

## **Turag River Case**

**High Court Division passed judgment in Writ Petition No. 13989 of 2016 declaring the Turag river as legal person/legal entity/living entity and gave 17 directions as follows;-**

1. The Doctrine of Public Trust, which has been expounded, analyzed and narrated in this case, is an integral part of the laws of our country.
2. Turag River is declared as legal person/legal entity/living entity. All rivers flowing inside and through Bangladesh will also get the same status of legal persons or legal entities or living entities.
3. The National River Conservation Commission (NRCC) is declared as the '*Person in Loco Parentis*' of all rivers of Bangladesh including River Turag for protection, conservation, development by saving them from pollution and encroachment. From now on, the NRCC is under obligation for protection, conservation, development, and beautification of all rivers after saving them from pollution and encroachment as well as making them suitable for navigation with the cooperation and assistance of all river-related Authorities, Departments and Ministries. All river-related Authorities, Departments and Ministries would have to be under obligation to provide appropriate and sufficient cooperation and assistance to the NRCC.
4. The Precautionary Principle as well as the Polluters' Pay Principle are hereby declared as the part of the laws of our country.
5. All concerned authorities, including the Planning Commission, LGED, Water Development Board, BIWTA, and BADC will have to intimate the NRCC prior to going for any new project concerning any rivers, canals, and water bodies and they will have to obtain No Objection Certificate (NOC) from the NRCC for such projects.
6. The Respondent Nos. 10 to 23 will remove themselves from illegal encroachment of concerned river within next 30 days, otherwise, the NRCC will evict them with the assistance of concerned authorities at the cost of the respondents.
7. The Respondent No. 1 is hereby directed to take steps for necessary amendment of the National River Conservation Commission Act 2013 by inserting provisions of criminal offences for river encroachment and its pollution with stricter punishment and fines, and also procedure of institution of case, its investigation and trial. The Respondent No. 1 is also directed to submit an affidavit-of-compliance to this Court within six months as to the steps already undertaken or undergone for implementation of such directions.
8. The concerned authorities would determine geographical location of all rivers, canals, beels and water bodies in the country with the help of SPA, RR SO Satellite as well as RS and GIS technology for the purpose of making a digital database, and would also collect information of biodiversity and would prepare maps thereof of all Unions, Upozilas, and Districts, which would be displayed on billboards in open space for public, and the concerned Upozila and District administration would take appropriate initiative so that anyone could access those even at union, municipality-, upazila and district level for a fee.
9. The Respondent No. 1 is hereby directed to take immediately all necessary steps for making the NRCC an effective and independent institution.

10. All government and private schools, schools & colleges, colleges, madrasahs, technical institutions, and public and private universities will conduct one hour long awareness program in their every class and department at every two months interval on the necessity, benefits, protection, pollution and preservation of river, and every educational institution will arrange regular visit of rivers flowing through their respective localities. More so, all educational institutions are directed to take measures to broadcast national-international documentaries on river, nature and environment, and the Ministry of Educations ordered to monitor whether all these educational institutions arrange such classes as per direction of this Court.

11. All the small scale, medium, and large local and foreign industries are hereby directed to take measures for arranging an hour-long meeting relating to river every two months with all their workers across the country. The Ministry of Industries is ordered to monitor whether all the industries arrange such meetings as per direction of this Court.

12. All Union Chairmen, Upazila Chairmen, Municipality Mayors and the Zila Parishad Chairmen are hereby ordered to arrange day long rally, art exhibition, different competitions and discourses and seminars relating to river every three months.

13. All Union Chairmen, Upazila Chairmen, Municipality Mayors and the Deputy Commissioners are ordered to prepare a list of all local river encroachers and polluters and to put them up on notice boards at their all local offices and on billboards within six months with a view to informing the public about such river grabbers.

14. As the environment, climate, water lands, sea, sea-beach, river, foreshore of river, canal-bill, hawor-bawor, nala, jhil, jhiri, and all open water bodies, mountains, forests, wild animals, and air is the Public Trust Property or Public Property, hence, Bangladesh Bank is directed to issue circular with necessary instructions to all the Scheduled Banks of Bangladesh declaring any institution, company, or person involved in encroachment of such lands or pollution thereof, ineligible for any loans there from. The Governor, Bangladesh Bank is also directed to submit an affidavit-of-compliance to this Court within six months as to the implementation of such directions.

15. As the environment, climate, water lands, sea, sea-beach, river, foreshore of river, canal-bill, hawor-bawor, nala, jhil, jhiri, and all open water bodies, mountains, forests, wild animals, and air is the Public Trust Property or Public Property, hence, the Election Commission is directed to disqualify all encroachers and polluters of such properties from contesting any type of elections of Union, Upozila, Municipality, Zila Parishad and National Parliament Election and to submit an affidavit to this Court within six months containing a list of those people.

16. The Secretary, Ministry of Education, is directed to include the subject of river preservation and pollution in the curriculum of schools, colleges, and universities for increasing awareness amongst the students.

17. The Director General, Bangladesh Television is directed to air hour long national-international documentaries on river, nature and environment every Friday. More so, all private television channels are hereby ordered to broadcast similarly an hour long documentary on river, nature and environment on any day of the week.

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