

**Draft¹ Comparative Analysis of Bangladesh Legal Framework and ADB Safeguard Policy Statement:
ENVIRONMENT**

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Bangladesh Legal Instruments	(C) Extent of Equivalence ²	(D) Recommended Gap-filling Measures
Policy Principle 1: Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.			
Key element (1) Use a screening process to determine the appropriate extent and type of environmental assessment	Environment Conservation Rules, 1997 (as amended through 2003³) 7. Procedure for issuing Environmental Clearance Certificate..... (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	Full Equivalence.	

¹ Legal instruments excerpted in this matrix do not include the following relevant documents which are either inaccessible on line or accessible only in Bengali, with no readily available English translation to date : Environment Preservation Ordinance, 1989; the Environment Court Act as revised in 2010; Medical Waste (Management and Processing) Rules, 2008 (Bengali only); Noise Pollution Rules, 2006 (Bengali only); Open Place, Park and Wetland Conservation Act, 2000 (Bengali only); Ozone Depleting Substances Rules, 2004; Social Forestry Amended Rules, 2010 (Bengali only); Water Pollution Control Act, 2010; the Wildlife (Preservation) Amendment and Security Act, 2012. Where available summaries of relevant requirements from secondary sources are cited, pending access to the English language translations of these legal instruments.

² "Full Equivalence" denotes that the PRC legal requirement(s) are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. "Partial Equivalence" denotes that the PRC legal requirement is in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no PRC legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.

³ The Environmental Conservation Rules were further amended in 2012; however these amendments are not available in English translation.

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	<p>(iii) no objection certificate from the local authority;</p> <p>(b) For Orange – A Category:</p> <p>(i) general information about the industrial unit or project;</p> <p>(ii) exact description of the raw materials and the manufactured product;</p> <p>(iii) no objection certificate from the local authority;</p> <p>(iv) process flow diagram;</p> <p>(v) Layout Plan (showing location of Effluent Treatment Plant);</p> <p>(vi) effluent discharge arrangement;</p> <p>(vii) outlines of the plan for relocation, rehabilitation (if applicable);</p> <p>(viii) other necessary information (if applicable);</p> <p>(c) For Orange – B Category:</p> <p>(i) report on the feasibility of the industrial unit or project (applicable only for proposed industrial unit or project);</p> <p>(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);</p> <p>(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);</p> <p>(iv) no objection certificate from the local authority;</p> <p>(v) emergency plan relating adverse environmental impact and plan for mitigation of the effect of pollution;</p> <p>(vi) outline of the relocation, rehabilitation plan (where applicable);</p> <p>(vii) other necessary information (where applicable).</p>		

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	<p>(d) For Red Category:</p> <ul style="list-style-type: none"> (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); <p>SCHEDULE – 1 Classification of industrial units or projects based on its location and impact on environment</p>		
<p>Policy Principle 2: Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender</p>			

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issues), and physical cultural resources in the context of the project's area of influence. Assess potential trans-boundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.			
Key element (1) Conduct an environmental assessment for each proposed project	<p>Environment Conservation⁴ Act of 1995 (as amended through 2010)</p> <p>20. Power to make rules.-</p> <p>(1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(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:</p> <p>(f) procedures for assessment of the environmental impact of various projects and activities, and procedures for their review and approval</p> <p>Environment Conservation Rules, 1997 (as amended through 2002)</p> <p>7. Procedure for issuing Environmental Clearance Certificate.....</p> <p>(6) The following documents shall be attached with an application made under sub-rule (5):-</p> <p>(a) For Green Category:</p> <p>(i) general information about the industrial unit or project;</p> <p>(ii) exact description of the raw materials and the manufactured product; and</p> <p>(iii) no objection certificate from the local authority;</p>	Full Equivalence.	

⁴ This Act is sometimes referred to at the Environmental "Protection" Act. See Law Library of [US] Congress, "Bangladesh: Parliament Strengthens Environmental Protection Legislation," October. 20, 2010 http://www.loc.gov/lawweb/servlet/lloc_news?disp3_1205402302_text

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	<p>(b) For Orange – A Category:</p> <ul style="list-style-type: none"> (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); <p>(c) For Orange – B Category:</p> <ul style="list-style-type: none"> (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). <p>(d) For Red Category:</p>		

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	<p>(i) report on the feasibility of the industrial unit or project (applicable only for proposed industrial unit or project);</p> <p>(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);</p> <p>(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);</p> <p>(iv) no objection certificate of the local authority;</p> <p>(v) emergency plan relating adverse environmental impact and plan for mitigation of the effect of pollution;</p> <p>(vi) outline of relocation, rehabilitation plan (where applicable);</p> <p>(vii) other necessary information (where applicable);</p>		

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Key element (2) Identify indirect as well as direct impacts	Environment Conservation Rules⁵ 7. Procedure for issuing Environmental Clearance Certificate (c) For Orange – B Category: (ii) report on the Initial Environmental Examination (d) For Red Category (ii) report on the Initial Environmental Examination (IEE) 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);	No Equivalence. The IIE and EIA requirements apply only to the proposed industrial plant and unit.	
Key element (3) Identify cumulative impacts		No Equivalence	
Key element (4) Identify induced impacts		No Equivalence.	

⁵ The EIA Guidelines for Industries issued by the Department of Environment advises the use of checklists, matrices, overlays, factor analysis, cost-benefit analysis and simulation modelling. It also suggests methodologies on impact evaluation, prediction and identification of mitigation measures. However, these Guidelines are have not been made mandatory.

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Key element (5) Identify physical impacts		No Equivalence	
Key element (6) Identify biological impacts		No Equivalence	
Key element (7) Identify socioeconomic impacts (including on livelihood through environmental health and safety, vulnerable groups, and gender issues media,)		No Equivalence	
Key element (8)		No Equivalence	

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Identify impacts on physical cultural resources			
Key element (9) Identify impacts in the context of the project's area of influence		No Equivalence	
Key element (10) Assess potential trans-boundary impacts		No Equivalence	
Key element (11) Assess potential global impacts, including climate change		No Equivalence	
Key element (12)		No Equivalence	

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Use strategic environmental assessment			
Policy Principle 3: Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no-project alternative.			
Key element (1) Examine alternatives to the project's location, design, technology.		No Equivalence	
Key element (2) Consider the no-project alternative.		No Equivalence	
Policy Principle 4: Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.			
Key element (1) Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse	Environment Conservation Act, 1995 (as amended through 2010) Definitions. "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;	Full Equivalence.	

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impacts and enhance positive impacts by means of environmental planning and management			
Key element (2) Prepare an environmental management plan (EMP) that includes proposed mitigation measures	<p>Environment Conservation Rules, 1997 7. Procedure for issuing Environmental Clearance Certificate.</p> <p>c) For Orange – B Category: (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);</p> <p>(d) For Red Category: (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);</p>	Partial Equivalence. The EMP is required to set forth mitigation measures for only the effluent treatment plant of the project.	
Key element (3) Prepare an environmental management plan (EMP) that includes	<p>Environment Conservation Rules, 1997 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</p>	No Equivalence. Monitoring activities are reactive and not required as part of EMP	

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the proposed ...environmental monitoring and reporting requirements			
Key element (4) Prepare an environmental management plan (EMP) that includes ... related institutional or organizational arrangements, capacity development and training measures		No Equivalence.	
Key element (5) Prepare an environmental management plan (EMP) that includes the proposed... implementation schedule		No Equivalence.	

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Key element (6) Prepare an environmental management plan (EMP) that includes the proposed.... cost estimates		No Equivalence	
Key element (7) Key considerations for EMP preparation include....no significant harm to third parties, and the polluter pays principle.	<p>Environment Conservation Rules</p> <p>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.</p> <p>Factories Act, 1965</p> <p>Section 93. General penalty for offences. -</p> <p>Save as is otherwise expressly provided in this Act and subject to the provisions of section 94, if in, or in respect of, any factory, there is any contravention of any of the provisions of this Act or any rules made thereunder, the occupier and the manager of the factory shall each be guilty of an offence punishable with a fine</p> <p>Environment Conservation Act (as amended through 2002)</p> <p>7. Remedial measures for injury to ecosystem.- (1) If it appears to the Director</p>	Full Equivalence. The Environment Conservation Rules and the Factory Act provide protection for third parties and require polluting entities to remediate adverse impacts.	

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	<p>General [of the Department of Environment]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 both the measures; and that person shall be bound to comply with the direction.</p> <p>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.</p> <p>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.</p>		
<p>Policy Principle 5: Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women’s participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people’s concerns and grievances regarding the project’s environmental performance.</p>			

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Key element (1) Carry out meaningful consultation with affected people and facilitate their informed participation	Guidelines for Public Comment ⁶ Guidelines for EIA for Water Sector Development (2010) ⁷	No Equivalence	
Key element (2) Ensure women's participation in consultation		No Equivalence	
Key element (3) Involve stakeholders, including affected people and concerned nongovernment		No Equivalence	

⁶ Guidelines for Public Comment have reportedly been recently drafted under the authorization of the Environmental Conservation Rules. However, neither content nor legal status of the guidelines are available in English. Pending further clarification, it would appear that there is no binding legal requirement for public consultation during the EA process. According to the existing EIA Guidelines for Industries, opportunities for public participation are under the discretion of the Director General of the Department of Environment. See Netherlands Commission for Environmental Assessment (NCEA), Country Profile: Bangladesh, 2013.

<http://www.eia.nl/en/countries/as/bangladesh/eia>

⁷ The EIA Guidelines for the Water Sector Development reportedly put strong emphasis on the need for public participation; however the Guidelines are not legally enforceable.

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organizations, early in the project preparation process.			
Key element (4) Establish a grievance redress mechanism	<p>The Environment Court Act 2000 (as amended through 2002)⁸</p> <p>4. Establishment of Environment Courts.- (1) For carrying out the purposes of this Act, the Government shall, by notification in the official Gazette, establish one or more Environment Court in each Division.</p> <p>(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.</p> <p>8. Procedure and power of Environment Court</p> <p>(4) The Environment Court shall be competent to exercise any power conferred on it by this Act or any other environmental law.</p> <p>12. Environment Appeal Court.- (1) For carrying out the purposes of this Act, the Government shall, by notification in the Official Gazette, establish 2one or more than one Environment Appeal Court.</p> <p>14. Power to make rules.- For carrying out the purposes of this Act, the Government may, by notification in the Official Gazette, make rules</p>	<p>Partial Equivalence.</p> <p>The establishment of an Environmental Court system provides potential recourse to project affected people. However, it is unclear to how the Court would operate with respect to specific development projects.</p>	
Policy Principle 6: Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected			

⁸ The Environment Court Act was further amended in 2010; however an English language translation is not yet available.

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people and other stakeholders.			
<p>Key element (1) Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place.</p>	<p>Right to Information Act, 2009</p> <p>1. Definitions. –In this Act, unless there is anything repugnant in the subject or context,—</p> <p>(d) “information providing unit” means—</p> <p>(i) head office, divisional office, regional office, district office or upazila office of any department, directorate or office attached to or under any ministry, division or office of the Government;</p> <p>(ii) head office, divisional office, regional office, district office or upazila office of an authority.</p> <p>(f) “information” includes any memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts, project proposal, photograph, audio, video, drawing, painting, film, any instrument done through electronic process, machine readable record, and any other documentary material regardless of its physical form or characteristics, and any copy thereof in relation to the constitution, structure and official activities of any authority;</p> <p>(g) “right to information” means the right to obtain information from any authority;</p> <p>4. Right to information.—Subject to the provisions of this Act, every citizen shall have the right to information from the authority, and the authority shall, on demand from a citizen, be bound to provide him with the information</p> <p>6. Publication of information.—</p> <p>(1) Every authority shall publish and publicise all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens</p> <p>(2) In publishing and publicising information under sub-section</p>	<p>Partial Equivalence.</p> <p>There is a generic right for public access to information. However there are no legally binding provisions for disclosing information to project-affected people during the EIA process.</p>	

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	(1), no authority shall conceal any information or limit its easy access.		
Key element (2) Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders	<p>2. Definitions. –In this Act, unless there is anything repugnant in the subject or context,—</p> <p>(d) “information providing unit” means—</p> <p>(i) head office, divisional office, regional office, district office or upazila office of any department, directorate or office attached to or under any ministry, division or office of the Government;</p> <p>(ii) head office, divisional office, regional office, district office or upazila office of an authority.</p> <p>(f) “information” includes any memo, book, design, map, contract, data, log book, order, notification, document, sample, letter, report, accounts, project proposal, photograph, audio, video, drawing, painting, film, any instrument done through electronic process, machine readable record, and any other documentary material regardless of its physical form or characteristics, and any copy thereof in relation to the constitution, structure and official activities of any authority;</p> <p>(g) “right to information” means the right to obtain information from any authority;</p> <p>4. Right to information.—Subject to the provisions of this Act, every citizen shall have the right to information from the authority, and the authority shall, on demand from a citizen, be bound to provide him with the information</p> <p>6. Publication of information.—</p> <p>(1) Every authority shall publish and publicise all information pertaining to any decision taken, proceeding or activity executed or proposed by indexing them in such a manner as may easily be accessible to the citizens</p> <p>(2) In publishing and publicising information under sub-section (1), no authority shall conceal any information or limit its easy access.</p>	Partial Equivalence. There is a generic right for public access to information. However there are no legally binding provisions for disclosing information to project-affected people during the EIA process.	

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Policy Principle 7: Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.			
Key element (1) Implement the EMP and monitor its effectiveness.	<p>Factories Act, 1965</p> <p>Section 92. Power to take samples. -</p> <p>(1) An Inspector may, at any time during the normal working hours of a factory, after informing the occupier or the manager of the factory or other person for the time being purporting to be the manager of the factory, take, in the manner hereinafter provided, a sufficient sample of any substance used or intended to be used in the factory such use being, in the opinion of the Inspector -</p> <ul style="list-style-type: none"> • (a) in contravention of any of the provisions of this Act or the rules made thereunder, or • (b) likely to cause bodily injury or injury to the health of workers in the factory. <p>(2) Where the Inspector takes a sample under sub-section (1), he shall, in the presence of the person informed under the sub-section unless such person wilfully absents himself, divide the sample into three portions and effectively seal and suitably mark them and shall permit such person to add his own seal and mark thereon.</p> <p>(3) The person informed as aforesaid shall, if the Inspector so requires, provide the appliances for dividing, sealing and marking the sample taken under this section.</p> <p>(4) The Inspector shall -</p>	Partial Equivalence. The Factories Act provides for government inspectors to monitor project sites. However, it does not impose any monitoring requirements on project implementing agencies.	

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	<ul style="list-style-type: none"> • (a) forthwith give one portion of the sample to the person informed under sub-section (1); • (b) forthwith send the second portion to a Government analyst for analysis and report thereon; and • (c) retain the third portion for production to the Court before which proceedings, if any, are instituted in respect of the substance. <p>(5) Any document, purporting to be a report under the hand of any Government analyst upon any substance submitted to him for analysis and report under this section, may be used as evidence in any proceedings instituted in respect of the substance.</p>		
Key element (2) Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.		No Equivalence.	
<p>Policy Principle 8: Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.</p>			

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<p>Key element (1)</p> <p>Do not implement project activities in areas of critical habitats, unless:</p> <p>(i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function,</p> <p>(ii) there is no reduction in the population of any recognized endangered or critically endangered species, and</p> <p>(iii) any lesser impacts are mitigated.</p>	<p>Environment Conservation Rules, 1997</p> <p>3. Declaration of Ecologically Critical Area. –</p> <p>(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:-...,</p> <ul style="list-style-type: none"> (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 <p>(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</p> <p>Environment Conservation Act of 1995 (as amended through 2002)</p> <p>5. Declaration of ecologically critical area.-</p> <p>(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 Gazette, declare such area as an ecologically critical area.</p> <p>(2) The Government shall, in the notification published under subsection (1) or in a separate notification, specify the activities or processes that cannot be</p>	<p>Full Equivalence.</p> <p>The Environment Conservation Rules authorize the government to prohibit certain activities in a Ecologically Critical Areas.</p>	

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	initiated or continued in an ecologically critical area.		
<p>Key element (2)</p> <p>If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area</p>	<p>Environment Conservation Rules, 1997</p> <p>3. Declaration of Ecologically Critical Area. –</p> <p>(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:-...,</p> <ul style="list-style-type: none"> (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 <p>(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</p> <p>Environment Conservation Act of 1995 (as amended through 2002)</p> <p>5. Declaration of ecologically critical area.-</p> <p>(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 Gazette, declare such area as an ecologically critical area.</p>	<p>Partial Equivalence.</p> <p>The Environment Conservation Rules designated legally protected areas but do not provide for additional programs to promote and enhance the conservation aims of protected areas</p>	

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	(2) The Government shall, in the notification published under subsection (1) or in a separate notification, specify the activities or processes that cannot be initiated or continued in an ecologically critical area.		
Key element (3) In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any	<p>Environment Conservation Act, 1995 (as amended through 2002)</p> <p>Definitions. "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;</p> <p>Forest Act of 1927 (as amended through 2000)</p> <p>4. (1) Whenever it has been decided to constitute any land reserved forest, the Government shall issue a notification in the official Gazette—</p> <p>(a) declaring that it has been decided to constitute such land a reserved forest;</p> <p>(b) specifying, as nearly as possible, the situation and limits of such land</p>	Full Equivalence. The Environment Conservation Act prohibits specified activities that could result in the significant conversion or degradation of ecosystems, including in particular, forested areas.	

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conversion or degradation is appropriately mitigated.	<p>Acts Prohibited in Such Forest</p> <p>26. (1) Any person who, in a reserved forest-</p> <p>(a) kindles, keeps or carries any fire except at such seasons as the Forest-Officer may notify in this behalf.</p> <p>(b) trespasses or pastures cattle, or permits cattle to trespass;</p> <p>(c) causes any damage by negligence in felling any tree or cutting or dragging any timber;</p> <p>(d) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce other than timber;</p> <p>or who enters a reserved forest with fire arms without prior permission from the Divisional Forest Officer concerned, shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand Taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.</p> <p>(1A) Any person who—</p> <p>(a) makes any fresh clearing prohibited by section 5; or</p> <p>(b) removes any timber from a reserved forest; or</p>		

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	<p>(c) sets fire to a reserved forest, or, in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;</p> <p>or who, in a reserved forest</p> <p>(d) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from or otherwise damages, the same;</p> <p>(e) clears or breaks up any land for cultivation or any other purpose ¹⁸[or cultivates or attempts to cultivate any land in any other manner];</p> <p>(f) in contravention of any rules made in this behalf by the Government, hunts, shoots, fishes, poisons water or sets traps or snares; or</p> <p>(g) establishes saw-pits or saw-benches or converts trees into timber without lawful authority,</p> <p>shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months, and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than five thousand Taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.]</p> <p>29. (1) The Government may, by notification in the official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over</p>		

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	<p>which the Government has proprietary rights, or to the whole or any part of the forest -produce of which the Government is entitled.</p> <p>Protected Forest</p> <p>(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".</p> <p>30. The Government may, by notification in the official Gazette,-</p> <p>(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification;</p> <p>(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or</p> <p>(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up, clearing or use] for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.</p> <p>32. The Government may make rules to regulate the following matters, namely:-</p>		

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	<p>(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;</p> <p>(b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;</p> <p>(c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons;</p> <p>(d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;</p> <p>(e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;</p> <p>(f) the examination of forest-produce passing out of such forests;</p> <p>(g) the clearing and breaking up of land for cultivation or other purposes in such forests;</p> <p>(h) the protection from fire of timber lying in such forests and of trees reserved under section 30;</p>		

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	<p>(i) the cutting of grass and pasturing of cattle in such forests;</p> <p>(j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests,</p> <p>(k) the protection and management of any portion of a forest closed under section 30; and</p> <p>(l) the exercise of rights referred to in section 29.</p> <p>The Private Forests Ordinance, 1959</p> <p>An Ordinance to provide for the conservation of private forests and for the afforestation in certain cases of waste lands in Bangladesh. 1</p> <p>Whereas it is expedient to provide for conservation of forests and for the afforestation of waste lands in Bangladesh where such forests or lands are not the property of the Government or where the Government has no proprietary right over such forests or lands;</p> <p>Definitions</p> <p>2. In this Ordinance, unless there is anything repugnant in the subject or context,-</p> <p>(3) “conservation” used in reference to any forest land or waste land relates to such measures as are necessary in the opinion of the Regional Forest Officer for the prevention and remedying of deterioration of soil and its vegetative cover caused or likely to be caused through erosion, land-slide, flood, desiccation, burning, grazing, digging or removal of earth or through any other deteriorating agency and includes</p>		

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	<p>measures for improvement through protection, afforestation or any other means;</p> <p>(4) “Controlled forest” means a private forest, not being vested forest in respect of which sections 2 to 63 of this Ordinance in whole or in part, have come into force</p> <p>CHAPTER II</p> <p>CONSERVATION OF PRIVATE FORESTS AND AFFORESTATION OF WASTE LANDS</p> <p>3. (1) (a) The Government may, by notification, direct that every owner of a private forest which is not a vested forest, but which is situated within such area as may be specified in the notification, shall prepare in the prescribed manner and submit within the period mentioned in the notification to the Regional Forest Officer a working plan for the conservation of such private forest.</p> <p>(2) On the expiry of the period mentioned in the notification under sub-section (1), the Regional Forest Officer shall, after considering each working plan submitted to him under that sub-section, and after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, by an order in writing, accept the working plan or modify it in such manner as he may consider necessary or substitute another working plan for it.</p> <p>4[(3a)] If any owner of such private forest does not submit a working plan within the period specified in the notification issued under sub-section (1), the Regional Forest Officer may, after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, prepare a working plan in respect of such forest.</p> <p>Afforestation of other land</p> <p>11. (1) If it appears from the report of a Regional Forest Officer that any waste land</p>		

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	which is lying uncultivated for not less than three years is suitable for afforestation and that the owner of such land is unwilling or unable to cultivate it by growing therein agricultural crops, or to use if for the purposes of horticulture to the satisfaction of such officer or to afforest it, the Government may, by a notification, direct that the control of such land shall be vested in a Regional Forest Officer to be specified in the notification for the purpose of afforestation for such period as may be stated in the notification.		
Key Element (4) Use a precautionary approach to the use, development, and management of renewable natural resources.		No Equivalence.	
Policy Principle 9: Apply pollution prevention and control technologies and practices consistent with international good practices. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.			
Key element (1) Apply pollution prevention and control technologies	Environment Conservation Act of 1995 (as amended through 2002) 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,	Full Equivalence.	

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<p>and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines.</p>	<p>conservation and improvement of the environment.</p> <p>20. Power to make rules.- (1) The Government may, by notification in the official 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 (b) regulation of the establishment of industries and other development activities for conservation of environment;</p> <p>Environment Conservation Rules, 1997 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. SCHEDULE – 2 Standards for Air SCHEDULE – 3 Standards for Water (A) Standards for inland surface water -Best Practice based classification (B) Standards for drinking water SCHEDULE – 4 Standards for Sound SCHEDULE – 8 Standards for Odor SCHEDULE – 9 Standards for Sewage Discharge SCHEDULE – 10 -Standards for Waste From Industrial Units or Projects Waste SCHEDULE – 11 Standards for Gaseous Emission from Industries or Projects SCHEDULE – 12 Standards for Sector-wise Industrial Effluent or Emission (A) Fertilizer Plant</p>		

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	(B) Composite textile plant and large processing unit (C) Pulp and Paper Industry (D) Cement Industry (E) Boiler of Industrial unit (F) Nitric Acid Plant (G) Distillery (H) Sugar Industry (I) Tannery Industry (J) Food Processing, Fish Canning, Dairy, Starch and Jute Industries (K) Crude Oil Refinery		
Key element (2) Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges	<p>Environment Conservation Rules, 1997 12. Determination of environmental standards.... 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.</p> <p>Environment Conservation Act of 1995 (as amended through 2002) 3. Definitions "environment pollutant" means any solid, liquid or gaseous substance which causes harmful effect to the environment and also includes heat, sound and radiation;</p>	Full Equivalence.	

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	<p>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</p> <p>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</p>		
Key element (3) Adopt cleaner production processes and good energy efficiency practices.		No Equivalence.	
Key element (4) ...[W]hen avoidance is not possible, minimize or control the intensity or load of ...direct and indirect greenhouse gases emissions		No Equivalence.	

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<p>Key element (5)</p> <p>Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions..., including... waste generation</p>	<p>Factories Act, 1965</p> <p>Section 13. Disposal of wastes and effluents. -</p> <p>(1) Effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.</p> <p>(2) The Government may make rules prescribing the arrangements to be made in accordance with sub-section (1) or requiring that the arrangement made in accordance with sub-section (1) shall be approved by such authority as may be prescribed.</p> <p>Environment Conservation Rules</p> <p>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.</p> <p>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.</p> <p>SCHEDULE – 9 Standards for Sewage Discharge SCHEDULE – 10 -Standards for Waste From Industrial Units or Projects Waste</p> <p>Environment Conservation Act of 1995 (as amended through 2002)</p>	<p>Full Equivalence.</p>	

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	<p>2. Definitions</p> <p>"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;</p> <p>"waste" means any solid, liquid, gaseous, radioactive substance, the discharge, disposal and dumping of which may cause harmful change to the environment;</p> <p>20. Power to make rules</p> <p>1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(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:...</p> <p>(e) determination of the standards for effluent and discharge;</p>		

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<p>Key element (6) ...[M]inimize or control the intensity or load of pollutant emissions and discharges, including ...release of hazardous materials from their production, transportation, handling, and storage</p>	<p>Environment Conservation Act of 1995 (as amended through 2002) 2. Definitions "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;</p> <p>20. Power to make rules.- (1) The Government may, by notification in the official 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:...</p> <p>(c) determination of safe procedures for the use, storage and transportation of hazardous substances (e) determination of the standards for effluent and discharge;</p>	<p>Full Equivalence.</p>	
<p>Key element (7) Avoid the use of hazardous materials subject to international bans or phaseouts</p>	<p>Environment Conservation Act of 1995 (as amended through 2002) 6A. 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 direction imposing absolute ban on the manufacture, import, marketing, sale, demonstration for sale, stock, distribution, commercial carriage or commercial</p>	<p>Partial Equivalence. The government has the authority to ban any substance this is harmful to the environment. However there is no specific legal instrument</p>	

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	<p>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.</p> <p>Ozone Depleting Substances Regulation, 2004⁹</p>	relating to any substance subject to international bans or phaseouts other than potentially ozone-depleting substances.	
<p>Key element (8)</p> <p>Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides</p>	<p>Agricultural Pesticides Ordinance, 1971</p> <p>(o) pesticide" means any substance or mixture of substances used or represented as a means for preventing, destroying repelling, mitigating or controlling, directly or indirectly, any insect, fungus, bacterial organism, nematodes, virus, weed, rodent, or other plant or animal pest...</p> <p>4. Pesticides to be registered- No person shall import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale or in any manner advertise any brand of pesticide which has not been registered in the manner hereinafter provided</p> <p>5. Application for registration of pesticide.-(I) Any person intending to import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale or advertise any brand of a pesticide may apply to the</p>	<p>Partial Equivalence.</p> <p>Pesticide use is regulated. However there is no legal requirement to use integrated pest management or otherwise reduce reliance on synthetic chemical pesticides.</p>	

⁹ The text of the regulation is not readily accessible in either English or Bengali.

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	<p>Government for the registration of the brand under such name as he may indicate in the application</p> <p>7. Cancellation of registration.- If, at any time after the registration of the brand of a pesticide, the Government is of opinion that the registration has been secured in violation of any of the provisions of this Ordinance or the rules or that the pesticide is ineffective against pests or hazardous to vegetation, other than weeds, or to human or animal life, the Government may, after giving to the person on whose application it had been registered an opportunity of being heard, cancel the registration.</p> <p>(2) Any person intending to import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale, involve in pest control operation on commercial basis or advertise any brand of registered pesticide may apply for a licence to the licensing authority.</p> <p>9. Importation may be prohibited.. If any pesticide imported into Bangladesh is found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if its sale in any way contravenes any of the provisions of this Ordinance, the Government may, by notification in the official Gazette, prohibit the further import of the pesticide into Bangladesh</p> <p>10. Labelling of packages.- No person shall sell or offer or expose for sale, or advertise or hold in stock for sale any pesticide unless each package containing the pesticide, and every tag or label durably attached thereto, is branded or marked in printed characters in such form and in such manner as may be prescribed</p> <p>29. Power to make rules</p>		

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	<p>The Government may, in consultation with the Pesticide Technical Advisory Committee and after previous publication in the official Gazette, make rules for carrying the provisions of this Ordinance into effect.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide all or any of the following matter, namely:</p> <ul style="list-style-type: none"> (j) the pesticides that are generally detrimental or injurious to vegetation, domestic animals or public health even when used according to directions; (k) the pesticides that are to be labelled "Poison" and their antidotes; (l) the requirements for the safe storage of pesticides; (m) the quantities of different brands of pesticides which a person may hold in stock at any one time and the premises in which, and the conditions subject to which, he may hold them in stock; (n) the precautions for the protection of workers against risk of poisoning by pesticides arising from their working- <ul style="list-style-type: none"> (i) in connection with the use of such pesticides; or (ii) on land on which such pesticides are being or have been used; (o) the restrictions or conditions as to the purposes for which, the circumstances in which, or the methods or means by which, a pesticide may be used; (p) the restrictions or conditions involving a general prevention or limitation of the use of any pesticide; (q) the provision, and keeping available and in good order, of facilities for washing and cleaning and of other things needed for protecting persons, clothing, equipment and appliances from contamination with pesticides or for removing sources of contamination therefrom contamination with pesticides or for removing sources of contamination therefrom; 		

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	<p>(r) the observance of precautions against poisoning by pesticides including the use of things provided in pursuance of the rules, and abstention from eating, drinking and smoking in circumstances involving risk or poisoning by pesticides;</p> <p>(s) intervals between, or limitations of, periods of exposure to risk of poisoning by pesticides;</p> <p>(t) the observance of special precautions in the case of persons who, by reason of their state of health, age, or other circumstances, are subject to particular risk of poisoning by pesticides or of injury therefrom, or imposing, in case of person so subject, prohibitions or restrictions on employment of workers;</p> <p>(u) the measures for detecting and investigating cases in which poisoning by pesticides has occurred;</p> <p>(v) the provisions of effective facilities for prevention of poisoning by pesticides and first aid treatment; and</p> <p>(w) the provision of instruction and training in the use of things provided in pursuance of the rules and in the observance of precautions against poisoning by pesticides.</p>		

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Policy Principle 10: Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.			
Key element (1) Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease	<p>Factories Act, 1965</p> <p>Section 10. Powers of Inspector. -</p> <p>(1) For carrying out the purposes of this Act, an Inspector may, within the local limits for which he is appointed</p> <p>(c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and other laws for the time being in force relating to health and hygiene, in respect of a factory and any person employed in a factory are complied with</p> <p>Section 11. Certifying Surgeons. -</p> <p>(1) The Government may appoint such registered medical practitioners as it deems fit to be Certifying Surgeons, for the purposes of this Act within such local limits or for such factory or class or description of factories as may be assigned to them respectively</p> <p>3) The Certifying Surgeon will carry out such duties as may be prescribed in connection with -</p> <ul style="list-style-type: none"> • (a) examination and certification of young persons under this Act; • (b) examination of persons engaged in factories in such dangerous occupations or processes as may be prescribed; 	Full Equivalence.	

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	<ul style="list-style-type: none"> • (c) such medical supervision as may be prescribed for any factory or class or description of factory where - <ul style="list-style-type: none"> ○ (i) cases of illness having occurred which it is reasonable to believe are due to the nature of the manufacturing process carried on or other conditions of work prevailing therein; ○ (ii) by reason of any change in the manufacturing process carried on or in the substance used therein or by reason of the adoption of any new manufacturing process or any new substance for use in a manufacturing process, there is likelihood of injury to the health of the workers employed in that manufacturing process; and ○ (iii) young persons are, or are about to be employed in any work which is likely to cause injury to their health. <p>Section 12. Cleanliness. -</p> <p>(1) Every factory shall be kept clean and free from effluvia arising from any drain privy or other nuisance, and in particular, -</p> <ul style="list-style-type: none"> • (a) accumulation of dirt and refuse shall be moved daily by sweeping or by any other effective method from the floors and benches of workrooms and from staircases and passages and disposed of in a suitable manner; • (b) the floor of every workroom shall be cleaned at least once in every week by washing, using disinfectant where necessary or by some other effective method; • (c) where the floor is liable to become wet in the course of any manufacturing process to such extent as is capable of being drained, effective means of drainage shall be provided and maintained; <p>(2) If, in view of the nature of the operations carried on in a factory it is not possible</p>		

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	<p>for the occupier to comply with all or any of the provisions of sub-section (1), the Government may, by an order, exempt such factory or class or description of factories from any of the provisions of that sub-section and specify alternative methods for keeping the factory in a clean state.</p> <p>Section 14. Ventilation and temperature. -</p> <p>(1) Effective and suitable provisions shall be made in every factory for securing and maintaining in every work-room -</p> <ul style="list-style-type: none"> • (a) adequate ventilation by the circulation of fresh air; and • (b) such temperatures as will secure to workers therein reasonable conditions of comfort and which will prevent injury to health, and in particular, - <ul style="list-style-type: none"> ○ (i) the walls and roof shall be of such material and so designed that such temperature shall not be exceeded but be kept as low as practicable; ○ (ii) where the nature of the work carried on in the factory involves, or is likely to involve, the production of excessively high temperature, such adequate measures as are practicable, shall be taken to protect the workers therefrom by separating the process which produces such temperature from the work-room by insulating the hot parts or by other effective means. <p>(2) The Government may prescribe a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof and direct that a thermometer shall be provided and maintained in such place and position as may be specified.</p>		

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	<p>(3) If it appears to the Government that in any factory or class or description of factories excessively high temperature can be reduced by such methods as white-washing, spraying or insulating and screening outside walls or roofs or windows or by raising the level of the roof, or by insulating the roof either by an air space and double roof or by the use of insulating roofing materials, or by other methods, it may prescribe such of those or other methods to be adopted in the factory.</p> <p>Section 15. Dust and fume. -</p> <p>(1) In every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fumes or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein, effective measures shall be taken to prevent its accumulation in any work-room and its inhalation by workers, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fumes or other impurity, and such point shall be enclosed so far as is possible.</p> <p>(2) In any factory no stationary internal combustion engine shall be operated unless the exhaust is conducted into open air, and no internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to the workers employed in the work-room.</p> <p>Section 17. Overcrowding. -</p> <p>(1) No work-room in any factory shall be overcrowded to the extent that it is injurious to the health of the workers employed therein</p>		

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	<p>Section 18. Lighting. -</p> <p>(1) In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.</p> <p>Section 23. Fencing of machinery. -</p> <p>(1) In every factory the following shall be securely fenced by safeguards of substantial construction which shall be kept in position while the part of machinery required to be fenced are in motion or in use, namely...</p> <p>Section 37. Protection of eyes. -</p> <p>The Government may, in respect of any manufacturing process carried on in any factory, by rules, require that effective screens or suitable goggles shall be provided for the protection of persons employed on or in the immediate vicinity of a process which involves -</p> <ul style="list-style-type: none"> • (a) risk of injury to the eyes from particles or fragments thrown off in the course of the process, or • (b) risk to the eyes by reason of exposure to excessive light or heat. <p>Section 39. Safety of building and machinery. -</p> <p>(1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the Manager of the factory, an order in writing specifying the measures which, in his opinion, should be adopted, and requiring</p>		

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	<p>them to be carried out before a specified date.</p> <p>(2) If it appears to the Inspector that the use of any building or part of a building or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the Manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.</p> <p>Section 41. Precautions against dangerous fumes -</p> <p>(1) In any factory no person shall enter or be permitted to enter any chamber, tank, vat, pit, pipe, flue or other confined space in which dangerous fumes are likely to be present to such an extent as to involve risks of persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress...</p> <p>Section 42. Explosive or inflammable dust, gas, etc. -</p> <p>(1) Where in any factory any manufacturing process produces dust, gas, fume or vapour of such character and to such extent as to be likely to explode on ignition, all practicable measures shall be taken to prevent any such explosion by...</p> <p>Environment Conservation Act of 1995 (as amended through 2002)</p> <p>4. Power and functions of the Director General [of the Department of Environment]</p> <p>(b) prevention of probable accidents which may cause environmental degradation and pollution, undertaking safety measures and determination of remedial measures for such accidents and issuance of directions relating thereto;</p>		
Key element (2)	Factories Act, 1965	Full Equivalence.	

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<p>Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.</p>	<p>Section 22. Precautions in case of fire. -</p> <p>(1) Every factory will be provided with such means of escape in case of fire as may be prescribed.</p> <p>(2) If it appears to the Inspector that any factory is not provided with the means of escape prescribed under sub-section (1), he may serve on the Manager of the factory an order in writing specifying the measures which, in his opinion, should be adopted before a date specified in the order.</p> <p>(3) In every factory the doors affording exit from any room shall not be locked or fastened so that they can be easily and immediately opened from inside while any person is within the room, and all such doors, unless they are of the sliding type, shall be constructed to open outwards, or where the door is between two rooms, in the direction of the nearest exit from the building and no such door shall be locked or obstructed while work is being carried on in the room.</p> <p>(4) In every factory every window, door, or other exit affording means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked in a language understood by the majority of the workers and in red letters of adequate size or by some other effective and clearly understood sign.</p> <p>(5) In every factory there shall be provided effective and clearly audible means of giving warning in case of fire to every person employed therein.</p> <p>(6) A free passage-way giving access to each means of escape in case of fire shall be maintained for the use of all workers in every room of the factory.</p>		

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	<p>(7) In every factory wherein more than ten workers are ordinarily employed in any place above the ground floor, or explosives or highly inflammable materials are used or stored, effective measures shall be taken to ensure that all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.</p> <p>(8) The Government may make rules prescribing in respect of any factory, or class or description of factories, the means of escape to be provided in case of fire and the nature and amount of fire-fighting apparatus to be provided and maintained.</p> <p>Section 88. Notice of certain accidents. -</p> <p>Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours immediately following the accident or which is of such a nature as may be prescribed in this behalf, the manager of the factory shall send notice thereof to the Inspector in such form and within such time, as may be prescribed.</p> <p>Section 89. Notice of dangerous occurrences. -</p> <p>The Government may, by notification in the official Gazette, extend the provisions of section 88 to special classes of accidents, such as explosion, fire, collapse of buildings, accidents to machinery or plant occurring in a factory, although no death or bodily injury has been caused to any person.</p> <p>Section 91. Power of direct enquiry into cases of accident or disease.</p>		

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	<p>1) The Government may, if it considers it expedient so to do, appoint a competent person under intimation to all concerned to enquire into the causes of any accident occurring in a factory, or into any case where a disease specified in the Schedule has been, or is suspected to have been, contracted in a factory and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such enquiry.</p> <p>(2) The person appointed to hold an enquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects, and may also, so far as may be necessary for the purposes of the enquiry, exercise any of the powers of an Inspector under this Act; and every person required by the person making the enquiry to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Penal Code, 1860 (as adapted).</p> <p>Environment Conservation Rules, 2007,</p> <p>7. Procedure for issuing Environmental Clearance Certificate.</p> <p>(6) The following documents shall be attached with an application made under sub-rule (5):-</p> <p>c) For Orange – B Category:</p> <p style="padding-left: 20px;">(v) emergency plan relating adverse environmental impact and plan for mitigation of the effect of pollution;</p> <p>(d) For Red Category:</p> <p style="padding-left: 20px;">(v) emergency plan relating adverse environmental impact and plan for mitigation of the effect of pollution;</p>		

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	<p>Environment Conservation Act o20. Power to make rules.-</p> <p>20. Power to make rules</p> <p>(1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(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:...</p> <p>(d) determination of safety and remedial measures for prevention of accidents which may cause pollution of the environment;</p>		
<p>Policy Principle 11: Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.</p>			
	<p>Environment Conservation Rules, 2007</p> <p>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:-</p> <p>(b) ancient monument;</p> <p>(c) archeological site;</p> <p>Antiquities Act, 1968 (as amended by Antiquities Ordinance, 1976)</p> <p>Definitions</p> <p>(c) “antiquity” means-</p> <p>(i) any ancient product of human activity, movable or immovable, illustrative of art, architecture, craft, custom, literature, morals, politics, religion, warfare, science or of any aspect of civilisation or culture,</p>	<p>Partial Equivalence.</p> <p>Legal protections are in place with respect to physical cultural resources. However, there are no specific requirements relating to “chance finds.”</p>	

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	<p>(ii) any ancient object or site of historical, ethnographical, anthropological, military or scientific interest, and</p> <p>(iii) any other ancient object or class of such objects declared by the Government, by notification in the official Gazette to be an antiquity for the purposes of this Act;</p> <p>(g) “immovable antiquity” means an antiquity of any of the following descriptions, namely:-</p> <p>(i) any archaeological deposits on land or under water,</p> <p>(ii) any archaeological mound, tumulus, burial place or place of interment, or any ancient garden, structure, building, erection or other work of historical, archaeological, military or scientific interest</p> <p>(iii) any rock, cave or other natural object of historical, archaeological, artistic or scientific interest or containing sculpture, engraving, inscription or painting of such interest,</p> <p>(i) “protected antiquity” means an antiquity which is declared under section 10 to be a protected antiquity.</p> <p>5. Where the Director receives any information or otherwise has the knowledge of the discovery or existence of an antiquity of which there is no owner, he shall, after satisfying himself as to the correctness of the information or knowledge, take such steps as he may consider necessary for the custody, preservation and protection of the antiquity</p>		

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	<p>7. If the Government has reasonable grounds to believe that any land contains any antiquity, it may acquire such land or any part thereof] under the Land Acquisition Act, 1894 (I of 1894), as for a public purpose</p> <p>10. (1) The Government may, by notification in the official Gazette, declare any antiquity to be a protected antiquity for the purposes of this Act.</p> <p>(2) A copy of a notification under sub-section (1) shall be served on the owner of the antiquity, and, in the case of an immovable antiquity, shall also be fixed up in a conspicuous place of or near the antiquity</p> <p>(4) Ancient monuments declared to be protected monuments under the Ancient Monuments Preservation Act, 1904 (VII of 1904), shall be deemed to be protected antiquities for the purposes of this Act.</p> <p>17. (1) A place of worship or shrine, being an antiquity maintained by the Government, shall not be used for any purpose inconsistent with its character.</p> <p>19. (1) Subject to the provisions of this Act or of any agreement under section 12, no person shall, except for carrying out the purposes of this Act, destroy, break, damage, alter, injure, deface or mutilate, or scribble, write or engrave any inscription or sign on, any antiquity in respect of which the Director has accepted guardianship or the Government has acquired any right.</p> <p>23. (1) No person shall transport an antiquity from one place in Bangladesh to another with the object of exporting it in contravention of section 22.</p>		

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	<p>25. (1) No person shall make on any land any excavation for archaeological purposes except under and in accordance with a licence granted by the Director.</p> <p>27. Subject to the provisions of this Act and the rules made thereunder, the public shall have a right of access to any immovable protected antiquity maintained by the Government under this Act.</p>		