

Creative Journal

Volume-04, Issue-1
Year of Publication: August 2026
Plot 6, Avenue 6, Sector 17/H-1
Uttara Residential Model Town,
Dhaka 1230.
Email: editor_journal@smuct.ac.bd

Joydeep Chowdhury
Lecturer
Department of Law
Sonargaon University
Advocate of the Supreme Court of Bangladesh
Cell: 01849549628
E-mail: joydeepchowdhury1511@gmail.com.

Md. Asif - Uz - Zaman
Lecturer
Department of Law
SMUCT
Cell: 01521433658
E-mail: asifuzzaman.law02bup@gmail.com

Environmental Justice in Bangladesh: Evaluating Climate Litigation for Industrial Pollution through Comparative Legal Analysis

Joydeep Chowdhury
Md. Asif - Uz - Zaman

Abstract

This paper examines the feasibility of utilizing climate litigation to mitigate industrial pollution in Bangladesh. There are environmental laws in place, including the Bangladesh Environmental Conservation Act of 1995 and the Environment Court Act of 2010, but their implementation is poor. Such circumstances result in substantial pollution and place a disproportionate burden on marginalized communities. This paper argues that climate litigation can also help address enforcement gaps and promote environmental justice. It cites examples from India, South Africa, and the Philippines. The study claims that to hold industrial polluters accountable and to protect vulnerable communities effectively, the right approach will require comprehensive legal reforms, special environmental tribunals, and greater community participation. The findings emphasize that Bangladesh should adopt the best practices worldwide for environmental governance to create a just and sustainable future.

Keywords: Climate Litigation, Environmental Justice, Industrial Pollution, Regulatory Enforcement, Rights-Based Approach.

JEL Classification: K30 and K32.

1. INTRODUCTION

Industrial pollution is a major environmental and socio-economic concern in Bangladesh, driven by the rapid expansion of industries such as textiles, leather, and shipbreaking (United Nations Environment Programme [UNEP], 2023). Discharge of untreated waste into rivers like the Buriganga, Turag, and Shitalakshya has harmed ecosystems and public health, notwithstanding laws such as the Bangladesh Environmental Conservation Act 1995, the Environment Court Act 2010, and the Bangladesh Water Act 2013 (Khan, 2022). The burden falls heavily on underprivileged communities, with increased health risks and economic strain (World Health Organization [WHO], 2023; Asian Development Bank [ADB], 2024), while enforcement remains weak due to institutional inefficiencies, corruption, and low public awareness (Transparency International Bangladesh [TIB], 2023).

Climate litigation refers to legal actions brought before courts to address harms or compel action related to climate change, often invoking constitutional, statutory, or human rights obligations. Worldwide, climate litigation has emerged as a strategic instrument for promoting environmental justice, necessitating compliance from industrial entities with environmental legislation and ensuring accountability for pollution (Peel and Lin, 2019). This paper compares Bangladesh with India, South Africa, and the Philippines, which have well-defined climate litigation mechanisms, to identify legal tactics that could assist Bangladesh. India, South Africa, and the Philippines are chosen because their courts have developed robust, rights-based climate jurisprudence that demonstrates how litigation can effectively enforce environmental accountability and protect vulnerable communities.

Climate litigation uses constitutional and human rights frameworks to fix problems with regulations. It seeks remedies for both direct harm to the environment and violations of essential rights, like the right to life, health, and a clean environment (Kotzé and Paterson, 2009). While curbing industrial pollution is vital, the concept of climate litigation in Bangladesh remains in its early stages. While certain environmental cases have been brought before the courts, the field of climate litigation has not yet fully matured. (Cameron and Poudel, 2017). Climate litigation targets systemic harms from climate change using constitutional or human rights arguments, while ordinary environmental cases address localized statutory violations.

Despite having environmental laws such as the Bangladesh Environmental Conservation Act, 1995, and the Environment Court Act, 2010, Bangladesh has a high level of industrial pollution (Cameron and Poudel, 2017). Weak monitoring, corruption, and inefficiency in the bureaucracy undermine effective regulatory control over industrial discharges and the protection of public health (TIB, 2023).

Failure to properly enforce existing laws not only undermines environmental protection but also perpetuates environmental injustice, disproportionately affecting the most vulnerable populations (ADB, 2024).

This study assesses the efficacy of climate litigation as a systemic approach to combat industrial pollution in Bangladesh. Its objective is to assess the effectiveness of current environmental legislation in holding industrial polluters accountable for environmental damage (Islam et al., 2021).

2. LITERATURE REVIEW

The literature on environmental governance and climate litigation reveals a gradual shift from regulatory compliance towards rights oriented adjudication. Early doctrinal works situate environmental protection within broader questions of public law and judicial responsibility. Kotzé and Paterson argue that courts do not merely interpret environmental statutes; they shape the normative direction of environmental governance by linking ecological harm with legal accountability (Kotzé and Paterson, 2009). This insight has informed much of the later scholarship on climate litigation.

Subsequent studies examine how litigation has evolved into a strategic tool rather than a reactive remedy. Peel and Lin observe that climate litigation increasingly operates across jurisdictions, drawing on constitutional principles, administrative law, and human rights norms. Their works suggest that litigation is no longer confined to enforcing existing statutes but is used to compel regulatory action where governance fails (Peel and Lin, 2019). This approach is particularly relevant for jurisdictions where enforcement deficits persist.

Research focused on the Global South adds a more cautious perspective. Setzer and Benjamin note that structural constraints such as weak institutions, limited access to justice, and procedural rigidity often limit the effectiveness of climate litigation. At the same time, they document instances where innovative legal strategies have emerged in response to these constraints (Setzer and Benjamin, 2019). Murcott and Tigre extend this analysis by showing that recent cases rely increasingly on rights based arguments, especially the right to life and health, to address environmental harm (Murcott and Tigre, 2024). These developments indicate that litigation can operate as a corrective mechanism where administrative systems are ineffective.

In the context of Bangladesh, the existing body of work is more fragmented. Khan provides a detailed account of the implementation gap within core environmental laws, pointing to institutional weakness, regulatory capture, and lack of monitoring as persistent problems (Khan, 2022). Cameron and Poudel approach the issue from a socio-economic angle, linking environmental degradation with livelihood

insecurity and poverty (Cameron and Poudel, 2017). Although these studies provide valuable insights into the issue, they do not thoroughly examine litigation as a systematic approach to addressing industrial pollution.

Comparative scholarship offers a more developed framework for analysis. Kavuri and Ramanathan examine how courts in India, South Africa, and the Philippines have expanded the scope of environmental adjudication. Their work highlights procedural innovations such as relaxed standing, the recognition of environmental rights, and the use of continuing judicial supervision (Kavuri and Ramanathan, 2022). These elements have allowed courts to move beyond narrow statutory interpretation and engage with broader questions of accountability. The relevance of these developments lies in their adaptability rather than direct replication.

Reports from international organisations reinforce these academic findings. UNEP identifies climate litigation as an emerging mechanism for enforcing environmental obligations, particularly in jurisdictions with weak regulatory enforcement (UNEP, 2023). ADB and TIB document the institutional limitations within Bangladesh, including bureaucratic inefficiency and corruption, which undermine the effectiveness of existing legal frameworks (ADB, 2024; TIB, 2022). These reports provide empirical support for the argument that formal laws alone are insufficient without effective enforcement mechanisms.

After Bangladesh gained independence in 1971, environmental issues became important in national policy talks. The Bangladesh Environment Conservation Act, enacted in 1995, is an important law that protects the environment, raises environmental standards, and controls pollution. It set up the Department of Environmental Protection and gave it the jurisdiction to set rules for businesses, set environmental standards, and punish companies that fail to comply with them. Later laws, such as the Environment Conservation Rules of 2023, set out detailed standards for evaluating the effects of pollution and coming up with ways to reduce it.

Despite legal reforms, enforcement remains weak due to limited institutional capacity, resource constraints, and low public awareness, while courts also have played a minimal role with lenient penalties. This gap between law and practice justifies the use of climate litigation as an additional mechanism to strengthen accountability and promote environmental justice. Very little work has been done in Bangladesh to explore the possibilities of climate litigation. Existing laws, however, provide a base for environmental protection, but their implementation is inadequate. Because of weak enforcement capacity, resource constraints, and limited judicial engagement hinder the effective application of existing environmental laws.

A gap remains in linking doctrinal analysis with comparative insights in the context of Bangladesh. Most studies address regulatory failure or global litigation trends separately, with little focus on how climate litigation can operate within domestic constraints. This study addresses that gap by combining doctrinal and comparative analysis to assess the viability of climate litigation as a tool for accountability.

3. RESEARCH METHODOLOGY

This paper comprehensively analyzes environmental regulation and climate litigation in Bangladesh from a doctrinal perspective. The doctrinal method enables one to have a detailed view of the prevailing legal scenario in the country by identifying lacunae, anomalies, and felt necessities for change in the country (BDLex, 2024). The discussion focuses on a critical examination of statutes, case law, and legal principles, highlighting gaps, inconsistencies, and areas in need of reform. This study examines the role of climate litigation in safeguarding ecological rights and addressing past injustices.

It operates through comparative analysis of judicial decisions and procedural tools in India, South Africa, and Philippines, identifying features such as public interest litigation, constitutional environmental rights, and relaxed standing rules, and mapping how these can be adapted within the statutory and constitutional framework of Bangladesh to strengthen climate adjudication. These are blueprints that could be beneficial for courts in Bangladesh to follow (Kavuri and Ramanathan, 2022).

4. CURRENT LEGAL FRAMEWORK FOR ENVIRONMENTAL PROTECTION IN BANGLADESH

4.1 Statutory Provisions and Policies

Key laws that control industrial pollution have helped Bangladesh's environmental legal system make a lot of progress. As mentioned earlier, the Bangladesh Environment Conservation Act was passed in 1995 as the main law for protecting the environment, from which the Department of Environment got the authority to enforce environmental standards, monitor businesses, and punish those that break them. However, the practical efficacy of BECA remains debatable. While the Act outlines broad objectives, it lacks specific mechanisms for substantially reducing industrial pollution, hindering its overall implementation. (Khan, 2022).

The Environment Court Act 2010 was passed to hasten the resolution of environmental conflicts and provide a forum to address breaches of environmental law. Special Courts: The Act permits a special court to try cases related to pollution and environmental degradation (Haque and Hossain, 2024). However, these courts

are not functioning properly due to procedural delays, the limited scope of their jurisdictions, and the absence of expertise in dealing with complex industrial pollution cases (TIB, 2023).

The Bangladesh Water Act 2013 is a key legislation related to water resources management and pollution reduction. The National Water Resources Council (NWRC) is empowered to oversee the management of water bodies, including industrial wastewater. Despite extensive regulations, enforcement remains limited. Industrial polluters often go unpunished because of loopholes in the law and inadequate environmental monitoring (ADB, 2024).

4.2 Institutional Framework and Enforcement Gaps

The Department of Environment (established under the Bangladesh Environment Conservation Act 1995) and the Environment Courts (established under the Environment Courts Act 2010) are the legitimate organizations responsible for protecting the environment in Bangladesh. The Department of Environment is responsible for environmental clearances, monitoring industrial activity, and enforcing rules on pollution. However, political meddling, insufficient funds, and understaffing render it largely ineffective (Khan, 2022).

Regulations are difficult to enforce due to bureaucratic delays and multiple authorities with different spheres of responsibility. At times, the Department of Environment fails to enforce the laws with big companies, creating an amnesty culture where industrial polluters get away with “murder” (TIB, 2023). Corruption in regulatory agencies complicates rule enforcement. It is claimed that industry operators and their guardians are working as one to block any eventual punishment for the wrongdoers (Cameron and Poudel, 2017).

An important institutional dimension of environmental governance in Bangladesh is the role of Environment Courts, which were established as specialized forums to adjudicate environmental disputes. The Environment Courts were supposed to be a forum for environmental battles and had their own set of structural problems. There are many problems with the procedures of these courts, and the cases often remain unsolved for years (Haque and Hossain 2024). Their mandate is limited to environmental crimes, ignoring larger problems such as climate change and factory pollution. This limited scope hinders the courts' ability to adequately address complex environmental disputes, thereby impeding the affected parties from obtaining justice (ADB, 2024).

Yet the regulatory system gives the public and communities few good ways to participate, making it all the more difficult for small, grassroots groups to hold industrial polluters accountable. That gap stands out most starkly in places heavily

polluted by industry, where poor people cannot afford the money or legal wherewithal to file climate claims. To address problems in enforcement and incentivize people to be more environmentally responsible, institutions have to be strengthened, and people from outside have to be empowered to hold them to account.

4.3 Case Law Analysis

Judicial engagement in environmental issues in Bangladesh has historically been limited, with only a few landmark decisions concerning industrial pollution. Bangladesh Environmental Lawyers Association (BELA) v. Government of Bangladesh [17 BLD (AD) 1 (1997)] was an important case, where the Supreme Court laid down the law of the land, stating that stricter enforcement of environmental laws is necessary if pollution from factories is to be curbed. According to Article 18A of the Constitution, which says that natural resources must be protected for current and future generations, the court ruled that the state has a constitutional duty to protect the environment (Khan, 2022).

Dr. Mohiuddin Farooque v. Bangladesh, 48 DLR (HCD) 438 (1996), was a critical case in which the court recognized the idea of public interest litigation (PIL) for environmental issues. The ruling made it easier for environmental groups and concerned individuals to sue industrial polluters (Haque and Hossain, 2024). This case set a precedent for climate lawsuits by confirming that people had the right to go to court to get help for environmental damage.

A key reason for this insufficiency lies in procedural and jurisdictional constraints within Bangladeshi courts. Strict standing rules (*locus standi*), although more flexible than in the past, remain insufficiently relaxed for environmental matters. Furthermore, fragmented legal frameworks limit comprehensive climate-related claims. Additionally, the absence of specialized judicial expertise and integrated mechanisms for climate adjudication further restricts courts from effectively addressing complex environmental and climate disputes.

Nonetheless, even though these are significant decisions, the real-world implications of judicial engagement have been limited. Regulatory agencies often do not implement court orders correctly, which makes enforcing court decisions uneven (ADB, 2024). Also, the courts cannot make good decisions about complicated industrial pollution cases because they do not know enough about the technology and do not have enough knowledge in environmental law (Cameron and Poudel, 2017).

Bangladesh does not have many climate litigation cases, but India does. The National Green Tribunal (NGT) has successfully handled several industrial

pollution cases, setting important precedents for holding companies accountable for their actions (Setzer and Benjamin, 2019). This contradiction shows the importance of a complete legal system that allows courts to treat industrial pollution as a climate justice issue and hold businesses accountable.

5. COMPARATIVE ANALYSIS: CLIMATE LITIGATION IN OTHER JURISDICTIONS

5.1 India

The National Green Tribunal (NGT), a specialized court for environmental justice and enforcement, comprising 19 members and 10 expert members, was set up in 2010 under the National Green Tribunal Act (Setzer and Benjamin, 2019). This specialized court has a broader, rights-based mandate that integrates environmental protection with constitutional and human rights concerns, including climate justice and access to remedies, whereas special courts for the environment are typically narrower forums created to handle specific statutory environmental offences and regulatory compliance issues.

Vellore Citizens' Welfare Forum v. Union of India (1996) highlights the importance of the NGT in monitoring industrial pollution. The case, which became known as the tannery pollution case, had to do with a great measure of pollution in the state of Tamil Nadu, where untreated waste was being dumped into bodies of water, which was adversely affecting the groundwater and river systems. The Supreme Court held that the “polluter pays principle” was applicable and directed that tanneries not complying with the rules be closed. It also imposed the development of a compensation fund to benefit affected communities, maintaining a powerful precedent for punitive measures against industrial polluters (Chaturvedi, 2021).

The NGT has dramatically expanded its sweep of jurisdiction to deal with pollution control and management at industrial units by framing stringent waste disposal and emission control guidelines. However, the NGT is not without its limitations. Enforcement can be biased, especially when it comes to politically influential companies. This again underscores the need for stricter implementation of the rules (Gill, 2016).

India's experience with NGT shows that specialized environmental courts can effectively deal with industrial pollution through climate litigation. This provides Bangladesh with a compelling rationale for questioning whether environmental courts possess the necessary expertise or authority to manage complex pollution cases effectively.

5.2 South Africa

The South African Constitution is the only one that says environmental rights are basic human rights. Section 24 of the Constitution protects the right to a healthy environment and says resources should be used responsibly to protect future generations. This provision of the Constitution has made powerful climate litigation feasible, which lets individuals hold the environment responsible (Du Plessis, 2011).

The Fuel Retailers Association of Southern Africa v. Director-General, Environmental Management (2007) case is a well-known example of how South Africa deals with climate disputes. The dilemma involved deciding whether to approve the construction of a new petrol station without conducting a comprehensive environmental evaluation. The Constitutional Court said that decision-makers must consider how development initiatives may harm the environment. The decision clarified that economic progress should not hurt the environment (Du Plessis, 2011).

The court additionally discussed fairness between generations and how vital it is to take care of the environment today and in the future. This choice was particularly crucial for the cases that came after it that had to do with mining, factory pollution, and water management.

The incorporation of environmental rights into the South African Constitution provides a solid foundation for climate litigation. In contrast, the Constitution of Bangladesh does not explicitly recognize environmental human rights as a fundamental right. Instead, it relies on the fundamental principles of state policy (like Article 18A) and the judicial interpretations of the right to life (Article 32), making the legal protection of the environment indirect and less certain.

5.3 The Philippines

The Philippines has been a leader in environmental law by creating the Writ of Kalikasan and the Writ of Continuing Mandamus, the first of their kind, allowing courts to directly enforce environmental rights and compel ongoing governmental action to prevent or remedy ecological harm. According to the Constitution of the Philippines, "the state shall protect and advance the right of the people to a balanced and healthy ecology in accord with the rhythm and harmony of nature." The Writ of Kalikasan makes sure that this right is upheld. People and groups can use the Writ of Kalikasan to protect and assert their environmental rights in court. It is also important in cases of illegal mining, cutting down trees, and pollution from factories. (Davide Jr., 2012).

The Writ of Kalikasan works best in the case of *Oposa v. Factoran*, G.R. No. 101083, 224 S.C.R.A. 792 (1993). A group of schoolchildren complained to the government about the cutting down of trees because it was against their right to a healthy and balanced environment. The Supreme Court agreed with the petitioners, noting that the state had to conserve natural resources for people now and in the future (Davide Jr., 2012).

The Writ of Continuing Mandamus gives judges additional authority to ensure the government follows environmental rules and takes appropriate steps to address problems. The monitoring system in this court has been crucial for holding industrial polluters accountable and ensuring that regulatory bodies continue performing their duties.

The Writ of Kalikasan and the Writ of Continuing Mandamus are two examples of how the Philippines is employing a new legal method to safeguard the environment. They make the government more responsible for defending people's rights to a clean environment. These systems not only preserve the environment, but they also demonstrate intergenerational justice by ensuring that future generations have a healthy and balanced ecosystem.

5.4 Relevance for Bangladesh

Bangladesh can gain significant insights by examining the climate litigation frameworks of India, South Africa, and the Philippines. India's experience demonstrates the effective functioning of specialized environmental courts. This indicates that Bangladesh's environmental courts may be modified to possess authority equivalent to that of the NGT. The Constitution of South Africa acknowledges environmental rights, underscoring the importance of environmental protection within constitutional law. This type of amendment would provide climate litigation with a solid legal foundation. The Philippines' implementation of procedural instruments such as the Writ of Kalikasan demonstrates how innovative legal mechanisms might assist communities adversely affected by pollution in obtaining compensation from polluting enterprises. Incorporating these characteristics could transform Bangladesh's environmental protection efforts and render climate litigation an effective mechanism for mitigating industrial pollution.

6. PROPOSING LEGAL REFORMS FOR CLIMATE LITIGATION IN BANGLADESH

6.1 Strengthening Environmental Legislation

Bangladesh's environmental laws, do not have enough precise rules to deal with climate-related industrial pollution. This lack of clear standards and targeted

enforcement mechanisms creates a legal gap that limits effective accountability for climate harms. To address these issues, it is essential to make climate rights explicit in national environmental legislation. This plan would bring Bangladesh's laws in line with changing international norms, which would strengthen the legal basis for climate lawsuits (Setzer and Benjamin, 2019).

The Philippines has been at the forefront of environmental law by creating the first-of-its-kind legal instruments such as the Writ of Kalikasan and the Writ of Continuing Mandamus. The Philippine Constitution provides that the “state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.” This right is enforced through the Writ of Kalikasan. The Writ of Kalikasan is a tool that individuals and organizations can use to assert and defend their environmental rights in court. It is also vital to address illegal mining, deforestation, and industrial pollution (Davide Jr., 2012).

Enacting such an Act will fix problems with enforcement, especially with industrial polluters, who get away with it since the laws are unclear and there isn't enough regulatory oversight (TIB, 2023). A specific Climate Litigation Fund might be set up to help people most affected by industrial pollution, making it easier for everyone to get environmental justice (UNEP, 2023).

6.2 Institutional Reforms and Capacity Building

Bangladesh's regulatory structure has serious problems that make it challenging to enforce environmental laws. This makes climate litigation less effective in holding people accountable (Khan, 2022). To address these problems, Bangladesh should establish specialized environmental courts with powers similar to India's National Green Tribunal (NGT).

Additionally, the newly established courts lack sufficient expertise in science and technology, making it challenging to adjudicate complex industrial pollution cases fairly. A specialist team of environmental scientists, public health experts and industrial engineers with the appropriate expertise could evaluate environmental impact of industrial operations (Gill, 2016).

Along with changing institutions, it is also essential to improve the skills of judges and other court officials. Working with international legal institutions to provide specialized training programs on climate litigation and environmental law is necessary. These courses will give judges and environmental regulators the knowledge they need to handle climate-related conflicts effectively. Law schools might train a new generation of lawyers focusing on climate litigation by setting up environmental justice clinics. Such an initiative would improve the capacity of

institutions to address environmental issues (Murcott and Tigre, 2024).

6.3 Community Participation and Access to Justice

For climate litigation to serve as an effective enforcement mechanism, it must be accessible to the individuals most harmed by industrial pollution, including poor people who live near factories (ADB, 2024). Therefore, it is crucial to provide community members with tools that facilitate a more democratic approach to accessing justice.

Firstly, the proposed Climate Litigation Act should allow people to sue in class actions. This would enable neighborhood groups to sue industrial polluters as a group. It would make it easier for people who need support from the courts to obtain it by removing financial and logistical impediments (UNEP, 2023).

Secondly, there should be a nationwide effort to raise awareness of environmental rights, focusing on industrial areas with a lot of pollution. The campaign should help affected communities submit claims and give them information about other legal possibilities, such as climate litigation.

Lastly, collaborating with NGOs and law schools to build up environmental legal aid clinics could help those who are dealing with environmental problems to receive free legal counsel. This would ensure that financial issues do not come in the way of justice (Khan, 2022). These clinics could be the main places where environmental data is collected, records of industrial contamination are kept, and evidence for possible climate lawsuits is compiled.

Bangladesh might become a regional leader in climate litigation and environmental justice by implementing these changes to its environmental governance structure. These kinds of reforms would be in line with best practices around the world, and take into account the country's own social and economic conditions.

7. DISCUSSION

7.1 Current Framework vs. Proposed Approach

Bangladesh has environmental laws, including the Bangladesh Environmental Conservation Act 1995, the Environment Court Act 2010, the Bangladesh Water Act 2013, etc. These laws provide essential guidelines for managing resources and controlling pollution. These laws lack clear rules for climate litigation, which makes it more difficult for them to hold industrial polluters accountable (ADB, 2024). At the moment, the system does not employ strategic litigation to advance environmental justice; instead, it concentrates primarily on following the law and paying fines (TIB, 2023).

The proposed changes to the law support a Climate Litigation Act that would protect climate rights and give people harmed by industrial pollution a way to get justice. This law would also give affected communities the same procedural tools as the Writ of Kalikasan in the Philippines, letting them start public interest lawsuits without meeting strict standing requirements (Davide Jr., 2012). Also, according to India's National Green Tribunal, specialized environmental courts will efficiently address complicated industrial pollution problems, requiring technical and legal knowledge.

The current system emphasizes enforcing regulations, while the proposed system focuses on holding people accountable in court and compensating victims. This way, climate litigation can be both a punishment and a way to get justice for communities that are disproportionately affected by industrial pollution. Bangladesh can increase compliance with regulations and create a culture of environmental responsibility by adding climate litigation to the country's overall legal system. Such an initiative would bring Bangladesh's legislation in line with changing worldwide norms on environmental justice.

7.2 Interdisciplinary Perspectives

To effectively eliminate industrial pollution through climate litigation, we need to look at environmental degradation's legal, social, and economic effects from many different angles. The Climate Litigation Act would link environmental laws with rights-based enforcement, giving victims the right to seek legal remedies under clearly defined legislative provisions (Khan, 2022). This legal framework aims to improve judicial oversight by allowing courts to punish industrial polluters with punitive penalties and ensure they follow the rules.

From a social point of view, climate litigation can help deprived people who reside in industrial areas get environmental justice. These communities typically do not have access to legal help and have a hard time going after big industrial enterprises (UNEP, 2023). The proposed framework intends to make access to justice more democratic by adding options for people in the community to get involved, such as class action lawsuits and environmental legal aid clinics. This will make sure that everyone can access legal counsel, no matter how much money they have (Kavuri and Ramanathan, 2022).

Climate lawsuits can make businesses more likely to follow the rules by adopting environmentally friendly activities to lower liability risks (Setzer and Benjamin, 2019). Some people say that many lawsuits could make foreign investors less likely to invest, especially in industries with high compliance costs (ADB, 2024). It is essential to find a balance between these economic elements. This requires

implementing a set of rules that promote industrial growth while also protecting the environment. Such an arrangement will help the economy grow in a way that is good for people's health and the environment.

7.3 Future Directions for Research and Policy

In the future, researchers could look at how climate litigation works in areas with robust legal systems, including India's National Green Tribunal and the Philippines' Writ of Kalikasan (Davide Jr., 2012). Bangladesh's planned Climate Litigation Act is likely to work better, as it would employ the results of lawsuits used to enforce laws in developing countries.

Adding climate rights to constitutional law should be the main focus of policy ideas. This would make environmental claims stronger and encourage the creation of ecological courts with experts to handle climate-related disputes (Khan, 2022). Introducing a Climate Litigation Fund by the government to help poor communities sue firms that pollute will make it simpler for everyone to seek justice. This kind of action would illustrate that everyone has environmental rights and that they cannot be taken away (UNEP, 2023).

8. CONCLUSION

The Bangladesh Environmental Conservation Act of 1995 and the Environment Court Act of 2010 are commendable legislations; yet, they do not consistently achieve their intended objectives. Individuals do not sufficiently employ climate litigation to hold the government responsible (Khan, 2022).

A study of India, South Africa, and the Philippines indicates that employing rights-based litigation alongside procedural tools such as the Writ of Kalikasan can enhance accountability among industrial polluters (Davide Jr., 2012). Bangladesh can effectively pursue environmental justice in the judiciary by establishing specialized environmental courts and enacting a Climate Litigation Act. Climate litigation can facilitate the implementation of inadequately functioning environmental legislation. Climate litigation is a way to get environmental justice and preserve human rights in Bangladesh, because pollution from factories impacts poor people more than rich people (UNEP, 2023).

Climate litigation is a highly viable mechanism to ensure that people follow environmental standards that are currently ineffective, serving as a way to preserve human rights and fight for environmental justice (UNEP, 2023). Pollution from manufacturing damages poor people a lot, which is why this is the case. Comparing different countries shows that concentrated litigation can assist activists and communities in getting strong environmental laws, corporate responsibility, and

robust regulatory actions. The overall effect of climate litigation depends on how well institutions work, how well judges grasp the issues, and how easy it is for people who are affected to achieve justice (Setzer and Benjamin, 2019).

References

• Books and Edited Volumes

- Kotzé, L.J. and Paterson, A.R. (eds.) (2009) *The Role of the Judiciary in Environmental Governance: Comparative Perspectives*. Alphen aan den Rijn: Kluwer Law International
- Haque, A.K.M.M. and Hossain, I. (2024) *Environment Governance in Bangladesh: A Comprehensive Analysis of Environment Laws and Policies*. In S. Ahmed (ed.), *Bangladesh: Environment, Society and Politics* (pp. 11-40). Samajpath and Dya Publication

• Journal Articles and Academic Publications

- Cameron, L. and Poudel, N.R. (2017) 'The impact of climate change on livelihoods and poverty in Bangladesh: The role of agricultural adaptation', *Review of Environmental Economics and Policy*, 12(1), pp.1-21. <https://www.journals.uchicago.edu/doi/10.1093/reep/rex013>
- Chaturvedi, E. (2021) 'Climate change litigation: Indian perspective', *German Law Journal*, 22(8), pp.1459–1470. <https://doi.org/10.1017/glj.2021.85>
- Daivide jr., H.G. (2012) 'The environment as life sources and the writ of Kalikasan in the Philippines', *Pace Environmental Law Review*, 29(2), pp.592-620. <https://digitalcommons.pace.edu/pelr/vol29/iss2/9/>
- Du Plessis, A. (2011) 'South Africa's constitutional environmental right (generously) interpreted: What is in it for poverty?', *South African Journal on Human Rights*, 27(2), pp.279–307. <https://doi.org/10.1080/19962126.2011.11865016>
- Gill, G.N. (2016) 'Environmental justice in India: The National Green Tribunal and expert members', *Transnational Environmental Law*, 5(1), pp.175–205. <https://doi.org/10.1017/S2047102515000304>
- Islam, M.M., Khan, M.K., Tareque, M., Jehan, N. and Dagar, V. (2021) 'Impact of globalization, foreign direct investment, and energy consumption on CO₂ emissions in Bangladesh: Does institutional quality matter?', *Environmental Science and Pollution Research*, 28(35), pp.48851–48871. <https://doi.org/10.1007/s11356-021-13441-4>
- Kavuri, S. and Ramanathan, A. (2022) 'Climate change litigation: Chronicles from the global south', *Comparative Law Review*, 28, pp.171–198. <https://doi.org/10.12775/CLR.2022.006>
- Khan, B. (2022) 'Efficacy and implementation gaps in the 'core environmental laws' of Bangladesh: An overview', *Dhaka University Law Journal*, 33(1), pp.73–98. <https://doi.org/10.3329/dulj.v33i1.61510>
- Murcott, M. and Tigre, M.A. (2024) 'Developments, opportunities, and complexities in global south climate litigation: Introduction to the special collection', *Journal of Human Rights Practice*, 16(2), pp.1–24. <https://doi.org/10.1093/jhuman/huad070>
- Peel, J. and Lin, J. (2019) 'Transnational climate litigation: The contribution of the global south',

American Journal of International Law, 113(4), pp.679–726. <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/transnational-climate-litigation-the-contribution-of-the-global-south/ABE6CC59AB7BC276A3550B9935E7145A>

Setzer, J. and Benjamin, L. (2019) 'Climate litigation in the global south: Constraints and innovations', *Transnational Environmental Law*, 8(1), pp.1–25. https://eprints.lse.ac.uk/101182/1/climate_litigation_in_the_global_south_constraints_and_innovations.pdf

● **Online Reports and Blog Posts**

Asian Development Bank (2024) Environment Action Plan 2024–2030: Toward a Nature-Positive Asia and the Pacific, *Asian Development Bank*. <https://www.adb.org/sites/default/files/institutional-document/1010926/environment-action-plan-2024-2030.pdf>

BDLex (2024, October 19). 'Environmental law in Bangladesh: Challenges and perspectives', LinkedIn. <https://www.linkedin.com/pulse/environmental-law-bangladesh-challenges-perspectives-bguoc/>

Transparency International Bangladesh (2022) 'Governance challenges at the Department of Environment and way forward', *Transparency International Bangladesh*. https://www.ti-bangladesh.org/images/2021/report/DoE_ES_English.pdf

United Nations Environment Programme (2023) 'Sustainability and circularity in the textile value chain: A global roadmap', *United Nations Environment Programme*. <https://www.unep.org/resources/publication/sustainability-and-circularity-textile-value-chain-global-roadmap>

World Health Organization (2023) 'Billions left behind on the path to universal health coverage', *World Health Organization*. <https://www.who.int/news/item/18-09-2023-billions-left-behind-on-the-path-to-universal-health-coverage>