

Annual Report

Period

July, 2018 - June, 2019



Bangladesh Environmental Lawyers Association (BELA)
House # 15/A, Road # 3, Dhanmondi R/A, Dhaka
Phone: 58614283, 58610311; Fax: 8612957
E-mail: bela@bangla.net
Website: www.belabangla.org

Contents

A		General Information	1-1
	A.1	Election of the Executive Committee	
	A.2	Miscellaneous	
B		Staff	1-2
	B. 1	Staff list	
	B.2	Consultant/Senior Lawyer	
C		Accounts Operation	3
D		Report on Activities	4-18
	D.1	Programs/Projects	
	D.1.a	Ongoing	
	D.1.b	Proposed Projects	
	D.2	Geographic Coverage	
	D.3	Program Proposal Development	
	D.4	Trainings	
	D.5	Discussions, Workshops and others	
	D.6	Studies/Researches/Advocacy Events	
	D.7	Publications	
	D.8	Awareness Campaign	
	D.9	Legal Aid and Assistance	
	D.10	Capacity Building	
Annexure-A			
Annexure-B			

Annual Report of BELA

(July, 2018 - June, 2019)

A. General Information

A.1. Election of the Executive Committee

The last Annual General Meeting of BELA held on 25 October, 2018 unanimously elected the following members as members to the Executive Committee of BELA for the next term:

- (1) Mr. Mirza Quamrul Hasan, Chairman
- (2) Syeda Rizwana Hasan, Chief Executive
- (3) Dr. Sumaiya Khair, Treasurer
- (4) Ms. Roksana Khondker, Member
- (5) Mr. Khalilur Rahman, Member
- (6) Ms. Sadia Rowshan Jahan, Member
- (7) Mr. A. M. Aminuddin, Member
- (8) Mr. Khondker Shamsuddin Mahmood, Member
- (9) Ms. Bahreen Khan, Member
- (10) Ms. Taslima Islam, Member

A.2. Miscellaneous

There being no other business, the meeting ended with a vote of thanks to the Chair.

B. Staff

B.1 Staff List

Since April, 2004 BELA is operating at 6 divisional headquarters of Dhaka, Chittagong, Rajshahi, Sylhet, Barisal and Khulna. BELA also has a branch office in Tangail. The number of staff and gender representation is shown below:

Sl.	Location of the office	Female	Male	Total
1.	Dhaka	11	14	25
2.	Chittagong	1	2	3
3.	Rajshahi	-	3	3
4.	Sylhet	1	2	3
5.	Barisal	-	4	4
6.	Khulna	1	2	3
7.	Tangail	1	4	5
Total		15	32	46

B.2. Consultant/Senior Lawyer

The following consultants/senior lawyers were appointed under various projects in the reporting period:

Sl. No.	Name of the Fund/Project	Name of the Consultant	Name of the Senior Lawyer/ Lawyer
1.	Defending Environmental Rights and Promoting Justice (SIDA project)	-	A. M Aminuddin Senior Advocate & President Supreme Court Bar Association. Minhazul Hoque Chowdhury Lawyer, Supreme Court of Bangladesh.
2.	Promoting Sustainable Building in Bangladesh(Oxfam)	Syed Azizul Haq Ex – Additional Chief Engineer (Public Works Department)	-
3.	Empowering Environmental Watchdogs At Risk in Asia with Innovative Protection and Advocacy Methodology (FoEI)	Dr. Mahfuzul Haque Former Secretary Govt. of Bangladesh	-

C. Accounts Operation

As per decisions of the EC taken from time to time, the following members are authorized to operate the given accounts of BELA:

Sl.	Project	Bank, Branch and Account No.	Signatories
1.	Bangladesh Environmental Lawyers Association Mother Account	Standard Chartered Bank, Dhanmondi Br. Road-5 C/A No. 01 1164585 01	i) Mirza Quamrul Hasan ii) Syeda Rizwana Hasan iii) Dr. Sumaiya Khair
2.	BELA General Fund	Sonali Bank Limited, Dhanmondi Branch, SB A/C. No. 002084176	i) Mirza Quamrul Hasan ii) Syeda Rizwana Hasan iii) Dr. Sumaiya Khair
3.	Promoting Sustainable Building In Bangladesh Project-OXFAM (March 2016 to June 2019)	Sonali Bank Limited, Dhanmondi Branch, C/A No SBL 4415602000343	i) Mirza Quamrul Hasan ii) Syeda Rizwana Hasan iii) Dr. Sumaiya Khair
4.	BELA-Defending Workers Rights (1 October 2016 to 30 September 2018)	Sonali Bank Limited, Dhanmondi Branch, C/A No. SBL 4415602000345	i) Mirza Quamrul Hasan ii) Syeda Rizwana Hasan iii) Dr. Sumaiya Khair
5.	Empowering Environmental Watchdogs at Risk in Asia Project-FoEI (January 2017 to December 2019)	Sonali Bank Limited, Dhanmondi Branch, C/A No SBL 4415602000351	i) Mirza Quamrul Hasan ii) Syeda Rizwana Hasan iii) Dr. Sumaiya Khair
6.	BELA-Defending Environmental Rights and Promoting Justice (1 June 2017 to December 2018)	Sonali Bank Limited, Dhanmondi Branch, C/A No SBL 4415602000352	i) Mirza Quamrul Hasan ii) Syeda Rizwana Hasan iii) Dr. Sumaiya Khair
7	Citizens Initiatives To Protect Urban Wetlands (January 2018 to February 2019)	Sonali Bank Limited, Dhanmondi Branch, C/A No SBL 4415602000370	i) Mirza Quamrul Hasan ii) Syeda Rizwana Hasan iii) Dr. Sumaiya Khair
8.	BELA-Defending Environmental Rights and Promoting Justice (1 March 2019 to December 2022)	Sonali Bank Limited, Dhanmondi Branch, C/A No SBL 4415602000383	i) Mirza Quamrul Hasan ii) Syeda Rizwana Hasan iii) Dr. Sumaiya Khair

D. Report on Activities**D.1. Programs/Projects****D.1.a Ongoing**

Sl.	Year	Project	Amount (Tk.)	Donor
1.	April 2016 to 30 June 2019	Promoting Sustainable Building In Bangladesh Project-OXFAM GB. SBL 4415602000343	24,977,889/-	OXFAM GB(Funded by European Union)
2.	October 2016 to September 2018 (Extended till December, 2018)	Defending Workers Rights, The LIFEBOAT Project	3,887,866/-	NGO Shipbreaking Platform (Funded by US State Department)
3.	January 2017 to December 2019	Empowering Environmental Watchdogs at Risk in Asia with innovative Protection and Advocacy Methodologies	5,458,670/-	FoEI (Funded by European Union)
4.	June 2017 to May 2018 (Extended from June 2018 to December 2018)	Defending Environmental Rights and Promoting Justice	42,787,195/-	Swedish International Cooperation Agency (SIDA)
5.	June 2018 to December 2018	Citizens Move to Protect Urban Wetlands	2,575,020/-	Embassy of the Federal Republic of German
6.	June 2018 to December 2018	Consulting Services for Drafting a Clean Air Act	4,760,000/-	Department of Environment (DoE) Clean Air and Sustainable Environment (CASE) Project
7.	March 2019 to December 2022	Defending Environmental Rights and Promoting Justice	154,048,665/-	Swedish International Cooperation Agency (SIDA)

D.1.b Proposed Projects

Possible upcoming projects of BELA:

Sl.	Year	Project	Donor	Remarks
1.	July'19 to June'20	Campaign on Prospects and Needs for Clean, Renewable Energy(Isvara)	Isvara Foundation	Received grant (running since June, 2019)
2.	July'20 to June'21	Industrial pollution cases in Savar	Goldman Foundation	Concept note accepted; full proposal to be submitted by 13 March, 2020
3.	March'20 to February'21	Industrial pollution cases in Savar	The Embassy of Federal Republic of Germany	Proposal submitted (if approved, will be co-funded with Goldman grant); Yet to hear from German Federal Government
4.	No period has been proposed	Improving Environmental Governance	Swiss Agency for Development and Cooperation (SDC)	Under consideration; if approved, will complement the Sida supported project

D.1.c Fixed Deposit

Sl.	Company	Amount (Tk.)	Scheme
1.	DBH Finance Corporation Ltd.	636,569	One year

D. 2 Geographic Coverage

The number of areas covered by BELA through its activities is given below:

1. No. of Divisions covered: 8
2. No of Districts covered: 51
3. No. of Upazillas covered: 165
4. No. of City corporations covered: 9

D. 3 Development of Program Proposal, Strategic Plan, and Updating of Manuals

To facilitate the transition from a project to a program approach, a new Strategic Plan (SP) of BELA (2018-2022) has been adopted through lengthy discussions with all stakeholders (involving both the Board and the staff). Led by a team of 2 (two) consultants, the SP has reset the vision, mission, values and culture for the Organization. The SP has sketched the following areas for program intervention for BELA:

- Strengthening of Environmental Governance through Communities' Participation in Decision-making and Safeguarding of Natural Resources;
- Citizens' Right to Environment Defended and Environmental Justice Ensured through Litigation;
- Research and Awareness-raising on Environmental Issues and Laws Training, research, and communications contribute to awareness raising and the generation of evidence on environmental issues.
- Advocacy and Campaigns for Law Reform to Address Gaps in Environmental Law Regime.

Based on the SP, a program proposal titled "Defending Environmental Rights and Promoting Justice" was submitted to SIDA and has been positively considered for support.

During the reporting period, the monitoring and evaluation manual, financial and administrative manuals of BELA have also been updated.

D.4 Trainings

In this reporting period, BELA has successfully completed the following training programs:

a. Training for cross-sectoral actors

BELA has organized a 5-day long BELA Training Program (BTP) for cross sectoral people (government official, NGO activities, lawyers, students) on "Environment & Climate Change: the Legal Issues" from 16th- 20th September 2018 (Participants- 19: Female-2, Male- 17).

b. Training Workshop for Judicial Officers

A day-long training Workshop on "Environment, Environmental Law and Justice" participated by 44 (Female- 16, male- 28) Assistant Judges was held on 13 October, 2018 in collaboration with Judicial Administration Training Institute (JATI).

c. Training Workshop on Environmental Human Rights Defender (EHRD)

BELA has organized two regional Environmental Human Rights Defenders (EHRD) Training Workshops in the reporting period for EHRDs. The first training was organized on 28-30 April, 2019 in Khulna and the second one on 26-28 May, 2019 in Dhaka. With a participation of total 54 (Male: 46, Female: 8) participants, these trainings were organized to strengthen the capacity of grassroot level EHRDs and organizations to protect themselves against repressive actions of state and non-state actor; increase the access of EHRDs at risk to national, regional and international solidarity mechanism, and to better access, protection and justice. Besides

having basic knowledge, the training participants gathered practical knowledge on mapping of environmental disputes, actors and do stakeholder analysis; adopt digital security measures; plan monitoring and documentation; strengthen networking and solidarity and so on.

d. Annual General Meeting and Capacity Building Training Workshop of FoEI

BELA arranged the Annual General Meeting and Capacity Building Training Workshop of FoEI (Friends of the Earth International), a global network platform of environmental organizations from 78 countries, with the participation from member countries of Asia Pacific (APac) Region. 33 participants (Female- 16, Male- 17) from 14 different countries participated in this AGM and Training Workshop held between 30 June-06 July 2019 in Sarah resort, Gazipur.

D.5 Discussions, Workshops, Seminars, Community Consultations, Public Hearings, Meeting with Network Members, Day observation and others

- i. The following Issue based discussions/workshops/seminars/round table discussions/public hearings were organized in the reporting period:
 - a. A workshop on “PIL review” was jointly organized with ALRD on 27-28 September, 2018 at Cox’s Bazar. Honourable Justices of the Supreme Court of Bangladesh, lawyers, environmental activists, civil society members, journalists and some community members attended the program. This event identified the strengths of PIL in defending community rights and also the gaps and obstacles that hinder the implementation of judgments received in PILs. Total number of participants were 64 (Female-10, Male-54).
 - b. A round table on “Implementation of the Court order against sand extraction by dredgers and mechanized (boma) machines from the Dhobhajan Chalti River” was held on 16 October, 2018 in Sunamgonj District under Sylhet Division. The Deputy Commissioner (DC) of Sunamgonj, Additional Deputy Commissioner (ADC) of Sunamgonj, Divisional Forest Officer (DFO), Area Commander of Border Guard of Bangladesh (BGB), Department of Fisheries (DoF), affected community members, civil society members and journalists were present in the round table. Total number of participants were 85 (Female-5, Male-80).
 - c. An issue based discussion on “Actions needed for preventing encroachment and Pollution of Mathabhanga River” was held on 4 November, 2018 in Chuadanga District under Khulna Division. Affected people, civil society members, NGOs, activist groups, journalists were present in the discussion. Total number of participants were 52 (Female-12, Male-40).
 - d. An issue based discussion on “Actions needed for preventing encroachment of Ichhamoti River” was held on 5 November, 2018 in Rajshahi. Affected community

- people, academicians, concerned governmental officials (LGED, WDB), civil society members and journalist participated in the discussion. Total number of participants were 61 (Female-9, Male-52).
- e. An issue based discussion on “Protection of the Khagdon River from Encroachment” was held on 27 November, 2018 in Borgona District under Barishal Division. The Deputy Commissioner of Borgona District attended the event as chief guest. Around 49 participants (Female-4, Male-45) including affected community people, civil society members, journalist, concerned governmental officials (UNO, LGED, WDB), public representatives participated in the discussion.
 - f. A round table on “Save the Boral River: Implementation of Court Order and Present Situation” was held in Chatmohor under Pabna District on 19 December, 2018. Affected community people, researchers, lawyers, environmental activists, civil society members, concerned governmental officials from LGED, Department of Agriculture, Department of Fisheries, Water Development Board, journalists participated in the event. Total number of participants were 33 (Female-1, Male-32).
 - g. A seminar on “Actions needed for Protecting the Only Carp Breeding Ground of Halda River from Encroachment, Harmful Structures and Pollution” was held on 19 December, 2018 in Chattogram. The Seminar was jointly organized with ALRD. The key note paper was presented by Dr. Monzurul Kibria, Professor of Zoology department of Chattogram University. The affected people, civil society members, invited media, representatives from local administration (Department of Environment, Department of Fisheries, Department of Forestry, Department of Inspection of Factories, Water Development Board, Local Government Engineering Department), academicians and researchers were present in the seminar. Total number of participants were 121 (Female-40, Male-81).
 - h. An issue based discussion on “Actions needed for preventing the filling-up the agricultural lands by sand from the Meghaloya hill, India” was held on 20 December, 2018 at Tekerghat under Tahirpur Upazila of Sunamgonj. Affected farmers, teachers, civil society members, NGOs, and journalists participated in the discussion. Total number of participants were 46 (Female-02, Male-44).
 - i. A seminar on “Preventing Hill Cutting: Implementation of Court Order” was held on 23 December, 2018 at Cox’s bazar Cultural Centre, Cox’s bazar. Around 55 participants (Female-8, Male- 47) from private and public sectors including the Chairperson, Cox’s Bazar Development Authority, Deputy Commissioner (DC) of Cox’s Bazar, Additional Deputy Commissioner (ADC) of Cox’s Bazar, Divisional

Forest Officer (DFO), Assistant Conservator of Forest (ACF), representatives from Department of Environment (DoE), Department of Fisheries (DoF), community leaders, civil society members, journalists were present in the seminar. This seminar was presided over by Lt. Cornel (Ret.), Md. Forkan uddin, Chairperson of Cox's bazar Development Authority.

- j. An issue based discussion on "Conservation of Environment in greater Mymensingh: Implementation of Law " was held on 29 December, 2018 at Tangail where community people, civil society leaders, local activists, representatives from local level administration, lawyers and journalists participated. Total number of participants were 46 (Female-07, Male-39).
- k. Consultation with DoE on Sharing of Zero Draft of Clean Air Act was held on 4 February, 2018 at DoE, Dhaka. Total number of participants were 47 (Female-06, Male- 41).
- l. A stakeholder workshop on "Draft Clean Air Act, 2019" was held on 14 February, 2018 (Participants: 154) at Hotel InterContinental Dhaka. The objective of the workshop was to share the draft Act and take comments from different stakeholders while finalizing the Act.
- m. A public hearing was arranged on 28 March, 2019 along with 6 (six) Strategic Alliance members (ALRD, ASK, BLAST, BRACK, Nijera Kori, IAB) on Safe and Chemical free Old Dhaka. The Mayor, Dhaka South City Corporation (DSCC) was the Chief Guest in the event where business leaders, families affected by the devastating fire in *Churihatta*, relevant experts, government agencies and civil society groups participated. Total number of participants were 225 (Female-70, Male- 155).
- n. A local level discussion was jointly organized with ALRD, TIB and Nijera Kori on 5 February, 2019 at VERC Hall Room, Savar. Encroachment and pollution of the Savar rivers, various canals of Savar namely Karnapara, Dholai, Pakuria, Tati, Shukna, Roipta, Noadda, Porabari, Bilbagil, Kulubari, Ghughudiya, Katlahar, Tetuljhora, Jugijonjal etc., pollution due to Amin Bazar dumping station and the Tannery Estate, pollution by other identified industries were listed as key environmental issues of Savar. Total number of participants were 107 (Female-32, Male-75).
- o. A follow up workshop jointly organized by BELA, ALRD, TIB and Nijera Kori on 20th February, 2019 at VERC Hall Room, Savar led to drawing up of an action plan

to address the issues identified in the discussion held on 5 February, 2019. Total number of participants were 78 (Female-26, Male-52).

- p. BELA had series of consultations with the affected people of the most polluted hot spots of Savar. Based of those consultations, a list of recommendations has been prepared. With 6 more environmental NGOs who are Strategic Alliances member, BELA arranged a visit by the Parliamentary Standing Committee on MoEFCC to the most polluted sites of Savar that include the tannery estate, the Amin Bazar Dumping and the Karnapara *Khal* (canal). The visit was followed up by a public hearing that was spontaneously and actively participated by 279 (Female-80, Male-199) local community representatives on 3 April, 2019 at Golf Club, Savar. The Public Hearing was attended by 3 (three) members of the Parliamentary Standing Committee while the keynote speech was given by the Director General, DoE.
- q. A press conference on “Wetland encroachment around Dhaka and Savar” was jointly organized with ALRD, BIP, TIB, NijeraKori and Nodi O poribesh Unnoyon Parishad on 25th April, 2019 at Meghmala Conference Room, TIB, Dhaka with technical experts, civil society and journalists. The alarming scenario of wetland grabbing of Dhaka was presented in the Conference by Dr. Adil Mohammed Khan, General Secretary, Bangladesh Institute of Planners (BIP) and Mr. Firoz Ahmed Kanak, Research Associate, Centre for Environmental and Geographic Information Services (CEGIS).

Few photographs of the events arranged by BELA are annexed as **Annexure “A”**.

ii. Follow up actions with communities/community consultation

In the reporting period, following 7 consultations were held with the communities:

- a. On court order relating protection of the Kirtonkhola River from sand lifting on 19 December, 2018 in Barisal (Number of participants- 36: Female-24, Male-12. Writ Petition No. 10553 of 2014).
- b. Razing from the Akbar Shah hill, Chittagong on 20th November, 2018 (Number of participants- 20. Writ Petition No. 7883 of 2015);
- c. On creating awareness among people regarding court verdict on illegal encroachment into and pollution of Bakkhali River on 21 December, 2018 at 6 no. ghat, Noniachora under Cox’s Bazar District. (Number of participants-17. Writ Petition No. 8325 of 2014);
- d. On deliberate delay by the government in demarcating the four rivers in and around the capital Dhaka including the River Turag on 30 October, 2018 at Genda, Savar,

Dhaka. (Number of participants-21: Female-2, Male- 19. Writ Petition No. 3503 of 2009);

- e. On court order for protecting the agricultural lands, low lands, parts of the Meghna River and water bodies of various parts of Sonargaon Upazila of Narayangonj District on 8 August, 2018. (Number of participants-27: Female-10, Male- 17. Writ Petition No. 1683 of 2014);
- f. On order against illegal sand extraction from hilly streams (*chhoras*) of Komolgonj Upazila of Maulobhibazar District on 26 December, 2018 (Number of participants- 25: Female: 7, Male: 18);
- g. To strategies against probable resistances in the PIL decision on sal forest at Madhupur of Tangail District on 20 December, 2018 (Number of participants- 36: Female-9, Male-27).

iii. Meeting with Network Members

In this reporting period, six (6) consultative meetings were held with network members at six divisional levels. These meetings were arranged in order to detail out action plans for upcoming year and select issues, identify stakeholders and beneficiaries, do SWOT analysis and brief the participants about the project. The project staff of concerned division and 118 network members from 31 districts were attended the meetings.

iv. Day observation

In the reporting period, BELA observed the World Environment Day, 2019, the World River Day 2018, the International Mangrove Action Day, 2018 and the International Indigenous Peoples' Day, 2018.

D.6 Research/ Policy Advocacy

a. Clean Air Act

BELA was approached by the Department of Environment to draft a Clean Air Act for Bangladesh. The objective of the proposed Act is to prevent and control air pollution and to improve quality of air, protect human health and the environment.

A binding law on the subject has become an imperative due to the fact that the air of Dhaka, the Capital of Bangladesh, has become extremely unhealthy giving the Capital the 1st position in terms of worst air quality. BELA reviewed the laws of USA, China, Philippine, Malaysia, Taiwan and India and proposed a zero draft. This draft was taken to the relevant stakeholders in all divisional headquarters. Their views and concerns were duly incorporated in the 1st draft that was debated by national level experts. The 2nd draft was presented to all relevant

Government agencies. Incorporating their suggestions the final draft was submitted to Department of Environment.

This draft recommended formation of a new institutional setup to develop a time bound action plan to reduce pollution from targeted sectors such as brick kilns, constructions and transportation. The Act also has proposed standards for process industries and commodities that lead to air pollution.

b. Alternative to Burnt Bricks

BELA, in partnership with Housing and Building Research Institute (HBRI) of the Government and two other NGOs implemented a project Promoting Sustainable Building in Bangladesh. Supported by the European Union, the project focused on advocating for an enabling policy framework for promoting environment friendly alternative to burnt bricks. The three years long project ended in successful advocacy through which the Government amended the 'Brick Manufacturing and Brick Kiln Establishment (Control) Act, 2013' to empower itself to direct switching from burnt bricks to ecofriendly alternatives.

Worth noting, Bangladesh produces 22.71 billion (source: ADB, 2015) burnt bricks a year burning not less than 3350 million cubic feet fertile top soil from its already scare agricultural land. According to the Soil Research Development Institute (SRDI), if the rate at which agricultural lands are disappearing from Bangladesh remain unchecked, the Country shall be left with no agricultural lands by 2070.

D.7 Media Reports

Activities of BELA were covered by local and national daily newspapers (around 50 paper clippings), online news portals (10) and a number of TV channels.

Selected reports in print media are annexed as **Annexure "B"**.

D.8 Legal Aid and Assistance

i. Legal notices, contempt notices, concern letters and applications under RTI Act have been served on the following issues:

- Illegal land grabbing and earth filling by Unique Properties Ltd. for economic zone, Narayanganj
- Illegal operation of brickfield Lohagara, Narail
- Unlawful filling up of pond by Thengamara Mohila Sabuj Sangha (TMSS), Shahajanpur, Bogra
- Unlawful setting up of brickfield, Keshobpur, Jessore
- Hill cutting and illegal construction of housing by the Power Development Board, Cox's Bazar

- Illegal filling up of historic Bayezid Bostami Pond threatening the globally endangered Turtles, Chittagong
- Protection of Kushiara River from being leased out for sand extraction, Sylhet
- Protection of Bharani Canal from unlawful encroachment, Barishal
- Protection of forests land, forests and trees of Bangladesh from being used for non-forest purposes and so-called development
- Gradual banning of single use plastic and polythene
- Protection of Banani Play Ground from expansion of school building, Dhaka
- Protection of hill from being razed for a private housing called the Uttaran Housing Project, Cox's Bazar
- Protection of forests from clearing, Manpura, Bhola
- Protection of retention pond from being filled up for rehabilitation of people affected by the elevated highway project of the government, Dhaka
- Unlawful beaching and breaking of a scrap vessel called MV Crystal Gold
- Unlawful setting up of a brickfield, Tangail
- Compensation for workers families of Ship Breaking Yard (Premium Trade Corporation), Chattogram
- Unlawful setting up of a brickfield, Melandoho, Jamalpur
- Protection of flood flow zone from a housing company named Priyanka Group, Savar, Dhaka
- Protection of Cox's Bazar Sea beach from construction of markets
- Protection of Dawky River from illegal stone extraction and construction of Bailey Bridge for carrying of stones, Sylhet
- Banning of the glyphosate based carcinogenic pesticide (Roundup of Monsanto) in the country
- Removal of dam from Badura Khal, Mothbaria, Pirojpur

ii. Judgments

1. Protection of Open Space (W.P. No. 9245 of 2008 and 6861 of 2007)

On 2 August, 2018 the High Court ordered Bangladesh Ansar - Village Defence Party (VDP) to hand over the land of Khilgaon Shishu Park to Dhaka North City Corporation (DNCC) within three months. The Court also directed the Government to renovate the existing park and establish a modern children's park in the land within next one year. The HC observed that adversely occupying a public property is contradictory to legal norms and a hindrance to the constitutional principles.

The bench of Justice Sheikh Hassan Arif and Justice Md. Badruzzaman delivered the verdict after hearing two petitions filed by Bangladesh Ansar-VDP and BELA.

2. Protection of Wetland (Review applications No. 51-52 of 2013 and 55-57 of 2013)

On 25 April, 2018 final Judgment obtained in Civil Appeal No. 253-256/2009 was upheld and the mega housing project, Modhumoti Model Town of Metro Makers and Developers in Amin Bazar of Savar, has been conclusively declared illegal as five review application of the developer and so-called plot purchasers have been dismissed by the Appellate Division.

A seven-member bench of the AD headed by Chief Justice Syed Mahmud Hossain dismissed the review petitions.

iii. Filing of new cases

The following 9 (nine) cases were filed in the reporting period:

1. Unauthorized Construction of markets in the No Development Zone and Ecological Critical Area (ECA) in Cox's Bazar Sea Beach Area (show cause notice and interim order issued on 03 December, 2018 in Writ Petition No. 14306/2018);
2. Unlawful beaching and breaking of a scrap vessel called MV Crystal Gold (Unfortunately the Appeal filed by BELA was dismissed by the Appellate Division without giving any fair chance of hearing);
3. Unlawful setting up of brick field in agricultural lands in Lohaghora Upazilla, Narail (show cause notice issued in Writ Petition No. 5109 of 2018);
4. Unauthorized, hazardous and polluting operation of a tannery in the name and style of SAF Industries situated in the bank of Bhairab River of Jashore District (interim order directing adoption of rectifying measures given on 06 January, 2019 in Writ Petition No. 15782 of 2018).
5. Unlawful sand extraction from *Kushiara* River, Sylhet leading to erosion of nearby farmers' lands, homesteads and important structures (show cause notice issued and direction given to restrain from leasing out of *Kushiara* River sand quarry on 06 January, 2019 in Writ Petition No. 14987 of 2018).
6. Protection of a canal namely Bharani Khal from encroachments situated in Barguna Paurshova under Barguna District (show cause notice issued and direction given to evict the illegal/unauthorized encroachments on 07 January, 2019 in Writ Petition No. 16027 of 2018).

7. Protection of forest lands, forests and trees of the Country from conversion, contrary/adverse use (show cause notice issued and interim order of injunction given on 11 March, 2019 in Writ Petition No. 2564 of 2019 directing government to refrain from conversion, arbitrary/adverse use of forest land and forests without legal enactment on compensatory afforestation).
8. Protection of Notified Forest of Uttar Salimpur under Sitakunda Police Station, Chattogram, from construction of a ship breaking yard namely BBC Steel therein (show cause notice issued and interim order of injunction given on 13 May, 2019 in Writ Petition No. 4901 of 2019).
9. The petition has been filed to conserve 615.81 acres of Water Retention Pond (acquired by LA Case No.09/99-2000) situated in Digun and Bounia Mouzas under Mirpur Police Station, and Boro Kakor Mouza under Savar Police Station of Dhaka District from being filled up for rehabilitating/resettling people affected by acquisition of their land for the "Support to Dhaka Elevated Expressway PPP" Project. On 31 March, 2019 the High Court issued a Rule Nisi calling upon the respondents to show cause as to why their failure in protecting the Retention Pond and why the decision dated 06.04.2014 taken by the inter-ministerial committee to transfer from the retention pond 40.00 acres of land for rehabilitation/resettlement of people affected by acquisition of their lands for the "Support to Dhaka Elevated Expressway PPP" Project should not be declared illegal and why the respondents should not be directed to restore the fill-up portion of the above mentioned retention pond to its original position.

iii. Follow up of earlier PILs

Existing cases were pursued through court and also outside courts. Many replies/oppositions have been filed and hearings of cases held. At the same time, community consultations, round tables were arranged to inform communities about the Court Orders/Judgments and to organize them for effective follow-up.

Documents have been collected as evidence for the legal battles and replies/affidavit-in-oppositions have been filed. Further hearings have been held in the following cases:

1. Affidavit-in-replies filed in Writ Petition No. 7899 of 2014 that has sought relief against pollution caused by spice mills in Birampur, Dinajpur;
2. Affidavit-in-opposition filed in Writ Petition No.14515 of 2017 seeking to prevent unlawful, destructive, harmful and mechanized extraction of sands from *Bangali* river in Bagura;

3. Affidavit-in-opposition filed in Writ Petition No. 1567 of 2014 to protect the Boral River flowing through Natore, Rajshahi, Pabna and Sirajganj Districts from encroachments and unplanned water structures;
4. Affidavit-in-reply filed in Writ Petition No. 2948 of 2016 that challenged illegal and indiscriminate silica sand extraction from Chhara, Moulovibazar (Judgment delivered on 3 July, 2018; All 51 stone quarries declared illegal while leases issued to 19 silica sand quarries were quashed);
5. Supplementary affidavit, affidavit-in-replies and written statements filed in Writ Petition No. 1834 of 2010 where the arbitrary management and declaration of part of the Sal Forest as reserve forest without settling the rights of the forest dependent tribal people has been challenged; the hearing held in a special bench is concluded;
6. Affidavit-in-opposition and affidavit-in-reply filed in Writ Petition No. 4793 of 2018 relating unlawful setting up and unauthorized operation of a brick manufacturing unit namely Messer's Super Bricks in the agricultural lands of Keshobpur Upazila, Jashore District without obtaining legally mandatory Environment Clearance Certificate and license;
7. An application for Addition of Party in W.P. No. 2564/2019 filed for the protection of forests, forest lands and trees of the Country;
8. Several applications in W.P No. 1683 of 2014 filed for protecting the agricultural lands, low lands, parts of the Meghna River and water body in Pirojpur Union, Sonargaon Upazilla, Narayanganj from contrary use and illegal earth filling;
9. An Application for Vacating the Order of Stay and paper book submitted in Writ Petition No. 1993/2019 for the protection of a Water Retention Pond of Uttara from filling up for Government Project;
10. An application for direction in W.P No. 8098/2013 filed for the protection of Forest and wetland from Government Housing Project namely "Purbachal New Town Project";
11. An application for direction in W.P No. 891/94 filed for relocation of tanneries from Hazaribag to Savar;
12. Earlier Order has been extended in W.P No. 14306/2018 filed against unauthorized Construction of markets on the No Development Zone and Ecological Critical Area (ECA) in Cox's Bazar Sea Beach Area;
13. Earlier Order has been extended in W.P No. 10553 of 2014 filed for protecting the Kirtankhola River from illegal and indiscriminate sand extraction, Barishal;
14. Earlier Order has been extended in W.P No. 16027 of 2018 filed for protection of a canal namely Bharani Khal from encroachments situated in Barguna Paurshova under Barguna;

15. An application for addition of party in W.P. No. 5109 of 2018 filed against unlawful setting up of brick field in agricultural lands in Lohaghora Upazilla, Narail ;
16. Applications, affidavit-in-reply in W.P No. 7260 of 2008 filed seeking compensation for families of 187 dead workers and around 60 injured workers;
17. Applications, Affidavit-in-Reply, Written Statement filed and Judgment obtained in W.P No. 440 of 2015 to prevent unauthorized and indiscriminate extraction of ground water for industrial and commercial purposes by 8 (eight) water intensive industries of Potiya Upazila, Chattogram;
18. Earlier Order has been extended in W.P No.2245 of 2015 filed for protection of Sorai and Dholu Khals from Sand indiscriminate Extraction of Lohagara Upazilla under Chattogram;
19. Earlier Order extended in W.P 10291 of 2016 filed for protection of Laldighi of Cox`s bazar from filling up;
20. Affidavit-in-reply in W.P No. 4901/2019 filed for protection of Notified Coastal Forest of Uttar Salimpur, Chattogarm from buildup a ship breaking yard therein;
21. Earlier Order has been extended in W.P 3693/2016 filed against a Brick field that was operating in Forest land of Fatikchhari Upazilla of Chattagram;
22. Civil Appeal (CA) and Civil Petition for Leave to Appeal (CP) filed in W.P No. 9094 of 2015 that sought relief against purported attempts to clear the compensation money for acquisition of hills when there is bar on cutting of the hills in question, BELA lost the case in the High Court and hence has filed an appeal;
23. CP in W.P No. 3604 of 2013 filed against construction of a Building in Car Parking Place; BELA lost the case in the High Court and hence has filed an appeal;
24. Earlier Order has been extended and Contempt Notice has been served in W.P No. 4793 of 2018 filed against a Brick field that was operating in agricultural land, Satbaria Jashore;
25. Earlier Order has been extended in WP No. 161/2017 filed for the protection of Surma River from Sand Extraction;
26. Earlier Order has been extended in Writ Petition No. 14987 of 2018 filed against unlawful sand extraction from *Kushiara* River, Sylhet leading to erosion of nearby farmers' lands, homesteads and important structure.

D.6. Capacity Building and Networking

- i. **Mr. Asif Hossain Abir** and **Mr. Md. Rokibul Islam** attended a training on “Digital Safety and Security” facilitated by Ms. Aklima Ferdouse Lisa, Front Line Defender, held between 21 and 23 March, 2019, YWCA, Dhaka.
- ii. **Mr. A.M.M Mamun** and **Ms. Rehmuna Nurain** attended the “Ecotourism visit to Indigenous Villages Kedonganan” organised by WALHI, Indonesia from 19-26 July, 2018 in Bali, Indonesia.

Prepared by:

Syeda Rizwana Hasan

Chief Executive, **BELA**

Date: 18 February, 2019