

LAW VISION

Fireworks and our right to a decent environment



According to Article 18A of the Constitution of Bangladesh, the state shall endeavour to protect and ameliorate the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests and wildlife for the present and future citizens. By declaring this, our country has pledged to ensure a decent environment for its citizens.

TARIN HASAN AND FATIMA ZAHRA AHASAN RAISA

Fireworks have long been used to celebrate, yet they frequently cause us to forget about the impact of the sparks, flames, fumes on the elderly and sick, children, pets, stray animals, or any living beings. Unexpected and unpredictable blaring noise can cause panic reactions among living beings. Additionally, fireworks contribute to environmental degradation.

As stated in Article 25 of the Universal Declaration on Human Rights (UDHR), everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services. The expression, “standard of living” comprehends the existence of quality of the environment which is cardinal for survival. The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 includes the right to a decent environment which provides the right to the improvement of all aspects of the environment and industrial hygiene as relates to the right to health. According to Article 18A of the Constitution of Bangladesh, the state shall endeavour to protect and ameliorate the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests and

wildlife for the present and future citizens. By declaring this, our country has also pledged to ensure a decent environment for its citizens. Acts that wreak demolition on the environment violate internationally recognised human rights.

If we look at the legal framework for fireworks in Bangladesh, the Noise Pollution Control Rules, 2006 has set the acceptable sound limit for daytime and night in silent areas, residential areas, mixed areas, commercial and industrial areas. In some areas, it also forbids excessive noise levels. The punishment is one-month imprisonment and/or a fine of up to 5,000 BDT. These rules, however, are rarely followed, resulting in increased noise pollution. Under the Rules, a set of regulations has been defined for controlling noise in some ways, but it is largely neglected by most of the people in our country. Though the Noise Pollution (Control) Rules 2006 references noise from construction machines and vehicles, it does not particularly address noise from fireworks. Despite the fact that the Explosive Act of 1884 recognises fireworks as an “explosive” substance, it fails to define it.

Most countries have stringent laws which are constantly being revised, in place to regulate individuals’ handling of all types of explosive devices, including fireworks. These regulations govern the manufacturing,

supply, possession, transportation, storage, and use of firework equipment. In Germany, fireworks are only allowed for one hour every year. They can only be purchased during a few designated days right before the New Year. Fireworks are historically set off in England on Guy Fawkes Day, New Year’s Eve, Diwali, and Chinese New Year, and they can only be purchased a few days prior to these festivals. Only consumer fireworks are allowed to be used all around the year in Mediterranean nations like Spain and Malta. Consumer fireworks are often smaller and have lower explosive qualities than professional explosives. As stated by reports, the “Be Safe Not Sorry” campaign commenced in Nottingham, United Kingdom, after the region was besieged with letters from readers condemning the noise disturbance and grief that fireworks produce.

On that account, our judiciary should look into the situation seriously and provide directives to protect the environment from the negative impacts of fireworks. Our laws must include regulatory provisions to prevent pollution and accidents caused by fireworks. However, laws alone are not enough; the government must ensure that they are strictly implemented.

The writers are Students of Law, University of Chittagong.

FOR YOUR INFORMATION

Banning notebooks: Legal framework and shortcomings

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The purpose of education is not only to acquire knowledge, rather it is the process which contributes to the overall development of individuals. Creative education systems (hereinafter called as CES) generate critical thoughts among the students, and promote innovativeness.

For the first time, the CES in Bangladesh was introduced by the Education Policy 2010. In the 2012 National Curriculum, emphasis was given on CES. Since then, it has been applied in the secondary and higher secondary levels of education. The duty to examine curricula and syllabi of schools and to arrange for the publication, distribution and sale of textbooks, is given to the National Curriculum and Text-Book Board, or NCTB (section 3 of National Curriculum and Text-Book Board Ordinance, 1983). The NCTB has been allowed by specific legislation to regulate the textbooks which are to be used by the schools as mentioned in the said legislation

(Section 15 of the Ordinance). Before the adoption of CES, Bangladesh incorporated a law titled the Note-Books (Prohibition) Act, 1980. The preamble of the Act reveals that it has been enacted to prohibit printing, publication, import, distribution and sale of note-books on text-books for primary schools and secondary schools up to Class VIII. This Act defines a notebook as any printed book that contains notes, annotations, explanations, comments, references, answers or solutions to any question on any subject or matter in or translation or paraphrases of any part of any text-book.

Further, this Act clarifies the meaning of text-books as books published by or under the authority of the board for primary school or secondary school up to class VIII. Section 3 of this Act prohibits the printing, publishing, importing, selling, distributing and circulating any notebooks in connection with the text-books. The violation of this provision is made punishable up to 7 years imprisonment or fine up to 25 thousand taka or with both (section 4). There is an exception under section 2(b) that permits printing and publishing notebooks only with the permission from the Board. The Act shows a strong stance against notebooks long before the incorporation of CES as an education policy in Bangladesh.

However, notebooks are widely popular among students. So, the question as to why students rely on notebooks needs proper empirical research. Some of the general reasons that we find are multi-faceted, the

fact of which testifies that our textbooks are by no means completely education-friendly. The practice questions can be used as an example to substantiate this point. In a notebook, each chapter contains about 10-15 creative essay questions and each chapter averages about 300+ different types of creative multiple-choice questions with answers. On the other hand, the textbooks provide some 5-8 creative multiple-choice questions only and the questions remain unanswered. In the case of a creative multiple-choice question, a student does not get guidance on how to answer questions in the first place. This further motivates students to rely on notebooks instead of NCTB prescribed textbooks.

Another problem lies with The Note-Books (Prohibition) Act, 1980 itself: there are no clear-cut provisions of enforcement mechanisms in case of violation. Furthermore, the applicability of the Act only extends up to Class VIII which hinders the development of a uniform culture of reliance on textbooks only. The spread of notebooks should also be controlled in the ninth, tenth and at the higher secondary levels. To reduce the dependency on notebooks, banning notebooks is not enough. The text-books should be prepared in such a way that the students do not feel the need to seek help from notebooks. Besides, the teachers should be given proper training on CES.

The writers are Students of Law, University of Dhaka and University of Chittagong, respectively.

LAW EVENT

Promoting Responsible Business Practice for Sustainable LDC Graduation

The Bangladesh Country Session at 3rd UN South Asia Forum on Business and Human Rights was held on 28 March, 2022 under the theme ‘Promoting Responsible Business Practice for Ensuring Sustainable LDC Graduation of Bangladesh’ in a hybrid format. The seminar encouraged a lively and enlightening debate about the role of various stakeholders in establishing a responsible business environment conducive to sustainable LDC graduation of Bangladesh. It discussed the successes, challenges, and possibilities of Bangladesh for strengthening its partnership and multi-stakeholder approaches to just, resilient, and sustainable development.

The session was moderated by Mehruna

It is recommended that BHR should be incorporated in the university curriculum; that the local issues should be understood through a BHR lens by the academics; that BHR discourse should be mainstreamed; that policy reform research and advocacy should be conducted; and that there should be industry-academia collaboration to pioneer BHR agenda in Bangladesh.

Chowdhury from UNDP Bangladesh and the discussants were Kazi Arfan Ashik, National Human Rights Commission, Bangladesh; Mohammad Golam Sarwar, Assistant Professor of Law, University of Dhaka; Shawkat Alam, Professor, Macquarie University; Khondaker Golam, Director, Centre for Policy Dialogue; Ariful Haque, Director, Bangladesh Investment Development Authority (BIDA); Mohammed Hatem, Vice President, Bangladesh Knitwear Manufacturers and Exporters Association; Miran Ali, Vice President, Bangladesh Garment Manufacturers and Exporters Association; and Selina Akhter, Additional Secretary, Ministry of Labour and Employment, Government of Bangladesh.

Shawkat Alam emphasised the difficulties Bangladesh would face in both the domestic and global markets as a result of its LDC graduation. He noted that businesses in Bangladesh are wreaking havoc on the environment. Particularly, the shrimp industry which accounts for 90% of total seafood exports, is responsible for the gradual destruction of



mangrove forests. He emphasised that facing these difficulties require increased coordination and collaboration; policies and institutional structure.

Mohammad Golam Sarwar underscored the critical role of youth and academics in promoting business and human rights. He emphasised the important role of Business and Human Rights (BHR) in the remittance and RMG sectors for ensuring a safe and dignified working environment while making the concerned industries and agencies accountable.

Mr. Sarwar noted that BHR should be incorporated in the university curriculum; that the local issues should be understood through a BHR lens by the academics; that BHR discourse should be mainstreamed; that policy reform research and advocacy should be conducted; and that there should be industry-academia collaboration to pioneer BHR agenda in Bangladesh.

According to Khondaker Golam, the execution of UNGPs is critical. He underlined that the UNGPs’ principles must be conceptualised; policy commitment must be established; due diligence must be exercised; and remedial measures must be put in place. Kazi Arfan Ashik emphasised the UNGPs’ three guiding pillars which are to protect, respect and remedy. He added that the NHRC’s business and human rights thematic group is conducting research and advocating with key stakeholders to enhance the state of human rights in business.

Dr Selina Akter emphasised the necessity of current labour laws being consistent with international conventions, noting that Bangladesh has already signed the majority of the ILO’s core treaties. Md Hatem concentrated on the buyer responsibilities in terms of human rights compliance. He stated that buyers should consider long-term contracts to ensure permanent employment of the workers. Miran Ali asserted that Bangladesh’s garment industry is somewhat more transparent, and that the EU rule will benefit the country’s businesses in the longer run. Ariful Islam emphasised the BIDA’s importance in facilitating business and guaranteeing investment rights, among other things. The event ended with an open discussion session.

Event Report by Sadman Rizwan Apurbo, Student of Law, University of Dhaka.