

The Environment Pollution Control Ordinance, 1977

Ordinance no. XIII of 1977

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[Repealed by Act I of 1995]

An Ordinance to provide for the control, prevention and abatement of pollution of the environment of Bangladesh.

WHEREAS it is expedient to provide for the control, prevention and abatement of pollution of the environment of Bangladesh;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title.-** This Ordinance may be called the Environment Pollution Control Ordinance, 1977.

2. **Definitions.-** This Ordinance, unless, there is anything repugnant in the subject or context,-

- (a) “Air” means the discharge into the atmosphere of foreign gases, vapours, droplets and particles or of excessive amounts of normal constituents, such as the carbondioxide and suspended particulate matters produced by burning of fossil fuels;
- (b) “Board” means the Environment Pollution Control Board constituted under section 3;
- (c) “Chairman” means the Chairman of the Board;
- (d) “disposal system” means a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatments works and disposal wells;
- (e) “Director” means the Director appointed under sub-section (1) of section 7;
- (f) “environment” means the surroundings consisting of air, waters, soil, food, and shelter which can support or influence the growth of life of an individual or group of individuals, including all kinds of flora and fauna;
- (g) “pollution” means such contamination, or other alteration of the physical, chemical or biological properties of any air, waters or soil including change in temperature, taste, colour, turbidity, odour or any other characteristics of air, waters, soil or such discharge of any

liquid, gaseous, solid, radioactive, or other substance into any air waters, or soil as will, or is likely to, create a nuisance or render such air, waters or soil harmful, injurious, detrimental or disagreeable to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other bonafide uses, or to livestock, wild animals, bird, fish, plants or other forms of life;

- (h) "Project" means any activity initiated by the Government or the Board with a view to controlling preventing and abating pollution of environment or gathering information and conducting researches for the said purposes;
- (i) "sewerage system" means pipe lines or conduits, pumping station, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal;
- (j) "treatment works" means any plant or other works used for the purpose of treating, stabilising or holding wastes;
- (k) "wastes" means sanitary sewage, industrial, discharges and all other liquid, gaseous, solid, radioactive or other substances which may pollute or tend to pollute environment;
- (l) "Water" means all waters including all streams coastal waters, tanks, lakes, ponds, reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainages systems and all other bodies or accumulation of waters, surface or underground, natural or public or private.

3. **Constitution of the Board.** - As soon as may be after the commencement of this Ordinance, there shall be constituted for the purposes of this Ordinance a Board to be called the Environment Pollution Control Board consisting of the following members, namely :-

- (a) the Member-in-charge of Physical Planning and Housing Sector of the Planning Commission, who shall also be the Chairman of the Board;
- (b) the Secretary, Local Government, Rural Development and Co-operative Division;
- (c) the Secretary, Agriculture Division;
- (d) the Secretary, Ministry of Industries;
- (e) the Secretary, Ministry of Home Affairs;
- (f) the Secretary, Ministry of Power, Water Resources and Flood Control;
- (g) the secretary, Ministry of Public Works and Urban Development;

- (h) the Secretary, Forest, Fisheries and Livestock Division;
- (i) the Chief, Flood Control and Water Resources, Planning Commission;
- (j) the Deputy Secretary dealing with the administration of this ordinance, Local Government, Rural Development and Co-operatives Division;
- (k) the director of Health Services;
- (l) the Director of Fisheries;
- (m) the Chief Engineer, Public Health Engineering;
- (n) the Chief Engineer, Bangladesh Inland Water Transport Authority;
- (o) one person to be nominated by the Ministry of Defence from the Bangladesh Meteorological Department; and
- (p) the Director, who shall be the Secretary of the Board.

4. **Meetings of the Board.** (1) The meetings of the Board shall be held on such date and at such time and place as the Chairman may Direct :

Provided that when there is any appeal to the Board under sub-section (2) of section 8, the Board shall meet within fifteen days from the date of such appeal.

(2) All meetings of the Board shall be presided over by the Chairman and, in his absence, by a member nominated by him.

(3) Five members of the Board shall form a quorum.

(4) All matters at a meeting of the Board shall be decided by majority of the votes of the members present.

(5) Each member of the Board shall have one vote and in the event of equality of votes the Chairman shall have a casting vote.

(6) Proceedings of the meetings of the Board shall be recorded, circulated to its members within a fortnight and submitted for confirmation at next meeting.

5. **Functions of the Board** - (1) The Board shall -

- (a) formulate policies for the control, prevention and abatement of pollution of environment;
 - (b) Suggest measures for the implementation of its policies.
- (2) For the purpose of sub-section (1), the Board may -
- (a) require any person to furnish or cause to be furnished such information as it may specify;
 - (b) Call for report from the Director on the existing and potential problems of pollution of environment in the whole of Bangladesh or any part thereof; and

- (c) appoint such expert committees as it may consider necessary.

6. **Implementation cell.** - For the purpose of execution of the policies of the Board there shall be an implementation cell consisting of such officer and other employees as the Government may appoint on such terms and conditions as it may determine.

7. **Director.**- (1) The Government shall appoint a Director for control of pollution of environment, who shall be a senior official, not below the rank of Superintending Engineer, having training, skill and experience in the control of pollution of environment on such terms and conditions as the Government may determine:

Provided that until a Director is appointed, the existing project Director, of the water Pollution Control Project shall continue to be the Director.

(2) The Director shall be the executive head of the implementation cell and shall be responsible for implementation of the projects duly approved by the Government and the policies formulated by the Board for adopting or causing to be adopted measures suggested for it.

(3) For the purpose of sub-section (2), the Director may, by order in writing, -

- (a) require any person or commercial or industrial undertaking to adopt such measures, including construction, modification, extension or alteration of any disposal system, as may be specified therein for the prevention, control and abatement of existing or potential pollution of environment;
- (b) require any or commercial or industrial undertaking to furnish such information as may be specified therein relating to wastes, sewerage system or treatment works in any land or building owned or occupied by such person or undertaking; and
- (c) require any person or commercial or industrial undertaking to permit any officer named therein to enter upon, inspect and search any land or building owned or occupied by such person or undertaking and to inspect and test any wastes, air, waters, soil, plants, materials of disposal system found therein and to afford all reasonable opportunities to such officer for such inspection, search and test.

(4) The director shall under the guidance and instruction of the Chairman keep, in particular, liaison with other countries, international bodies and agencies engaged in activities relating to matters of pollution of environment.

8. **Compliance with order of the Director.** - (1) Where the Director makes any order in writing under sub-section (3) of section 7 requiring any person or commercial or industrial undertaking to adopt any measures for the prevention, control or abatement of pollution of environment or to furnish any information or to permit any officer to enter upon, inspect or search any land or building and to inspect and test any wastes, air, waters, soil, plant materials or disposal system such person or commercial or industrial undertaking shall, subject to the provision of sub-section (2), comply with such order.

(2) Any person or commercial or industrial undertaking aggrieved by an order in writing made by the Director, under clause (a) of sub-section (3) of section 7 may, within one month from the date of the order, prefer an appeal against such order to the Board and the decision of the Board thereon shall be final.

9. **Penalty and procedure.**- (1) Whoever fails or neglects to comply with any order of the Director or, where an appeal is preferred under sub-section (2) of section 8, with the final decision thereon of the Board shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand taka or with both, and may, in addition, be punishable with a further fine which may extend to taka twenty for every day of the period during which the failure or negligence continues.

(2) No court shall take cognizance of an offence under this Ordinance except on a report in writing of the facts constituting the offence made by the Director or an officer authorised by him in this behalf.

10. **Offence by commercial or industrial undertaking.**- Where the person guilty of an offence under this Ordinance is a commercial or industrial undertaking, every owner, director, manager, secretary or other officer or agent thereof shall, unless he proves that he made all efforts and exercised all diligence to prevent the commission of the offence, be deemed to be guilty of such offence.

11. **Indemnity.**- No suit, prosecution or other legal proceedings shall lie against the Board, the Director or any other person for anything which is in good faith done or intended to be done under this Ordinance.

12. **Power to make rules.**- The Government may make rules for carrying out the purposes of this Ordinance.

13. **Repeal and savings.**- (1) The Water Pollution Control Ordinance, 1970 (E.P. Ord. V of 1970), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or any order made under the said Ordinance, shall be deemed to have been done, taken or made, as the case may be, under the corresponding Provisions of this Ordinance.

Dacca,
The 31st March, 1977

Abusadat Mohammad Sayem
President.

A. K. Tlalukder
Deputy Secretary