fertilizer.
- ✓ 4. T.S.P. Fertilizer.
- ✓ 5. Chemical dyes, polish, varnish, enamel.
- ✓ 6. Power plant.
- ✓ 7. All mining projects (coal, limestone, hard rock, natural gas, mineral oil, etc.)
- ✓ 8. Cement.
- ✓ 9. Fuel oil refinery.
- ✓ 10. Artificial rubber.
- ✓ 11. Paper and pulp.
- ✓ 12. Sugar.
- ✓ 13. Distillery.
- ✓ 14. Fabric dyeing and chemical processing.
- ✓ 15. Caustic soda, potash.
16. Other alkalis.
- ✓ 17. Production of iron and steel.
- ✓ 18. Raw materials of medicines and basic drugs.
- ✓ 19. Electroplating.
- ✓ 20. Photo films, photo papers and photo chemicals.
- ✓ 21. Various products made from petroleum and coal.
- ✓ 22. Explosives.
- ✓ 23. Acids and their salts (organic or inorganic).
- ✓ 24. Nitrogen compounds (Cyanide, Cyanamid etc.).
- ✓ 25. Production of plastic raw materials (PVC, PP/Iron, Polyesterin etc.)
26. Asbestos.
- ✓ 27. Fiberglass.

28. Pesticides, fungicides and herbicides.
29. Phosphorus and its compounds/derivatives.
30. Chlorine, fluorine, bromine, iodine and their compounds/derivatives.
31. Industry (excluding nitrogen, oxygen and carbon dioxide).
32. Waste incinerator.
33. Other chemicals.
34. Ordnance.
35. Nuclear power.
36. Wine.
37. Non-metallic chemicals not listed elsewhere.
38. Non-metals not listed elsewhere.
39. Industrial estate.
40. Basic industrial chemicals.
41. Non-iron basic metals.
42. Detergent.
43. Land-filling by industrial, household and commercial wastes.
44. Sewage treatment plant.
45. Life saving drugs.
46. Animal glue.
47. Rodenticide.
48. Refractories.
49. Industrial gas (Oxygen, Nitrogen & Carbon-dioxide).
50. Battery.
51. Hospital.
52. Ship manufacturing.
53. Tobacco (processing/cigarette/Biri-making).
54. Metallic boat manufacturing.
55. Wooden boat manufacturing.
56. Refrigerator/air-conditioner/air-cooler manufacturing.
57. Tyre and tube.
58. Board mills.

59. Carpets.

60. Engineering works: capital above 10 (ten) hundred thousand Taka.

61. Repairing of motor vehicles: capital above 10 (ten) hundred thousand Taka.

62. Water treatment plant.

63. Sewerage pipe line laying/relaying/extension.

64. Water, power and gas distribution line laying/relaying/extension.

65. Exploration/extraction/distribution of mineral resources.

66. Construction/reconstruction/expansion of flood control embankment, polder, dike, etc.

67. Construction/reconstruction/expansion of road (regional, national & international).

68. Construction/reconstruction/expansion of bridge (length 100 meter and above).

69. Murate of Potash (manufacturing).

**Foot Notes:**

- (a) No industrial unit included in this list shall be allowed to be located in any residential area.
- (b) Industrial units shall preferably be located in areas declared as industrial zones or in areas where there is concentration of industries or in vacant areas.
- (c) Industrial units likely to produce sound, smoke, odor beyond permissible limit shall not be acceptable in commercial areas.
- (d) After obtaining location clearance on the basis of Initial Environment Examination (IEE) Report, the Environmental Impact Assessment (EIA) Report in accordance with the approved terms of reference along with design of ETP and its time schedule shall be submitted within approved time limit.

## SCHEDULE – 2

### Standards for Air

[See Rule 12]

Density in microgram per cusec meter

Sl. No.	Categories of Area	Suspended Particulate Matters (SPM)	Sulphur-dioxide	Carbon Monoxide	Oxides Nitrogen
a.	Industrial and mixed	500	120	5000	100
b.	Commercial and mixed	400	100	5000	100
c.	Residential and rural	200	80	2000	80
d.	Sensitive	100	30	1000	30

**Notes:**

- (1) At national level, sensitive area includes monuments, health center, hospital, archeological site, educational institution, and government designated areas (if any).
- (2) Industrial units located in areas not designated as industrial areas shall not discharge pollutants which may contribute to exceeding the standard for air surrounding the areas specified at Sl. nos. c and d above.
- (3) Suspended Particulate Matter means airborne particles of a diameter of 10 micron or less.

**SCHEDULE - 3****Standards for Water**  
[See Rule 12]**(A) Standards for inland surface water**

Best Practice based classification	Parameter			
	pH	BOD mg/l	DO mg/l	Total Coliform number/100
a. Source of drinking water for supply only after disinfecting:	6.5-8.5	2 or less	6 or above	50 or less
b. Water usable for recreational activity :	6.5 - 8.5	3 or less	5 or more	200 or less
c. Source of drinking water for supply after conventional treatment :	6.5 - 8.5	6 or less	6 or more	5000 or less
d. Water usable by fisheries:	6.5 - 8.5	6 or less	5 or more	---
e. Water usable by various process and cooling industries :	6.5 - 8.5	10 or less	5 or more	5000 or less
f. Water usable for irrigation:	6.5 - 8.5	10 or less	5 or more	1000 or less

**Notes:**

1. In water used for pisciculture, maximum limit of presence of ammonia as Nitrogen is 1.2 mg/l.
2. Electrical conductivity for irrigation water - 2250  $\mu$ mhos/cm (at a temperature of 25°C); Sodium less than 26%; boron less than 0.2%.

**(B) Standards for drinking water**

Sl. No.	Parameter	Unit	Standards
1	2	3	4
1.	Aluminum	mg/l	0.2
2.	Ammonia (NH <sub>3</sub> )	"	0.5
3.	Arsenic	"	0.05
4.	Balium	"	0.01
5.	Benzene	"	0.01



1	2	3	4
6.	BOD <sub>5</sub> 20°C	..	0.2
7.	Boron	..	1.0
8.	Cadmium	..	0.005
9.	Calcium	..	75
10.	Chloride	..	150 – 600*
11.	Chlorinated alkanes		
	carbontetrachloride	..	0.01
	1.1 dichloroethylene	..	0.001
	1.2 dichloroethylene	..	0.03
	tetrachloroethylene	..	0.03
	trichloroethylene	..	0.09
12.	Chlorinated phenols		
	- pentachlorophenol	mg/l	0.03
	- 2.4.6 trichlorophenol	..	0.03
13.	Chlorine (residual)	..	0.2
14.	Chloroform	..	0.09
15.	Chromium (hexavalent)	..	0.05
16.	Chromium (total)	..	0.05
17.	COD	..	4
18.	Coliform (fecal)	n/100 ml	0
19.	Coliform (total)	n/100 ml	0
20.	Color	Hazen unit	15
21.	Copper	mg/l	1
22.	Cyanide	..	0.1
23.	Detergents	..	0.2
24.	DO	..	6
25.	Fluoride	..	1
26.	Hardness (as CaCO <sub>3</sub> )	..	200 – 500
27.	Iron	..	0.3 – 1.0
28.	Kjeldahl Nitrogen (total)	..	1
29.	Lead	..	0.05

1	2	3	4
30.	Magnesium	”	30 – 35
31.	Manganese	”	0.1
32.	Mercury	”	0.001
33.	Nickel	”	0.1
34.	Nitrate	”	10
35.	Nitrite	”	<1
36.	Odor	”	Odorless
37.	Oil and grease	”	0.01
38.	pH	”	6.5 – 8.5
39.	Phenolic compounds	”	0.002
40.	Phosphate	”	6
41.	Phosphorus	”	0
42.	Potassium	”	12
43.	Radioactive materials (gross alpha activity)	Bq/l	0.01
44.	Radioactive materials (gross beta activity)	Bq/l	0.1
45.	Selenium	mg/l	0.01
46.	Silver	”	0.02
47.	Sodium	”	200
48.	Suspended particulate matters	”	10
49.	Sulfide	”	0
50.	Sulfate	”	400
51.	Total dissolved solids	”	1000
52.	Temperature	°C	20-30
53.	Tin	mg/l	2
54.	Turbidity	JTU	10
55.	Zinc	mg/l	5

**SCHEDULE – 4****Standards for Sound**  
[See Rule 12]

Sl. No.	Category of areas	Standards determined at dBa unit	
		Day	Night
a.	Silent zone	45	35
b.	Residential area	50	40
c.	Mixed area (mainly residential area, and also simultaneously used for commercial and industrial purposes)	60	50
d.	Commercial area	70	60
e.	Industrial area	75	70

**Notes:**

1. The time from 6 a.m. to 9 p.m. is counted as daytime.
2. The time from 9 p.m. to 6 a.m. is counted as night time.
3. Area up to a radius of 100 meters around hospitals or educational institutions or special institutions/ establishments identified/to be identified by the Government is designated as Silent Zones where use of horns of vehicles or other audio signals, and loudspeakers are prohibited.

**SCHEDULE - 5****Standards for Sound originating from Motor Vehicles or Mechanized Vessels**  
[ See Rule 12]

Category of Vehicles	Unit	Standards	Remarks
*Motor Vehicles (all types)	dBa	85	As measured at a distance of 7.5 meters from exhaust pipe.
		100	As measured at a distance of 0.5 meter from exhaust pipe.
Mechanized Vessels	dBa	85	As measured at a distance of 7.5 meters from the vessel which is not in motion, not loaded and is at two thirds of its maximum rotating speed.
		100	As measured at a distance of 0.5 meter from the vessel which is in the same condition as above.

\* At the time of taking measurement, the motor vehicle shall not be in motion and its engine conditions shall be as follows:-

- (a) Diesel engine – maximum rotating speed.
- (b) Gasoline engine –at two thirds of its maximum rotating speed and without any load.
- (c) Motorcycle – If maximum rotating speed is above 5000 rpm; two-thirds of the speed, and if maximum rotating speed is less than 5000 rpm, three-fourth of the speed.

**SCHEDULE – 6****Standards for Emission from Motor Vehicles**  
[ See Rule 12 ]

Parameter	Unit	Standard Limit
Black Smoke	Hartridge Smoke Unit (HSU)	65
Carbon Monoxide	gm/k.m.	24
	percent area	04
Hydrocarbon	gm/k.m.	02
	ppm	180
Oxides of Nitrogen	gm/k.m.	02
	ppm	600

\* As measured at two thirds of maximum rotating speed.

**SCHEDULE – 7****Standards for Emission from Mechanized Vessels**  
[ See Rule 12 ]

Parameter	Unit	Standard Limit
Black Smoke*	Hartridge Smoke Unit (HSU)	65

\* As measured at two thirds of maximum rotating speed.

**SCHEDULE – 8****Standards for Odor**

[ See Rule 12 ]

<b>Parameter</b>	<b>Unit</b>	<b>Standard Limit</b>
Acetaldehyde	ppm	0.5 – 5
Ammonia	„	1 – 5
Hydrogen Sulfide	„	0.02 – 0.2
Methyl Disulfide	„	0.009 – 0.1
Methyl Sulfide	„	0.01 – 0.2
Styrene	„	0.4 – 2.0
Trim ethylamine	„	0.005 – 0.07

**Notes :**

- (1) Following regulatory limit shall be generally applicable to emission/exhaust outlet pipe of above 5 meter height:

$$Q = 0.108 \times He^2 C_m \text{ (Where } Q = \text{Gas Emission rate Nm}^3/\text{hour)}$$

$$He = \text{Height of exhaust outlet pipe (m)}$$

$$C_m = \text{Above mentioned limit (ppm)}$$

- (2) In cases where a special parameter has been mentioned, the lower limit shall be applicable for warning purposes, and the higher limit shall be applicable for prosecution purpose or punitive measure.

### SCHEDULE - 9

#### Standards for Sewage Discharge [See Rule 12]

Parameter	Unit	Standard Limit
BOD	miligram/l	40
Nitrate	"	250
Phosphate	"	35
Suspended Solids (SS)	"	100
Temperature	Degree Centigrade	30
Coliform	number per 100 ml	1000

**Notes :**

- (1) This limit shall be applicable to discharges into surface and inland waters bodies.
- (2) Sewage shall be chlorinated before final discharge.

### SCHEDULE - 10

#### Standards for Waste from Industrial Units or Projects Waste [ See Rule 13 ]

Sl. No.	Parameter	Unit	Places for determination of standards		
			Inland Surface Water	Public Sewerage system connected to treatment at second stage	Irrigated Land
1	2	3	4	5	6
1	Ammonical Nitrogen (as elementary N)	mg/l	50	75	75
2	Ammonia (as free ammonia)	"	5	5	15
3	Arsenic (as)	"	0.2	0.05	0.2
4	BOD <sub>5</sub> at 20°C	"	50	250	100
5	Boron	"	2	2	2

1	2	3	4	5	6
6	Cadmium (as CD)	„	0.50	0.05	0.05
7	Chloride	„	600	600	600
8	Chromium (as total Cr)	„	0.5	1.0	1.0
9	COD	„	200	400	400
10	Chromium (as hexavalent Cr)	„	0.1	1.0	1.0
11	Copper (as Cu)	„	0.5	3.0	3.0
12	Dissolved Oxygen (DO)	„	4.5 – 8	4.5 – 8	4.5 – 8
13	Electro-conductivity (EC)	micro mho/cm	1200	1200	1200
14	Total Dissolved Solids	„	2,100	2,100	2,100
15	Fluoride (as F)	„	2	15	10
16	Sulfide (as S)	„	1	2	2
17	Iron (as Fe)	„	2	2	2
18	Total Kjeldahl Nitrogen (as N)	„	100	100	100
19	Lead (as Pb)	„	0.1	1.0	0.1
20	Manganese (as Mn)	„	5	5	5
21	Mercury (as Hg)	„	0.01	0.01	0.01
22	Nickel (as Ni)	„	1.0	2.0	1.0
23	Nitrate (as elementary N)	mg/l	10.0	Not yet Fixed	10
24	Oil and Grease	„	10	20	10
25	Phenolic Compounds (as C <sub>6</sub> H <sub>5</sub> OH)	„	1.0	5	1
26	Dissolved Phosphorus (as P)	„	8	8	15
27	Radioactive substance	To be specified by Bangladesh Atomic Energy Commission			
28	pH		6 – 9	6 – 9	6 – 9
29	Selenium (as Se)	mg/l	0.05	0.05	0.05
30	Zinc (as Zn)	Degree	5	10	10



1	2	3	4	5	6
31	Total Dissolved Solids	„	2,100	2,100	2,100
32	Temperature	Centig rade	40	40	40- Summer
			45	45	45- Winter
33	Suspended Solids (SS)	mg/l	150	500	200
34	Cyanide (as Cn)	„	0.1	2.0	0.2

**Notes:**

- (1) These standards shall be applicable to all industries or projects other than those specified under the heading “Standards for sector-wise industrial effluent or emission.”
- (2) Compliance with these standards shall be ensured from the moment an industrial unit starts trial production, and in other cases, from the moment a project starts operation.
- (3) These standards shall be inviolable even in case of any sample collected instantly at any point of time. These standards may be enforced in a more stringent manner if considered necessary in view of the environmental conditions of a particular situation.
- (4) Inland Surface Water means drains/ponds/tanks/water bodies/ditches, canals, rivers, springs and estuaries.
- (5) Public sewerage system means treatment facilities of the first and second stage and also the combined and complete treatment facilities.
- (6) Irrigable land means such land area which is sufficiently irrigated by waste water taking into consideration the quantity and quality of such water for cultivation of selected crops on that land.
- (7) Inland Surface Water Standards shall apply to any discharge to a public sewerage system or to land if the discharge does not meet the requirements of the definitions in notes 5 and 6 above.

## SCHEDULE - 11

### Standards for Gaseous Emission from Industries or Projects [See Rule 13]

Sl.No.	Parameters	Standard present in a unit of mg/Nm <sup>3</sup>
1	2	3
1.	Particulate	
	(a) Power plant with capacity of 200 Megawatt or above.	150
	(b) Power plant with capacity less than 200 Megawatt.	350
2.	Chlorine	150
3.	Hydrochloric acid vapor and mist	350
4.	Total Fluoride F	25
5.	Sulfuric acid mist	50
6.	Lead particulate	10
7.	Mercury particulate	0.2
8.	Sulfur dioxide	kg/ton acid
	(a) Sulfuric acid production (DCDA* process)	4
	(b) Sulfuric acid production (SCSA* process)	10

(\* DCDA: Double Conversion, Double Absorption;

SCSA: Single Conversion, Single Absorption.)

Lowest height of stack for dispersion of sulfuric acid (in meter).

(a) Coal based power plant

(1)	500 Megawatt or above	275
(2)	200 to 500 Megawatt	220
(3)	Less than 200 Megawatt	$14(Q)^{0.3}$

(b) Boiler

(1)	Steam per hour up to 15 tons	11
(2)	Steam per hour more that 15 tons	$14(Q)^{0.3}$

[Q = Emission of Sulfur dioxide (kg/hour) ].

9.	Oxides of Nitrogen	
(a)	Nitric acid production	3 kg/ton acid
(b)	Gas Fuel based Power Plant	50 ppm
(1)	500 Megawatt or above	50 ppm
(2)	200 to 500 Megawatt	40 ppm
(3)	Below 200 Megawatt	30 ppm
(c)	Metallurgical oven	200 ppm
10.	Kiln soot and dust	mg/Nm <sup>3</sup>
(a)	Blast Furnace	500
(b)	Brick Kiln	1000
(c)	Coke oven	500
(d)	Lime Kiln	250

**SCHEDULE – 12****Standards for Sector-wise Industrial Effluent or Emission**  
[See Rule 13]**(A) Fertilizer Plant****Nitrogenous fertilizer plant**

Effluent (liquid waste)	
Parameters	Standard presence in a unit of mg/l
As Nitrogen	50 (New) 100 (Old)
Total Kjeldahl Nitrogen	100 (Old) 250 (New)
pH	6.5 – 8
Chromium at discharge point of the chromate removal plant (as total Cr)	0.5
Hexavalent Chromium	0.1
Suspended Solids	100
Oil and Grease	10
Wastewater flow	10m <sup>3</sup> /t Urea

**Gaseous Emission**

Source	Parameters	Standard of presence in a unit of mg/Nm <sup>3</sup>
Urea Prilling Tower	Particulate	150 dry de dusting  50 wet de dusting and new plant

**Phosphatic**

<b>Effluent (liquid waste)</b>	
<b>Parameters</b>	<b>Standard of presence in a unit of mg/l</b>
Fluoride at the exhaust of Fluoride removal plant (as F)	10
Phosphate (as P)	5
Suspended Solids Chromium at the discharge point of Chromate removal plant (as Cr)	100
Total Hexavalent Cr	0.5
Oil and Grease	0.1
	10

**Gaseous Emission**

<b>Source</b>	<b>Parameters</b>	<b>Standard of presence in a unit of mg/Nm<sup>3</sup></b>
Granulation, Mixing and Grinding section	Particulate	150
Phosphoric acid preparation	Total Fluoride (as F)	25
Sulfuric acid plant	Sulfur dioxide	
	DCDA	4 kg/t of Sulfuric acid (100%)
	SCSA	10 kg/t of Sulfuric acid (100%)
	Sulfuric acid mist	50

**(B) Composite textile plant and large processing unit (in which capital investment is more than thirty million Taka)****Effluent (liquid waste)**

<b>Parameters</b>	<b>Standard and presence in a unit of mg/l</b>
pH	6.5 – 9
Suspended solids	100

BOD <sub>5</sub> 20°C	150
Oil and Grease	10
Total dissolved solids	2100
Wastewater flow	100 per kg of fabric processed

**Note:** BOD limit of 150 mg/l implies only with physico chemical processing.

Special parameters based on classification of dyes used

Total Chromium, as Cr	2
Sulfide, as S	2
Phenolic compounds, as C <sub>6</sub> H <sub>5</sub> OH	5

### (C) Pulp and Paper Industry

Parameter	Gaseous Effluent	
	Standard and presence in a unit of mg/l, except pH	
	Large plant with production capacity of above 50 tons per day.	Small plant with production capacity of less than 50 tons per day.
pH	6 – 9	6 – 9
Suspended Solids	100	100
BOD <sub>5</sub> 20°C	30	50
COD	300	400
Wastewater flow	200 cubic meter per ton of paper	200 cubic meter per ton of paper produced of agricultural raw materials.  75 cubic meter per ton of paper produced of wastepaper.

### (D) Cement Industry

Gaseous Emission		
1. Basic units for manufacturing cement		
Source	Parameters	Standards for presence in a unit of mg/Nm <sub>3</sub>
All sections	Particulate	250

2. Clinker Grinding units

Source	Parameters	Standards for presence in a unit of mg/Nm <sub>3</sub>
All sections	Particulate	
	Daily production capacity above 1000 ton	200
	Daily production capacity 200-1000 ton	300
	Daily production capacity up to 200 ton	400

(E) Boiler of Industrial unit

Gaseous Emission	
Parameters	Standards for presence in a unit of mg/Nm <sub>3</sub>
1. Soot and particulate (fuel based)	
(a) Coal	500
(b) Gas	100
(c) Oil	300
2. Oxides of Nitrogen (fuel based)	
(a) Coal	600
(b) Gas	150
(c) Oil	300

(F) Nitric Acid Plant

Gaseous Emission	
Parameters	Standards for presence in a unit of mg/Nm <sub>3</sub>
Oxide of Nitrogen	3 kg/ton of weak nitric acid produced

(G) Distillery

Effluent (liquid waste)	
Parameters	Standards for presence in a unit of mg/l
pH	6 - 9
Suspended solids	150

BOD <sub>5</sub> 20°C	5000 (standard for 2 years transitional period)
	500 (standard for 74 years transitional period)
Oil and Grease	10

**(H) Sugar Industry**

<b>Effluent (liquid waste)</b>	
<b>Parameters</b>	<b>Standard for presence in a unit of mg/l</b>
pH	6 – 9
Suspended solids	150
BOD <sub>5</sub> 20°C	50
Oil and Grease	10
Wastewater per ton of sugarcane crushing (in Cubic meter)	0.5

**Gaseous Emission****Boiler using baggasse**

Particulate, mg/Nm <sub>3</sub>	Stepgrade	250
	Pulsating/	500
	horse	
	shoe	800
	Spreader	
	Stocker	

**(I) Tannery Industry**

<b>Effluent (liquid waste)</b>	
<b>Parameters</b>	<b>Standard for presence in a unit of mg/l</b>
pH	6 – 9
Suspended solids	150
BOD <sub>5</sub> 20°C	100
Sulfide (as S)	1
Total Chromium (as Cr)	2
Oil and Grease	10



Total dissolved solids	2100
Wastewater per ton of hide processing (in cubic meter)	30

**Note:** Soak liquor shall be separated from wastewater.

**(J) Food Processing, Fish Canning, Dairy, Starch and Jute Industries**

Parameters	Effluent (liquid waste)	
	Maximum Limit of Values in mg/l	
Suspended solids	6 – 9	
BOD <sub>5</sub> 20°C	150	
Wastewater flow	100	
Starch	8 Cubic Meter per Ton of raw materials	
Jute processing	1.5 Cubic Meter per Ton product	
Dairy products	3 Cubic Meter per Ton of Milk	

**(K) Crude Oil Refinery**

Parameter	Source	Gaseous Emission	
		Standards for maximum presence	Unit
Sulfur dioxide	Distillation	0.25	kg/ton
	Catalytic Cracker	2.5	kg/ton

Parameters	Effluent (liquid waste)	
	Standards for maximum presence	Unit
Suspended solids (SS)	100	mg/l
Oil and Grease	10	"
BOD <sub>5</sub> 20°C	30	"
Phenol	1	"
Sulfide (as S)	1	"
Wastewater flow	700	Cubic Meter/1000 Ton of treated crude oil

**Notes:**

- (1) All new industrial units from the beginning of their operation shall abide by these standards while discharging/emitting wastes. All existing industrial units shall install necessary treatment facilities within 2 years (if not otherwise directed) from the date of the notification of these rules. In special cases, the Department may extend the deadline on valid reasons.
- (2) These standards shall apply irrespective of the discharge/emission points.
- (3) These standards shall never be violated at the time of sample collection. These standards may be enforced in a more stringent manner, if considered necessary in view of the surrounding conditions of a particular situation.

**SCHEDULE – 13****Fees for Environmental Clearance Certificate or Renewal**

[See Rules 7(5), 8(2) and 14]

**1. Industrial unit or project**

Investment (in Taka)	Fees for Environmental Clearance Certificate or Renewal (in Taka)
(a) Tk.100,000 – 1,000,000	Tk.300
(b) Tk.1,000,000 – 10,000,000	Tk.3,000
(c) Tk. 10,000,000 – 500,000,000	Tk.5,000
(d) Above Tk.500,000,000	Tk.10,000

**SCHEDULE - 14**

**Fees to be realized by the Department of Environment for supplying various analytical information or data or test results of samples of water, effluent, air and sound.**

[See Rule 15]

**(A) Sample of water or effluent**

Parameter	Fee (in Taka)
1. Coliform	500
2. Chlorine	250
3. Total hardness	250
4. Iron	400
5. Calcium	400
6. Magnesium	400
7. Colour	75
8. Electrical Conductivity (EC)	100
9. pH	100
10. Suspended Solids (SS)	300
11. Total Solids (TS)	200
12. Total Dissolved Solids (TDS)	200
13. Ammonia Nitrogen	400
14. Arsenic	500
15. Boron	400
16. Cadmium	500
17. COD	400
18. BOD	400
19. Chloride	250
20. Chromium, Hexavalent	500
21. Chromium, Total	500
22. Cyanide	400
23. Fluoride	400
24. Lead	500

Parameter	Fee (in Taka)
25. Mercury	500
26. Nickel	500
27. Organic Nitrogen	400
28. Oil and Grease	300
29. Phosphate	400
30. Phenol	400
31. Sulfate	400
32. Zinc	500
33. Temperature	75
34. Turbidity (GTU)	100
35. Turbidity (NTU)	100
36. P-Alcanity	250
37. T-Alcanity	200
38. Acidity	200
39. Carbon dioxide	200
40. Calcium Hardness	250
41. DO	300
42. Nitrate	400
43. Nitrite	400
44. Silica	300

**(B) Sample of Air**

Parameter	Fee (in Taka)
1. S.P.M.	500
2. Sulfur dioxide	500
3. Nitrous dioxide	500
4. Carbon Monoxide	300
5. Lead	500

**(C) Sample of Sound**

Parameter	Fee (in Taka)
1. Sound	200

**(D) For Supplying Analytical Information or Data**

1.	Annual information or data about Surface Water (except river water) and Ground Water collected by monitoring stations of Dhaka Division/Chittagong Division and Sylhet Division/Khulna Division and Barisal Division/Rajshahi Division –	
	(a) For Government organizations	3,000
	(b) For Others	6,000
2.	Annual information or data about river water collected by monitoring stations of Dhaka Division/Chittagong Division and Sylhet Division/Khulna Division and Barisal Division/Rajshahi Division –	
	(a) For Government organizations	4,000
	(b) For Others	6,000
3.	Annual information or data about Air collected by monitoring stations of Dhaka Division/Chittagong Division and Sylhet Division/Khulna Division and Barisal Division/Rajshahi Division –	
	(a) For Government organizations	2,000
	(b) For Others	4,000

By order of the President

Ahab Ahmed  
Secretary.

## ৩য় ভাগ

মূল আইন, সংশোধনকারী আইন, ইত্যাদি

বাংলাদেশ পরিবেশ সংরক্ষণ আইন, ১৯৯৫  
১৯৯৫ সনের ১ নং আইন

[বাংলাদেশ গেজেটের অতিরিক্ত সংখ্যা ১৬-২-১৯৯৫ ইং তারিখে প্রকাশিত]

পরিবেশ সংরক্ষণ, পরিবেশগত মান উন্নয়ন এবং পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমনকল্পে প্রণীত আইন

যেহেতু পরিবেশ সংরক্ষণ, পরিবেশগত মান উন্নয়ন ও পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমনকল্পে বিধান করা সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইলঃ-

১। সংক্ষিপ্ত শিরোনামা ও প্রবর্তন।- (১) এই আইন বাংলাদেশ পরিবেশ সংরক্ষণ আইন, ১৯৯৫ নামে অভিহিত হইবে।

(২) সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, যে তারিখ নির্ধারণ করিবে সেই তারিখে এই আইন বলবৎ হইবে এবং ইহা বিভিন্ন এলাকায় বিভিন্ন তারিখে বলবৎ করা হইবে।

২। সংজ্ঞা।- বিষয় অথবা প্রসঙ্গের পরিপন্থী কোন কিছু না থাকিলে, এই আইনে-

(ক) “অধিদপ্তর” অর্থ ধারা ৩ এর অধীনে স্থাপিত পরিবেশ অধিদপ্তর;

(খ) “দূষণ” অর্থ বায়ু, পানি বা মাটির তাপ, স্বাদ, গন্ধ, ঘনত্ব বা উহাদের অন্যান্য বৈশিষ্ট্যের পরিবর্তনসহ বায়ু, পানি বা মাটির দূষিতকরণ বা উহাদের ভৌতিক, রাসায়নিক বা জৈবিক গুণাবলীসমূহের পরিবর্তন, অথবা বায়ু, পানি, মাটি বা পরিবেশের অন্য কোন উপাদানের মধ্যে তরল, গ্যাসীয়, কঠিন, তেজস্ক্রিয় বা অন্য কোন পদার্থের নির্গমনের মাধ্যমে বায়ু, পানি মাটি, গবাদি পশু, বন্যপ্রাণী, পাখী, মৎস্য, গাছপালা বা অন্য সব ধরনের জীবনসহ জনস্বাস্থ্যের প্রতি ও গৃহকর্ম, বাণিজ্য, শিল্প, কৃষি, বিনোদন বা অন্যান্য ব্যবহারিক ক্ষেত্রে ক্ষতিকারক, অহিতকর বা ধ্বংসাত্মক কার্য;

(গ) “দখলদার” অর্থ কোন কারখানা বা প্রাংগনের ক্ষেত্রে, উহার বিষয়াবলী নিয়ন্ত্রণকারী কোন ব্যক্তি, এবং কোন পদার্থের ক্ষেত্রে, উহার উপর অধিকার সম্পন্ন কোন ব্যক্তি;

(ঘ) “পরিবেশ” অর্থ পানি, বায়ু, মাটি ও ভৌত সম্পদ ও ইহাদের মধ্যে বিদ্যমান সম্পর্কসহ ইহাদের সহিত মানুষ, অন্যান্য প্রাণী, উদ্ভিদ ও অনুজীবের বিদ্যমান পারস্পরিক সম্পর্ক;

(ঙ) “পরিবেশ দূষক” অর্থ পরিবেশের জন্য ক্ষতিকর বা ক্ষতির সহায়ক হইতে পারে এমন কোন কঠিন, তরল বা বায়বীয় পদার্থ এবং তাপ, শব্দ ও বিকিরণও অন্তর্ভুক্ত হইবে;

(চ) “পরিবেশ সংরক্ষণ” অর্থ পরিবেশের বিভিন্ন উপাদানের গুণগত ও পরিমাণগত মান উন্নয়ন এবং গুণগত ও পরিমাণগত মানের অবনতি রোধ;

- (ছ) “প্রতিবেশ ব্যবস্থা” অর্থ পরিবেশের উপাদানসমূহের পারস্পরিক নির্ভরশীলতা এবং ভারসাম্যযুক্ত জটিল সম্মিলন, যাহা উদ্ভিদ ও প্রাণীকূলের সংরক্ষণ ও বিকাশকে সহায়তা ও প্রভাবিত করে;
- (জ) “ব্যক্তি” অর্থ কোন ব্যক্তি বা ব্যক্তিবর্গ এবং সংবিধিবদ্ধ হটক বা না হটক, কোন কোম্পানী, সমিতি বা সংস্থাও ইহার অন্তর্ভুক্ত হইবে;
- (ঝ) “ব্যবহার” অর্থ কোন পদার্থের ক্ষেত্রে, উহার উৎপাদন, প্রক্রিয়াজাতকরণ, ক্রিয়াশীলকরণ, মোড়ক বাধাই, গুদামজাতকরণ, পরিবহন, সংগ্রহ, বিনষ্ট, রূপান্তর, বিক্রয়ের প্রস্তাব, হস্তান্তর বা এইরূপ পদার্থ সম্পর্কিত অনুরূপ কোন ব্যবস্থা;
- (ঞ) “বিপদজনক পদার্থ” অর্থ এমন কোন পদার্থ যাহার রাসায়নিক বা জৈব-রাসায়নিক ধর্ম এমন যে উহার উৎপাদন, মণ্ডুদ, অবমুক্তি বা অনিয়ন্ত্রিত পরিবহন পরিবেশের জন্য ক্ষতিকর;
- (ট) “বিধি” অর্থ এই আইনের অধীন প্রণীত বিধি;
- (ঠ) “বর্জ্য” অর্থ যে কোন তরল, বায়বীয়, কঠিন, তেজস্ক্রিয় পদার্থ যাহা নির্গত, নিষ্কিপ্ত, বা স্তূপীকৃত হইয়া পরিবেশের ক্ষতিকর পরিবর্তন সাধন করে;
- (ড) “মহা-পরিচালক” অর্থ অধিদপ্তরের মহা-পরিচালক।

৩। পরিবেশ অধিদপ্তর।- (১) এই আইনের উদ্দেশ্য পূরণকল্পে সরকার পরিবেশ অধিদপ্তর নামে একটি অধিদপ্তর স্থাপন করিবে, যাহার প্রধান হইবেন একজন মহা-পরিচালক।

(২) মহা-পরিচালক সরকার কর্তৃক নিযুক্ত হইবেন এবং তাহার চাকুরীর শর্তাদি সরকার কর্তৃক স্থিরীকৃত হইবে।

(৩) অধিদপ্তরের কার্যাবলী সুষ্ঠুভাবে পালনের জন্য প্রয়োজনীয় সংখ্যক কর্মকর্তা ও কর্মচারী বিধি দ্বারা নির্ধারিত পদ্ধতি এবং শর্তে নিয়োগ করা হইবে।

৪। মহা-পরিচালকের ক্ষমতা ও কার্যাবলী।- (১) এই আইনের বিধান সাপেক্ষে, পরিবেশ সংরক্ষণ, পরিবেশগত মান উন্নয়ন এবং পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমনের উদ্দেশ্যে মহাপরিচালক তৎকর্তৃক সমীচীন ও প্রয়োজনীয় বলিয়া বিবেচিত সকল কার্যক্রম গ্রহণ করিতে পারিবেন এবং এই আইনের অধীন তাহার দায়িত্ব সম্পাদনের উদ্দেশ্যে যে কোন ব্যক্তিকে প্রয়োজনীয় লিখিত নির্দেশ দিতে পারিবেন।

(২) বিশেষ করিয়া এবং উপরি-উক্ত ক্ষমতার সামগ্রিকতাকে ক্ষুণ্ণ না করিয়া, অনুরূপ কার্যক্রমে নিম্নবর্ণিত সকল বা যে কোন কার্য অন্তর্ভুক্ত হইবে, যথাঃ-

(ক) এই আইনের উদ্দেশ্যের সহিত সম্পর্কযুক্ত কোন কর্তৃপক্ষ বা সংস্থার কার্যাবলীর সহিত সমন্বয় সাধন;

(খ) পরিবেশ অবক্ষয় ও দূষণের কারণ হইতে পারে এইরূপ সম্ভাব্য দূর্ঘটনা প্রতিরোধ, নিরাপদ ব্যবস্থা গ্রহণ এবং অনুরূপ দূর্ঘটনার প্রতিকারমূলক কার্যক্রম নির্ধারণ ও তৎসম্পর্কে নির্দেশ প্রদান;



- (গ) বিপদজনক পদার্থ বা উহার উপাদানের পরিবেশসম্মত ব্যবহার, সংরক্ষণ, পরিবহন, আমদানী ও রপ্তানী সংক্রান্ত বিষয়ে সংশ্লিষ্ট ব্যক্তিকে পরামর্শ বা ক্ষেত্রমত নির্দেশ প্রদান;
- (ঘ) পরিবেশ সংরক্ষণ, উন্নয়ন ও দূষণ সংক্রান্ত তথ্যাদি অনুসন্ধান ও গবেষণা এবং অন্য যে কোন কর্তৃপক্ষ বা সংস্থাকে অনুরূপ কাজে সহযোগিতা প্রদান;
- (ঙ) পরিবেশ উন্নয়ন ও দূষণ নিয়ন্ত্রণ এবং প্রশমনের উদ্দেশ্যে যে কোন স্থান, প্রাংগণ, প্লান্ট, যন্ত্রপাতি, উৎপাদন বা অন্যবিধ প্রক্রিয়া, উপাদান বা পদার্থ পরীক্ষাকরণ এবং পরিবেশ দূষণ প্রতিরোধ, নিয়ন্ত্রণ এবং উপশমের জন্য উপযুক্ত কর্তৃপক্ষ বা ব্যক্তিকে আদেশ বা নির্দেশ প্রদান;
- (চ) পরিবেশ দূষণ সম্পর্কিত তথ্য সংগ্রহ, প্রকাশ ও প্রচার;
- (ছ) যে সকল উৎপাদন প্রক্রিয়া, দ্রব্য এবং বস্তু পরিবেশ দূষণ ঘটাইতে পারে সেই সকল উৎপাদন প্রক্রিয়া, দ্রব্য এবং বস্তু পরিহার করিবার জন্য সরকারকে পরামর্শ প্রদান;
- (জ) পানীয় জলের মান পর্যবেক্ষণ কর্মসূচী পরিচালনা ও রিপোর্ট প্রণয়ন এবং সংশ্লিষ্ট সকল ব্যক্তিকে পানীয় জলের মান অনুসরণে পরামর্শ বা, ক্ষেত্রমত, নির্দেশ প্রদান।

(৩) এই ধারার অধীন প্রদত্ত নির্দেশে কোন শিল্প কারখানা, উদ্যোগ বা প্রক্রিয়া বন্ধ, নিষিদ্ধ বা নিয়ন্ত্রণ সম্পর্কিত বিষয়ও থাকিতে পারিবে এবং নির্দেশপ্রাপ্ত ব্যক্তি অনুরূপ নির্দেশ পালন করিতে বাধ্য থাকিবেনঃ

তবে শর্ত থাকে যে, কোন শিল্প কারখানা, উদ্যোগ বা প্রক্রিয়া বন্ধ বা নিষিদ্ধ করিবার পূর্বে মহাপরিচালক সংশ্লিষ্ট শিল্প কারখানা, উদ্যোগ বা প্রক্রিয়ার মালিককে উহার কার্যক্রম পরিবেশ সম্মত করিবার জন্য লিখিত নোটিশ দ্বারা যুক্তিসংগত সুযোগ দিবেনঃ

আরো শর্ত থাকে যে, কোন ক্ষেত্রে পরিবেশ দূষণের কারণে জনজীবন বিপর্যস্ত হইবার আশংকা দেখা দিলে মহাপরিচালক, জরুরী বিবেচনায় তাৎক্ষণিকভাবে প্রয়োজনীয় নির্দেশ দিতে পারিবেন।

(৪) মহা-পরিচালক কর্তৃক এ ধারার অধীন জারীকৃত নির্দেশ সংশ্লিষ্ট কার্য সম্পাদন করার সময়সীমা নির্দিষ্ট করিয়া দেওয়া যাইতে পারে।

৫। প্রতিবেশগত সংকটাপন্ন এলাকা ঘোষণা।- (১) সরকার যদি এই মর্মে সন্তুষ্ট হয় যে, পরিবেশের অবক্ষয়ের কারণে কোন এলাকার প্রতিবেশ ব্যবস্থা (Eco-system) সংকটাপন্ন অবস্থায় উপনীত হইয়াছে বা হইবার আশংকা রহিয়াছে তাহা হইলে সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, উক্ত এলাকাকে প্রতিবেশগত সংকটাপন্ন এলাকা (Ecologically Critical Area) ঘোষণা করিতে পারিবে।

(২) প্রতিবেশগত সংকটাপন্ন এলাকায় কোন কোন কর্ম বা প্রক্রিয়া চালু রাখা বা শুরু করা যাইবে না তাহা উপ-ধারা (১) এর অধীন জারীতব্য প্রজ্ঞাপন বা আলাদা প্রজ্ঞাপন দ্বারা সরকার নির্দিষ্ট করিয়া দিবে।

- ৬। পরিবেশের জন্য ক্ষতিকর ধোঁয়া সৃষ্টিকারী যানবাহন চালনায় বিধি নিষেধ।- (১) স্বাস্থ্য হানিকর বা পরিবেশের জন্য ক্ষতিকর ধোঁয়া সৃষ্টিকারী কোন যানবাহন চালানো যাইবে না।
- (২) মহা-পরিচালক বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা যদি এই মর্মে সন্তুষ্ট হন যে, চলমান কোন যানবাহন হইতে স্বাস্থ্য হানিকর বা পরিবেশের জন্য ক্ষতিকর ধোঁয়া নির্গত হইতেছে, তাহা হইলে তিনি যানবাহনটি তাৎক্ষণিকভাবে থামাইয়া পরীক্ষা করিতে পারেন বা উহা পরীক্ষাকরণ সংক্রান্ত বিষয়ে, তাহার মতে প্রয়োজনীয়, নির্দেশ দিতে পারিবেন।
- ৭। প্রতিবেশ ব্যবস্থার প্রত্যক্ষ বা পরোক্ষ ক্ষতি।- মহাপরিচালকের নিকট যদি এইরূপ প্রতীয়মান হয় যে, কোন বিশেষ কর্মকাণ্ড প্রত্যক্ষ বা পরোক্ষভাবে প্রতিবেশ ব্যবস্থার ক্ষতি সাধন করিতেছে, তাহা হইলে উক্ত ক্ষতির পরিমাণ নির্ধারণপূর্বক সংশোধনমূলক ব্যবস্থা গ্রহণের জন্য তিনি উক্ত কর্মকাণ্ডের জন্য দায়িত্ব প্রাপ্ত ব্যক্তিকে নির্দেশ দিতে পারিবেন এবং উক্ত ব্যক্তি উক্ত নির্দেশ পালনে বাধ্য থাকিবেন।
- ৮। পরিবেশ দূষণ বা অবক্ষয় সম্পর্কে মহাপরিচালককে অবহিতকরণ।- (১) পরিবেশ দূষণ বা পরিবেশের অবক্ষয়জনিত কারণে ক্ষতিগ্রস্ত অথবা সম্ভাব্য ক্ষতির আশংকাক্রান্ত যে কোন ব্যক্তি ক্ষতি বা সম্ভাব্য ক্ষতির প্রতিকারের জন্য মহাপরিচালককে, বিধি দ্বারা নির্ধারিত পদ্ধতিতে আবেদনের মাধ্যমে অবহিত করিবেন।
- (২) এই ধারার অধীন প্রদত্ত যে কোন আবেদন নিষ্পত্তিকরণকল্পে মহা-পরিচালক গণশুনানীসহ যে কোন ব্যবস্থা গ্রহণ করিতে পারিবেন।
- ৯। অতিরিক্ত পরিবেশ দূষক নির্গমন ইত্যাদি।- (১) যে ক্ষেত্রে কোন দুর্ঘটনা বা অন্য কোন অভাবিত কাজ অথবা ঘটনার ফলে বিধি দ্বারা নির্ধারিত পরিমাণের অতিরিক্ত পরিবেশ দূষক নির্গত হয় বা নির্গত হইবার সম্ভাবনা থাকে, সেই ক্ষেত্রে অনুরূপ নির্গমনের জন্য দায়ী ব্যক্তি এবং নির্গমন স্থানটির দায়িত্বপ্রাপ্ত ব্যক্তি সৃষ্ট পরিবেশ দূষণ নিয়ন্ত্রণ বা প্রশমন করিতে বাধ্য থাকিবেন।
- (২) উপ-ধারা (১) এর অধীন সৃষ্ট ঘটনা বা ঘটনা সংঘটিত হওয়ার সম্ভাবনার কথা উক্ত উপ-ধারায় উল্লেখিত ব্যক্তি মহা-পরিচালককে অবিলম্বে অবহিত করিবেন।
- (৩) এই ধারার অধীন কোন ঘটনা বা দুর্ঘটনার তথ্য প্রাপ্ত হইলে মহা-পরিচালক, যথাশীঘ্র সম্ভব, পরিবেশ দূষণ নিয়ন্ত্রণ বা প্রশমন করার জন্য প্রয়োজনীয় প্রতিকারমূলক ব্যবস্থা গ্রহণ করিবেন এবং মহাপরিচালকের চাহিদা মোতাবেক উক্ত ব্যক্তি মহাপরিচালককে সাহায্য ও সহযোগিতা প্রদান করিতে বাধ্য থাকিবেন।
- (৪) এই ধারার অধীন পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমনের জন্য প্রতিকারমূলক ব্যবস্থা গ্রহণের উদ্দেশ্যে ব্যয়কৃত অর্থ উপ-ধারা (১) এ উল্লিখিত ব্যক্তির নিকট হইতে মহা-পরিচালকের পাওনা হইবে এবং উহা সরকারী দাবী (Public Demand) হিসাবে আদায়যোগ্য হইবে।
- ১০। প্রবেশ ইত্যাদির ক্ষমতা।- (১) এই ধারার বিধানাবলী সাপেক্ষে, মহা-পরিচালক হইতে এতদুদ্দেশ্যে সাধারণ বা বিশেষভাবে ক্ষমতাপ্রাপ্ত, কোন ব্যক্তি সকল যুক্তিসংগত সময়ে, তাহার বিবেচনায় প্রয়োজনীয় সহায়তা সহকারে যে কোন ভবন বা স্থানে নিম্নবর্ণিত উদ্দেশ্যে প্রবেশ করার অধিকারী হইবেন, যথাঃ-
- (ক) এই আইন বা বিধির অধীন তাহার উপর অর্পিত দায়িত্ব সম্পাদন করা;

- (খ) এই আইন বা বিধি বা তদধীন প্রদত্ত নোটিশ, আদেশ বা নির্দেশ মোতাবেক উক্ত ভবন বা স্থানে কোন কাজ পরিদর্শন করা;
- (গ) কোন সরঞ্জাম, শিল্প-প্লান্ট, রেকর্ড, রেজিস্ট্রার, দলিল অথবা তৎসংশ্লিষ্ট অন্য কোন গুরুত্বপূর্ণ কিছু পরীক্ষা এবং যাচাই করা;
- (ঘ) এই আইন বা বিধি বা তদধীন প্রদত্ত কোন আদেশ বা বা নির্দেশ ভংগ করিয়া কোন অপরাধ কোন ভবন বা স্থানে সংগঠিত হইয়াছে বলিয়া উক্ত ব্যক্তির যুক্তিসংগতভাবে বিশ্বাস করার কারণ থাকিলে, উক্ত ভবন বা স্থানে তল্লাশী পরিচালনা করা;
- (ঙ) এই আইন বা বিধির অধীন দণ্ডনীয় কোন অপরাধ সংঘটনের প্রমাণ হিসাবে ব্যবহার হইতে পারে এইরূপ কোন সরঞ্জাম, শিল্প-প্লান্ট, রেকর্ড, রেজিস্ট্রার, দলিল অথবা অন্য কোন কিছু আটক করা।

(২). কোন শিল্প কার্যক্রম বা প্রক্রিয়া পরিচালনাকারী বা কোন বিপদজনক পদার্থ ব্যবহারকারী ব্যক্তি এই আইনের অধীন দায়িত্ব সম্পাদনের জন্য ক্ষমতাপ্রাপ্ত ব্যক্তিকে সকল সাহায্য সহযোগিতা প্রদান করিতে বাধ্য থাকিবেন।

(৩) এই ধারার অধীন সকল তল্লাশী ও আটকের ব্যাপারে Code of Criminal Procedure, 1898 (Act V of 1898) এর বিধান অনুসরণ করা হইবে।

১১। নমুনা সংগ্রহের ক্ষমতা ইত্যাদি।- (১) মহাপরিচালক হইতে এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা বিশ্লেষণের উদ্দেশ্যে যে কোন কারখানা, প্রাংগণ বা স্থান হইতে বিধি দ্বারা নির্ধারিত পদ্ধতিতে, বায়ু, পানি, মাটি অথবা অন্যবিধ পদার্থের নমুনা গ্রহণ করিতে পারিবেন।

(২) উপ-ধারা (৩) এবং (৪) এর বিধানাবলী পালন করা না হইলে উপ-ধারা (১) এর অধীন গৃহীত নমুনার বিশ্লেষণের ফলাফল কোন আইনানুগ কার্য ধারায় সাক্ষ্য হিসাবে গ্রহণীয় হইবে না।

(৩) উপ-ধারা (৪) এর বিধানাবলী সাপেক্ষে, উপ-ধারা (১) এর অধীন নমুনা সংগ্রহকারী কর্মকর্তা -

- (ক) উক্ত স্থানে দখলদার বা এজেন্টকে, অনুরূপ নমুনা সংগ্রহের ব্যাপারে তাহার অভিপ্রায় সম্পর্কে, বিধি দ্বারা নির্ধারিত পদ্ধতিতে, নোটিশ প্রদান করিবেন;
- (খ) উক্ত দখলদার বা এজেন্ট এর উপস্থিতিতে নমুনা সংগ্রহ করিবেন;
- (গ) উক্ত নমুনা একটি পাত্রে রাখিয়া উহাতে তিনি নিজের ও উক্ত দখলদার বা এজেন্ট এর স্বাক্ষর দ্বারা চিহ্নিত করিয়া সীলমোহর দিবেন;
- (ঘ) সংগৃহীত নমুনার একটি রিপোর্ট প্রস্তুত করিয়া উহাতে নিজে স্বাক্ষর করিবেন এবং দখলদার বা এজেন্টের স্বাক্ষর গ্রহণ করিবেন;
- (ঙ) মহা-পরিচালক কর্তৃক নির্ধারিত গবেষণাগারে উক্ত পাত্র অবিলম্বে প্রেরণ করিবেন।

(৪) যেক্ষেত্রে উপ-ধারা (১) এর অধীন নমুনা সংগ্রহ করা হয় এবং সংগ্রহকারী কর্মকর্তা উপ-ধারা (৩) এর (ক) দফার অধীনে নোটিশ প্রদান করেন, সেইক্ষেত্রে যদি দখলদার বা এজেন্ট নমুনা

সংগ্রহের সময় ইচ্ছাকৃতভাবে অনুপস্থিত থাকেন, বা উপস্থিত থাকিয়াও নমুনাতে ও রিপোর্টে স্বাক্ষর করিতে অস্বীকার করেন, তাহা হইলে সংগ্রহকারী দুইজন সাক্ষীর উপস্থিতিতে নিজেই তাহার স্বাক্ষর দিয়া উহা নিশ্চিত ও সীলমোহরকৃত করিবেন এবং দখলদার এজেন্টের অনুপস্থিতি বা, ক্ষেত্রমত, স্বাক্ষর দানে অস্বীকৃতির কথা উল্লেখ করিয়া মহা-পরিচালক কর্তৃক নির্ধারিত গবেষণাগারে বিশ্লেষণের জন্য অবিলম্বে প্রেরণ করিবেন।

১২। পরিবেশগত ছাড়পত্র।- মহা-পরিচালকের নিকট হইতে, বিধিদ্বারা নির্ধারিত পদ্ধতিতে, পরিবেশগত ছাড়পত্র ব্যতিরেকে কোন এলাকায় কোন শিল্প প্রতিষ্ঠান স্থাপন বা প্রকল্প গ্রহণ করা যাইবে নাঃ

তবে শর্ত থাকে যে, সরকার কর্তৃক সময় সময় এতদুদ্দেশ্যে নির্ধারিত শ্রেণীর শিল্প প্রতিষ্ঠান বা প্রকল্পের ক্ষেত্রে এই ধারার কোন কিছুই প্রযোজ্য হইবে না।

১৩। পরিবেশ নির্দেশিকা প্রণয়ন।- পরিবেশ দূষণ নিয়ন্ত্রণ ও প্রশমন এবং পরিবেশ সংরক্ষণ ও উন্নয়ন সম্পর্কে সরকার, সময় সময়, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা পরিবেশ নির্দেশিকা প্রণয়ন ও জারী করিতে পারিবে।

১৪। আপীল।- (১) এই আইন বা বিধি অনুসারে প্রদত্ত কোন নোটিশ, আদেশ বা নির্দেশ দ্বারা কোন ব্যক্তি সংক্ষুব্ধ হইলে তিনি, উক্ত নোটিশ, আদেশ বা নির্দেশ প্রদানের ত্রিশ দিনের মধ্যে সরকার কর্তৃক গঠিত আপীল কর্তৃপক্ষের নিকট উহার বিরুদ্ধে আপীল করিতে পারিবেন এবং আপীলের উপর উক্ত কর্তৃপক্ষের সিদ্ধান্ত চূড়ান্ত হইবে এবং এইরূপ সিদ্ধান্তের বিরুদ্ধে আদালতে কোন মামলা দায়ের করা যাইবে নাঃ

তবে শর্ত থাকে যে, আপীল কর্তৃপক্ষ যদি এই মর্মে সন্তুষ্ট হয় যে, কোন অনিবার্য কারণে উক্ত সময়ের মধ্যে সংক্ষুব্ধ ব্যক্তি আপীল দায়ের করিতে পারেন নাই, তাহা হইলে উক্ত কর্তৃপক্ষ আপীল দাখিলের জন্য অতিরিক্ত অনধিক ত্রিশ দিন সময় বৃদ্ধি করিতে পারিবে।

(২) উপ-ধারা (১) এর অধীন গঠিত আপীল কর্তৃপক্ষ এক বা একাধিক সদস্য সমন্বয়ে গঠন করা যাইবেঃ

তবে শর্ত থাকে যে, যদি কোন আপীল কর্তৃপক্ষ একাধিক সদস্য সমন্বয়ে গঠন করা হয়, তাহা হইলে উহার একজন সদস্যকে সরকার উক্ত কর্তৃপক্ষের চেয়ারম্যান নিযুক্ত করিবে।

(৩) এই ধারার অধীন দায়েরকৃত আপীল দায়েরের তারিখ হইতে তিন মাসের মধ্যে নিষ্পত্তি করা হইবে।

১৫। দণ্ড।- (১) যদি কোন ব্যক্তি এই আইন বা বিধির বিধান লংঘন করেন বা এই আইন বা বিধির অধীন প্রদত্ত নোটিশ অনুযায়ী দায়িত্ব সম্পাদনে বা আদেশ বা নির্দেশ পালনে ব্যর্থ হন, তাহা হইলে তিনি অনুরূপ লংঘন বা ব্যর্থতার দায়ে অনূর্ধ্ব ৫ বৎসর কারাদণ্ড বা অনূর্ধ্ব এক লক্ষ টাকা অর্থ দণ্ড বা উভয় দণ্ডে দণ্ডনীয় হইবেন।

(২) কোন শিল্প, কার্যক্রম বা প্রক্রিয়া পরিচালনাকারী অথবা কোন বিপদজনক পদার্থ ব্যবহারকারী ব্যক্তি এই আইনের অধীন দায়িত্ব সম্পাদনের জন্য মহাপরিচালক হইতে ক্ষমতাপ্রাপ্ত ব্যক্তিকে, কোন যুক্তিসংগত কারণ বা ওজর ব্যতীত, সাহায্য সহযোগিতা করিতে ব্যর্থ হন বা তাহাকে

দায়িত্ব সম্পাদনে ইচ্ছাকৃতভাবে বিলম্ব ঘটান বা বাধা দান করেন, তাহা হইলে তিনি উপ-ধারা (১) এ উল্লিখিত দণ্ডে দণ্ডনীয় হইবেন।

১৬। কোম্পানী কর্তৃক অপরাধ সংঘটন।- এই আইনের অধীন কোন বিধান লংঘনকারী বা এই আইন বা বিধির অধীন প্রদত্ত নোটিশ অনুযায়ী দায়িত্ব সম্পাদনে বা আদেশ বা নির্দেশ পালনে ব্যর্থ ব্যক্তি যদি কোম্পানী হয়, তাহা হইলে উক্ত কোম্পানীর মালিক, পরিচালক, ম্যানেজার, সচিব বা অন্য কোন কর্মকর্তা বা এজেন্ট বিধানটি লংঘন করিয়াছেন বা নোটিশ অনুযায়ী দায়িত্ব সম্পাদনে বা আদেশ বা নির্দেশ পালনে ব্যর্থ হইয়াছেন বলিয়া গণ্য হইবেন, যদি না তিনি প্রমাণ করিতে পারেন যে, উক্ত লংঘন বা, ক্ষেত্রমত, ব্যর্থতা তাহার অজ্ঞাতসারে হইয়াছে অথবা উক্ত লংঘন বা ব্যর্থতা রোধ করিবার জন্য তিনি যথাসাধ্য চেষ্টা করিয়াছেন।

ব্যাখ্যা : এই ধারায় -

- (ক) “কোম্পানী” বলিতে কোন সংবিধিবদ্ধ সরকারী কর্তৃপক্ষ, বাণিজ্য প্রতিষ্ঠান ও সমিতি বা সংগঠনকে বুঝাইবে;
- (খ) বাণিজ্য প্রতিষ্ঠানের ক্ষেত্রে “পরিচালক” বলিতে কোন অংশীদার বা পরিচালনা বোর্ডের সদস্যকেও বুঝাইবে।

১৭। অপরাধ বিচারার্থ গ্রহণ।- মহা-পরিচালক হইতে ক্ষমতাপ্রাপ্ত কোন ব্যক্তির লিখিত অভিযোগ ছাড়া কোন আদালত এই আইনের অধীন কোন মামলা বিচারের জন্য গ্রহণ করিবে না।

১৮। সরল বিশ্বাসে কৃত কাজকর্ম।- এই আইন বা বিধির অধীন সরল বিশ্বাসে কৃত কোন কাজের ফলে কোন ব্যক্তি ক্ষতিগ্রস্ত হইলে বা তাহার ক্ষতিগ্রস্ত হইবার সম্ভাবনা থাকিলে তজ্জন্য সরকারে, মহাপরিচালক, অধিদপ্তরের কোন কর্মকর্তা বা কর্মচারী বা কোন ব্যক্তির বিরুদ্ধে দেওয়ানী বা ফৌজদারী মামলা বা অন্য কোন আইনগত কার্যক্রম গ্রহণ করা যাইবে না।

১৯। ক্ষমতা অর্পণ।- (১) সরকার এই আইন বা বিধির অধীন উহার যে কোন ক্ষমতা মহা-পরিচালক বা অন্য যে কোন কর্মকর্তাকে অর্পণ করিতে পারে।

(২) মহাপরিচালক এই আইন বা বিধির অধীন তাহার যে কোন ক্ষমতা অধিদপ্তরের যে কোন কর্মকর্তাকে অর্পণ করিতে পারিবেন।

২০। বিধি প্রণয়নের ক্ষমতা।- (১) এই আইনের উদ্দেশ্যে পূরণকল্পে সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, বিধি প্রণয়ন করিতে পারিবে।

(২) বিশেষ করিয়া, এবং উপরি-উক্ত ক্ষমতার সামগ্রিকতাকে ক্ষুণ্ণ না করিয়া, উক্ত বিধির নিম্নবর্ণিত সকল বা যে কোন বিষয়ে বিধান করা যাইতে পারে, যথাঃ-

- (ক) বিভিন্ন এলাকার জন্য বিভিন্ন উদ্দেশ্যে বায়ু, পানি, শব্দ ও মৃত্তিকাসহ পরিবেশের অন্যান্য উপাদানের মানমাত্রা নির্ধারণঃ

তবে শর্ত থাকে যে, সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা, এই আইন প্রবর্তনের সময় বিদ্যমান শিল্প বা প্রকল্পের ক্ষেত্রে, অনুরূপ মানমাত্রার প্রয়োগ, এককভাবে বা সামগ্রিকভাবে, নির্দিষ্ট মেয়াদের জন্য স্থগিত করিতে পারিবে।

- (খ) পরিবেশ রক্ষার স্বার্থে শিল্প কারখানা স্থাপন ও অন্যান্য উন্নয়ন কর্মকাণ্ড নিয়ন্ত্রণ;
- (গ) বিপদজনক পদার্থের ব্যবহার, সংরক্ষণ ও পরিবহনের নিরাপদ পদ্ধতি নিরূপণ;
- (ঘ) পরিবেশ দূষণের কারণ হইতে পারে এইরূপ দূষণ প্রতিরোধে নিরাপদ পদ্ধতি ও প্রতিকারমূলক কার্যক্রম প্রণয়ন;
- (ঙ) বর্জ্য নিঃসরণ ও নির্গমনের মানমাত্রা নির্ধারণ;
- (চ) বিভিন্ন প্রকল্প ও কার্যাদির পরিবেশগত প্রভাব নিরূপণ, পর্যালোচনা ও অনুমোদনের পদ্ধতি;
- (ছ) পরিবেশ এবং প্রতিবেশ ব্যবস্থা রক্ষা করার পদ্ধতি;
- (জ) ছাড়পত্র ও অন্যান্য সেবার ফিস নির্ধারণ।

২১। রহিতকরণ ও হেফাজত।- (১) The Environment Pollution Control Ordinance, 1977 (Act XIII of 1977) এতদ্বারা রহিত করা হইল।

(২) অনুরূপ রহিতকরণ সত্ত্বেও, রহিত Ordinance এর অধীন কৃত কাজকর্ম বা গৃহীত ব্যবস্থা, এই আইনে যাহা কিছুই থাকুক না কেন, এই আইনের বিধান অনুযায়ী করা হইয়াছে বলিয়া গণ্য হইবে।

(৩) এই আইন প্রবর্তনের অব্যবহিত পূর্বে বিদ্যমান পরিবেশ অধিদপ্তর ধারা ৩ এর অধীন স্থাপিত অধিদপ্তর বলিয়া গণ্য হইবে এবং উক্ত অধিদপ্তরে কার্যরত মহাপরিচালক, অন্যান্য কর্মকর্তা ও কর্মচারী এই আইনের অধীন নিযুক্ত মহাপরিচালক, কর্মকর্তা ও কর্মচারী বলিয়া গণ্য হইবেন।