

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

Present:  
**Ms. Justice Fahmida Quader**  
And  
**Ms. Justice Mubina Asaf**

**Writ Petition No. 5151 of 2024**

**In the matter of:**

An Application under Article 102 of the  
Constitution of the People's Republic of  
Bangladesh.

**And**

**In the matter of:**

Human Rights and Peace for Bangladesh  
represented by its Secretary Advocate Md.  
Sarwar Ahad Choudhury and others  
..... Petitioners

**-Versus-**

Bangladesh and others

..... Respondents

Mr. Manzil Murshid, Senior Advocate with  
Mr. Sanjoy Mondal, Advocate with  
Mr. Selim Reza, Advocate

..... For the petitioner

Mr. S. M. Zahural Islam, Advocate

..... For the respondent No. 14

Mr. Md. Iqbal Hossain, Advocate

.....For the respondent No. 16

Mr. Md. Hamidur Rahman, Advocate

.....For the respondent No. 18

Mr. Mahfuz Bin Yousuf, D.A.G with

Mr. Mohammed Shafiur Rahman, D.A.G with

Mr. Md. Esa, A.A.G with

Mr. Eakramul Kabir, A.A.G with

Mr. Mohiuddin Md. Hanif A.A.G

.....For the respondents/govt.

**Heard on: 12.12.2024 and 09.01.2025**  
**Judgment on: 28.01.2025**

**Fahmida Quader, J.**

This Rule Nisi, at the instance of the application filed under Article 102(2) of the Constitution of the People's Republic of Bangladesh, by the petitioners Human Rights and Peace for Bangladesh (HRPB), represented by its Secretary Advocate Md. Sarwar Ahad Choudhury, Advocate Ripon Baroi issued on 07.05.2024, was in the following terms: -

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the inaction of the respondents to protect the trees, except the private party (Annexure-A) should not be declared to have been done without lawful authority and is of no legal effect and why a direction should not be given (upon the respondents to take necessary steps to stop cutting trees of Dhaka City and City of District and Upazila Level, which affect the environment of the country and violate the fundamental rights of the citizens of Bangladesh and why a direction should not be given upon the respondents to insert a provision in “সামাজিক বিধিমালা ২০০৪” making a provision to pay due amount to the planter(s) as fixed by competent authority and why a direction should not be given upon the respondent No. 3 to form a committee within 07 days under the Ministry of Environment, Forest and Climate change consisting of Environmentalist activist, Environmentalist expert, Profess of Environment Science of Dhaka University, Professor of Science of Jahangirnagar University in order to giving permission for cutting trees and why a direction should not be given upon the respondent No. 5 to issue a circular within 7 days upon all Deputy Commissioners directing them to form a 7 members committee consisting of Deputy Commissioner (DC), Head of the District Environment Officer, Principal of the Government College, Social Activist, Environment Activist, District Bar Association President/Secretary and Civil Surgeon in order to giving permission for cutting trees within that areas and why a direction should not be given upon the respondent No. 5 to issue a circular within 7 days upon all Deputy Commissioners directing them to form a 7 members committee consisting of Upazila Nirbahi Officer (UNO), Principal of College, Social Activist, Environmental Activist, Officer of Social Welfare, Assistant Commissioner of land and LGRD Executive Engineer in order to giving permission for cutting trees within that areas and why a direction should not be given upon the respondents to take immediate necessary steps to stop cutting any trees within Dhaka City area until formation of the committee under the respondent No. 3 and why a direction should not be given upon the respondent Nos. 4, 6 and 13 to

pay due amount to the planters under “সামাজিক বিধিমালা ২০০৪”-as fixed by competent authority instead of cutting trees at road side of different District and Upazila and/or pass such other or further order or orders as to this Court may seem fit and proper.”

The primary statements outlined in the petition, which resulted in the issuance of the Rule Nisi, are briefly summarized as follows: -

The petitioners are the practicing lawyers of this Court, human right activists and conscious citizen of Bangladesh. They are seeking direction upon the respondents not to cut any tree which will affect the environment of the country and violating fundamental rights of the citizens of our country.

The fundamental rights of Bangladeshi citizens, guaranteed under Article 32 of the Constitution, have been violated by government authorities through widespread tree cutting across the country. Since the right to life is inherently linked to the availability of sufficient trees, the petitioners seek directives to halt the indiscriminate cutting of trees and to protect those planted under the Social Forestry Rules, 2004.

Bangladesh ranks 177 out of 180 countries in global environmental rankings, with its environment deteriorating rapidly. The adverse effects are already impacting citizens, as evident by recent heat waves primarily caused by a significant decline in the tree coverage. Therefore, the government’s decision to cut down trees must be reconsidered to mitigate further environmental damage.

Public servants have a constitutional duty under Article 21 to protect the rights of citizens and the state’s interests, including ensuring the life and health security of Bangladeshi citizens. However, the irrational cutting of large trees by government and private entities contradicts these obligations and violates Articles 18A and 32 of the Constitution. Such actions disregarded existing laws and threaten public welfare.

A report published in Ajker Potrika on May 1, 2024 captioning “বালিয়া ডাঙ্গিতে গাছকাঁটা গরমে পিচ গললেও মন গলছে না” highlighted that Jessore experienced extreme heat, with temperatures reaching 43.8° C in April. Despite this, the Jessore Zila Parishad approved tree cutting for development purpose.

Over the past six years, 4000 trees have been cut, and 961 more are stated for removal as part of the district’s development plans (Annexure-A).

Another report in Ajker Potrika on May 1, 2024, stated that the country is enduring extreme heat. Meanwhile, the forest department has begun

cutting trees (under a social development program, further exacerbating the environment crisis.

Last year, Bangladesh faced several heat waves, resulting in deaths and disrupting the daily lives of students and workers. During this time numerous media outlets reported on wide spread tree cutting in various districts under government directives. For instance Protham Alo published a report on May 2, 2024, highlighting in Thakurgao and Jessore (Annexure-B). On 02.05.2024 the daily news paper “Prothom Alo” published a news about tree cutting in Jessore which is quoted below:-

**“২০৪৪ গাছ কাটার সিদ্ধান্ত বন বিভাগের, যশোর রোড উন্নয়ন কমিটির প্রতিবাদ”**

টানা তাপপ্রবাহে যশোরসহ আশপাশের কয়েকটি জেলা পুড়ছে। এর মধ্যে ২ হাজার ৪৪টি বড় গাছ কাটার সিদ্ধান্ত নিয়েছে সামাজিক বন বিভাগ। ইতিমধ্যে গাছ বিক্রির জন্য দরপত্র আহ্বান করে পত্রিকায় বিজ্ঞপ্তিও দিয়েছে। এর প্রতিবাদ জানিয়ে উষ্ণ আবহাওয়ার মধ্যে গাছ কাটার সিদ্ধান্ত থেকে সরে আসার জন্য বন বিভাগের প্রতি আহ্বান জানিয়েছে যশোর রোড ও উন্নয়ন ও শতবর্ষী গাছ রক্ষা কমিটি। তবে বন বিভাগ বলছে, এই সিদ্ধান্ত থেকে পিছিয়ে আসার আপাতত কোনো সুযোগ নেই।

গত ২৫ এপ্রিল সামাজিক বন বিভাগ যশোরের বিভাগীয় বন কর্মকর্তা মো. আবুল কালাম স্বাক্ষরিত দরপত্র বিজ্ঞপ্তি অচেনা দুটি পত্রিকায় প্রকাশিত হয়। ওই বিজ্ঞপ্তিতে বলা হয়েছে, সামাজিক বনায়নের আবর্তকাল উত্তীর্ণ বাগান ও অন্যান্য উৎসসের বনজ দ্রব্য বিক্রির লক্ষ্যে নির্ধারিত শর্তানুসারে দরপত্র আহ্বান করা যাচ্ছে। বিজ্ঞপ্তিতে বলা হয়, যশোর সদর উপজেলার নরেন্দ্রপুর থেকে আন্দুলিয়া পর্যন্ত ৩ কিলোমিটার সড়কের ২৪৩টি, চাঁচড়া-ভাতুড়িয়া-সাড়াপোল হয়ে তেঁতুলিয়া গ্রাম পর্যন্ত ৯ কিলোমিটারে ৯৭৯টি, কেশবপুর উপজেলার বড়েঙ্গা বাজার থেকে পাচারই বাজার পর্যন্ত ৪ কিলোমিটারে ৫০২টি ও বাঘারপাড়া উপজেলার ধোয়াখোলা বাজার থেকে তালবাড়িয়া পর্যন্ত ২ কিলোমিটার সড়কের দুই পাশের ৩১০টি বর্ষীয়ান গাছ বিক্রি করা হবে।

এসব গাছের মধ্যে রেইনট্রি, মেহগনি, সেগুন, বাবলা, খৈয়েবাবলাসহ বিভিন্ন ধরনের গাছ রয়েছে। এসব গাছে অসংখ্য পাখির বাসা রয়েছে।

বন বিভাগের সিদ্ধান্তের প্রতিবাদ জানিয়ে আজ বৃহস্পতিবার গণমাধ্যমে বিবৃতি পাঠিয়েছে যশোর রোড উন্নয়ন ও শতবর্ষী গাছ রক্ষা কমিটি। কমিটির আহ্বায়ক খন্দকার আজিজুল হক ও সদস্যসচিব জিল্লুর রহমান ওই বিবৃতিতে বলেন, তাঁরা গভীর উদ্বেগ ও ক্ষোভের সঙ্গে লক্ষ্য করছেন, বন বিভাগ সামাজিক বনায়নের দুই হাজারের বেশি বর্ষীয়ান গাছ বিক্রির দরপত্র আহ্বান করেছে। তাঁরা বন বিভাগের এই অপরিণামদর্শী উদ্যোগের নিন্দা ও প্রতিবাদ জানাচ্ছেন। অবিলম্বে দরপত্র আহ্বান বাতিল জানাচ্ছেন। একই সঙ্গে পরিবেশ ও গাছ বিধ্বংসীদের বিরুদ্ধে সচেতন মানুষকে ঐক্যবদ্ধ হওয়ার আহ্বান জানান।

গাছ কাটার কারণ সম্পর্কে জানতে চাইলে সামাজিক বন বিভাগ যশোরের বিভাগীয় বন কর্মকর্তা মো. আবুল কালাম বলেন, “আমার যা বলার তা লিখিতভাবে পত্রিকায় বিজ্ঞপ্তির মাধ্যমে বলে দিয়েছে। এর বাইরে আর কিছু বলার নেই।” বিভিন্ন সংগঠন ও ব্যক্তির প্রতিবাদের বিষয়ে তিনি বলেন, দু-একটি সংগঠন তাদের কথা বলতেই পারে। গাছ কাটার তফসিল প্রকাশ করা হয়েছে। সেখান থেকে পিছিয়ে আসার আপাতত কোনো সুযোগ নেই।

যশোর সদর উপজেলার ভাতুড়িয়া স্কুল অ্যান্ড কলেজের সহকারী শিক্ষক নিতাই বিশ্বাস প্রতিদিন মোটরসাইকেল চালিয়ে চাঁচড়া-ভাতুড়িয়া সড়ক দিয়ে কর্মস্থলে যান। তিনি বলেন, সড়কের দুই পাশে মেহগনি, বাবলা, কড়ইসহ বিভিন্ন গাছের কী যে নয়নাভিরাম দৃশ্য। এসব গাছপালার কারণেই ওই এলাকার পরিবেশ তুলনামূলক শীতল থাকে। সড়কের দুই পাশের এই গাছ কাটা হলে পরিবেশের ভারসাম্য নষ্ট হবে। কোনোভাবেই এসব গাছ কাটতে দেওয়া যাবে না।”

Trees are essential for oxygen and a balanced ecosystem, requiring 25% forest coverage. However, Bangladesh has only 9%. Cutting trees by government authorities negatively impacts human health, agriculture and wildlife, making such actions unlawful.

Social forestry is vital for environment sustainability. Cutting these trees is neither wise nor effective. Instead, the government should compensate planters from public funds and preserve these trees. Cutting trees on government land violates Articles 18 A and 32 of the Constitution, rendering such decisions unconstitutional and harmful to the environment.

Cutting trees in Dhaka City without proper authorization is unconstitutional. Permission must be obtained from a committee under the Ministry of Environment, Forest and Climate change. Directions should be given to halt unauthorized tree cutting in Dhaka.

Every year, numerous trees are removed by the roads and highways department and local authorities for development project without proper authorization. Instructions should be issued to stop unauthorized tree cutting at district and upazila levels without approval from the relevant authorities.

Under the Social Forestry Rules “(সামাজিক বিধিমালা) 2004” individuals plant trees and after the agreed period, the government sells the trees and compensates the planters. However, cutting such trees conflicts with Articles 18A and 32 of the Constitution. Directions should be given to the Forest Department to halt tree cutting under these rules. In cases where agreements expire, the government must ensure planters are compensated as per Regulations.

There is currently no monitoring team to oversee the prevention of illegal tree cutting, which is crucial for environmental protection. Establishing such a team is essential.

To address the lack of proper guidelines and inactivity in protecting trees, it is to form a seven member committee under the Ministry of Environment, Forest and Climate Change. The Committee should include an environmental activist, environmental expert and professors from Dhaka University and Jahangir Nagar University specializing in environmental science.

At the District level, a similar seven member committee should be established, including the Deputy Commissioner, District Environment Officer, Principal of a Government College, social and environmental activists, the President and Secretary of the District Bar Association and Civil Surgeon. These committees will oversee the protection and preservation of trees crucial to the environment.

Due to absence of proper guidelines and inaction in protecting trees, it is necessary to establish a seven member committee at the Upazila level under the Upazila Nirbahi Officer. This committee should include the Principal of a local college, social and environmental activists, the officer of Social Welfare, the Assistant Commissioner of Land and the LGED Executive Engineer.

Each year, the Roads and Highways Department and LGED remove roadside trees without obtaining permission from relevant environmental authorities, which fail to prevent such actions or take any measures. Directions must be issued to these departments to close unauthorized tree cutting and comply with environmental regulations.

Government authorities after cut trees without replacing in the same area, leading to environmental degradation and adverse weather conditions in Bangladesh. Directions should be given to all relevant authorities to prioritize tree plantations in affected areas.

Most respondents, as experienced public servants, are well aware of the laws and their duty is to serve the people. However, they have failed to adhere to these laws and fulfill their responsibilities.

Human Rights and Peace for Bangladesh (HRPB) are an organization engaged in various public interest litigations. The Hon'ble High Court Division has issued several landmark judgments based on HRPB's petitioner, including:

- (i) Declaring VAT collection from patients as illegal.
- (ii) Directing the establishment of Civil Vacation Courts every December.
- (iii) Prohibiting cattle markets on Dhaka City streets during Eid-ul-Azha and mandating the removal of slaughtering waste within 24 hours hygienically.
- (iv) Ordering the formation of an inquiry commission to investigate cases of murder, rape and torture following the parliamentary elections.

- (v) Establishing food courts in every city to prevent food adulteration.
- (vi) Forming an Earthquake Preparedness and Awareness Committee and procuring rescue equipment as per recommendations.
- (vii) Protecting rivers such as Buriganga, Balu, Turag and Shitalakkha by preventing encroachments and removing structures from within the rivers.

HRPB bears the entire cost of these public interest litigations without external funding. Due to the high volume of cases, it is becoming unsustainable to cover these costs. Therefore, it is necessary to exempt HRPB from bearing litigation costs in the interest of public welfare. Directions to this effect should be issued.

Being aggrieved by the inaction of the respondents in protecting trees, which violates the fundamental rights of Bangladesh citizens and having no alternative or effective remedy the petitioners move this writ petition before this Court for appropriate action.

Mr. Manzil Murshid, the learned Senior Advocate appearing on behalf of the petitioners at the very outset submits that the act of cutting trees from government land by the respondents conflicts with Articles 18A and 32 of the Constitution of Bangladesh. Therefore, the decision of the respondents is illegal, unlawful and appears to be intentional.

The learned Advocate further submits that cutting trees in Dhaka City is unconstitutional and unlawful without prior permissions from a committee under the Ministry of Environment, Forest and Climate Change. Therefore, a directive should be issued to the respondents to halt the cutting of any trees within Dhaka City without such authorization.

The Roads and Highway Department and other local government authorities often cut down large numbers of trees for development projects without proper permission. The learned Advocate added that a direction should be issued to the respondents to stop cutting trees at the district and upazila levels without approval from a committee formed by the Deputy Commissioner and Upazila Nirbahi Officer.

He further argues that under the Social Forestry Rules, individuals plant trees and upon maturity, the government sells them and distributes the profit among the planters. However, this practice conflicts with Articles 18A and 32 of the Constitution. A directive should be issued to the

Forest Department to halt the cutting of trees planted under these rules along roadsides or other locations in Bangladesh. In cases where agreement expires, the government must ensure that planters receive their dues as determined by competent authority.

The learned Advocate again submits that there is currently no monitoring system in place to prevent illegal tree cutting, which is crucial for tree protection, A directive should be given to form a seven member committee - under the Ministry of Environment, Forest and Climate Change. This committee should include environmental activists, environmental experts and professors of environmental studies to oversee and ensure the protection of trees.

He argues that each year Roads and Highways Department and LGED cut down roadside trees without obtaining prior permission from the environmental authorities, which fail to take action against these activities. A directive should be issued to the Roads and Highways Department to prohibit the cutting of any roadside trees without prior approval from the forest or environmental department. Additionally, compensation must be paid to the planters from government funds, except in cases where such actions are authorized.

The learned Advocate finally contends that the respondents and other government authorities frequently cut trees but fail to replant in the same areas. This has led to continuous environmental degradation in Bangladesh, resulting in adverse weather conditions that negatively affect its citizens. A directive should be issued to the respondents and all concerned authorities to ensure tree plantation in place of the ones cut.

On the other hand Mr. Md. Iqbal Hossain, the learned Advocate for the respondent No. 16 and Mr. Md. Hamidur Rahman, the learned Advocate on behalf of respondent No. 18 at the time of hearing of the Rule, have stated that Respondent Nos. 16 as well as Respondent No. 18 participated in the tender process for Group-1 and Group-2 respectively as the highest bidders. Consequently, work orders were issued following all formalities and procedures with the approval of the concerned authority, in their favour. Therefore, these respondent's tree-cutting works must be excluded from the aforementioned directions and they are entitled to refund money for any financial loss incurred due to restrictions on cutting and removing trees.

Mr. Mohammed Shafiur Rahman, the learned Deputy Attorney General on behalf of the government frankly conceded that due to random cutting of trees (except private parties), without approval of concerned authority, affects the environment of the country and causing violation

of the fundamental rights of the citizens of Bangladesh as provided in Articles 32 and 18A of the Constitution of Bangladesh. The learned Deputy Attorney General also agrees that in order to protect the trees, it is necessary to form a monitoring committee and to form a seven members committee under the Ministry of Environment, Forest and Climate Change having some experts in the filed in Dhaka city, district and upazila level. The government did not raise any objection regarding the directives requiring approval from the committee before taking decision of cutting trees, inserting provision in “সামাজিক বিধিমালা ২০০৪” making a provision to pay due amount to the planters as fixed by the competent authority.

However, the learned Deputy Attorney General argues that in case of development projects, these directives should not be applicable. There should not be any bar in cutting trees in order to implement the development project of the government. He added that, in order to implement the development project of the government and to expand Jessore Highway road, number of trees have already been cut by the respondent Nos. 16 and 18, following all the procedure, therefore, such directives should be excluded from the works already done and no writ is maintainable as Public Interest Litigation. challenging the policy matter of the government. In this connection the learned Deputy Attorney General refers a decision of the Apex Court reported in 18 BLC (AD) (2013) 17 which runs as follows:-

“No petitions will be entertained challenging the policy matter of the government, development works being implemented by the government.....”

We have heard the learned Advocates, perused the Writ Petition, Supplementary Affidavits, Affidavits-in-Opposition and the Annexures.

### **1. Background: -**

This writ petition concerns the indiscriminate cutting of trees by the respondents without due regard for environmental, constitutional and social impacts, The petitioners have presented evidence demonstrating that such actions violate the fundamental rights of citizens under Article 18A and 32 of the Constitution of Bangladesh, which provides as follows:-

**Article 18A.** “The State shall endeavour to protect and improve the environment and to preserve and safeguard the natural resources, bio-diversity, wetlands, forests and wild life for the present and the future citizen”

**Article 32.** “No person shall be deprived of life or personal liberty save in accordance with law”

In the Constitution of Bangladesh, Article 18A and 32 provide key provisions related to environment protection.

**Article 18A- Protection and Improvement of Environment and Biodiversity.**

This Article explicitly mandates the state to protect and improve the environment and biodiversity. This provision was added through the Fifteenth Amendment in 2011 and ‘establishes actions to ensure environmental conservation.

**Article 32-Right to Life and Personal Liberty-**

While Article 32 primarily guarantees the fundamental right to life and personal liberty, the Supreme Court of Bangladesh has interpreted “right to life” to include the right to healthy and pollution free environment. Through judicial interpretations, courts have ruled that environmental degradation, pollution, and destruction of natural resources can violate the right to life under Article 32... Several landmark cases have emphasized that a clean environment is essential component of the right of life.

Both Articles collectively provide a constitutional framework for environmental protection in Bangladesh.

The absence of adequate re-plantation programs, lack of monitoring machineries and government inaction exacerbate the environment degradation and jeopardize public health. The instant writ petition has been filed as a public interest litigation to ensure the protection of Bangladesh’s overall environment and is fully maintainable.

The global environmental context highlights the gravity of this issue. Bangladesh ranks 177 out of 180 in the Environmental- Performance Index (EPI), reflecting the dire state of its ecosystem. In contrast, countries like Costa Rica and Finland have achieved significant environmental sustainability through robust forest conservation policies. Costa Rica has successfully reversed deforestation, reaching a forest coverage of 52%, by implementing payment for ecosystem service programs. Similarly, Finland maintains 75% forest coverage through stringent laws and monitoring system. Given Bangladesh’s forest coverage of only 9%, far below the global standard of 25% required for ecological balance, urgent corrective actions are imperative.

## **2. Observations: -**

**This Court makes the following observations: -**

### **Violation of Fundamental Right/ Constitutional and Legal Protection of Environment: -**

The Constitution of Bangladesh guarantees the right to life (Article 32) and mandates the protection of the environment and biodiversity (Article 18A). Indiscriminate tree cutting violates these rights by directly contributing to environmental degradation, public health crisis and climate change impacts.

The right to a clean and healthy environment is a fundamental right of the citizens of Bangladesh. The Constitution mandates the state to adopt policies that protect natural resources, including trees, which are essential for ecological balance and climate resilience. Any inaction by the respondents in preventing illegal or arbitrary tree cutting violates these fundamental rights.

**Global Lessons:** Countries like India have implemented the National Green Tribunal to oversee environmental violations. Brazil has mandated reforestation under its Forest Code. Such frameworks can be same as models for Bangladesh to enforce environmental accountability.

### **Violation of International Environmental Obligations:**

Bangladesh is a signatory to multiple international agreements on environmental protection, including the Paris Agreement and the Convention of Biological Diversity. The failure to implement protective measures contradicts Bangladesh's international and climate change mitigation.

### **Public Interest and Climate change Considerations:**

**-Impact on Citizens:** The evidence presented demonstrates rising temperatures, frequent heat waves and deteriorating air quality in Bangladesh. For example, Jessore recorded 43.8° C in April 2024, exacerbated by large scale deforestation. These trends disproportionately affect vulnerable populations, including children and the elderly. In the light of increasing climate vulnerabilities, particularly in an environmentally fragile country like Bangladesh, the government must privatize forestation and sustainable urban planning over reckless deforestation.

**Failure to Act:** The respondents have failed to follow the Social-Forestry Rules 2004 and other legal provisions. Moreover, the lack of monitoring mechanisms and replantation programme high lights negligence in fulfilling constitutional duties. The inaction of the respondents in stopping tree cutting in Dhaka City and other areas has resulted insignificant environmental degradation. Despite existing legal provisions and policies, the respondents have failed to take protective measures, which amounts to negligence in~ performing their statutory duties.

**Need to form a committee:**

To protect trees as well as environment it is necessary to form a committee under the Ministry of Environment, Forest and Climate Change. The Committee should include an environmental activist, environmental expert and professors from Dhaka University and Jahangir Nagar University specializing in environmental science.

At the District level, a similar at least seven members committee should be established, including the Deputy Commissioner, District Environment Officer, Principal of a Government College, Social and Environmental (Activists, the President and Secretary of the District Bar Association and Civil Surgeon.

At the Upazila level, similar committee should be established, including Upazila Nirbahi Officer (UNO), Principal of College, Social Activist, Environment Activist, Officer of Social Welfare, Assistant Commissioner of Land, Executive Engineer of LGED. These committees will oversee the protection and preservation of trees crucial to the environment.

**Need for an Immediate Moratorium on Tree Cutting:**

Until a committee is formed under the Ministry of Environment, all tree cutting activities within urban and rural areas (except private) should be suspended. Immediate steps must be taken to prevent any further environmental damage, ensuring that no trees are cut without proper assessment and justification.

**Accountability and Compensation Mechanism:-**

The respondents should be directed to establish a transparent mechanism for compensation for those affected by unauthorized tree cutting. Any individual or entity found responsible for illegal deforestation should be held accountable under relevant environmental laws and regulations.

**Observations regarding Respondent Nos. 16 & 18**

The Respondent Nos. 16 and 18 are First Class Contractors, having obtained Trade License. The Zilla Parishad Jessore issued tender to remove trees from both sides of the National Highway, starting from Neelgonj Setu to Karimpur Ki.e. Group-I and Vatiapara-Kalna-Lohagora, Narial Jessore i.e. Group- 2, for development and expansion of the highway.

The Respondent Nos. 16 and 18 participated in the tender and respondent No. 16 became the highest bidder in Group-1 and respondent No. 18 became the highest bidder in Group-2. Work orders were issued in their favour.

While the respondents had started cutting and removing trees as per work order, they were suddenly directed by the authority to stop further cutting and removal. However, by that time, respondent No. 16 had already cut down approximately 40 trees and Respondent No. 18 had cut down 200 trees and the roots of about rest 236 trees. These trees are now in a critical condition and may fall at any moment, potentially causing serious damage to life and property.

From the scrutiny of the record it appears that considering the above situation, this Court passed an order dated 12.06.2024 directing the Chief Executive Officer, Zilla Parishad Jessore, to identify the trees whose roots were cut down and soils were removed in presence of the concerned Upazila Nirbahi Officer and Officer-in-Charge of the Police Station and thereafter the respondent No. 16 can cut down the trees only whose roots were cut down and soils were removed.

The above order and directive are appropriate concerning respondent No. 18. However, in the context of Bangladesh's current environmental and climate situation, tree-cutting, particularly on a large scales, raises significant concerns. Several factors such as deforestation and loss of Green Cover, climate change vulnerability, air pollution and carbon sequestration, soil erosion and flood risks, biodiversity and wildlife impact, justify postponing the tree-cutting activities of Respondent Nos. 16 and 18.

Considering the overall environmental and climate situation in Bangladesh, and in the light of above findings, we believe that the tree cutting activities by Respondent Nos. 16 and 18 should be postponed until the formation of the aforementioned specialized committee, their approval and until approval from the forest or environmental department.

Thus, the Rule should be made absolute to enforce stricter regulations and ensure long term environmental sustainability.

Considering the above observations, and in the light of discussion this Court is of the opinion that the Rule has merit.

**Accordingly, the Rule is made absolute with directions for the government/respondents.**

The inaction of the respondents to protect the trees, except the private party is -hereby declared illegal.

**Directions to the Respondents/Government Regarding Illegal Tree Cutting.**

**Immediate Actions:**

**1. Formation of Committee:** The respondents/ government shall establish seven or more member committee under the Ministry of Environment, Forest and Climate Change at the national, district and upazila levels, comprising environmental experts, activists, academics and administrative officials, Profess of Environment Science of Dhaka University, Professor of Science of Jahangirnagar University, Deputy Commissioner (DC), Head of the District Environment Officer, Principal of the Government College, Social Activist, Environment Activist, District Bar Association President/Secretary, Civil Surgeon, Upazila Nirbahi Officer (UNO), Principal of College, Social Activist, Officer of Social Welfare, Assistant Commissioner of land and LGRD Executive Engineer (as required for committees at the national, district and upazila level), these committee will approve, monitor and oversee tree cutting activities and ensure compliance with environmental laws.

**2. Moratorium on Tree Cutting:** Until formation of a committee an immediate halt to all the tree cutting activities across Bangladesh (except private party), the Dhaka City, District and Upazila level which affect the environment of the country and violate the fundamental rights of the citizens of Bangladesh, without prior approval from an independent monitoring committee.

**Reforestation and Compensation:**

**3. Mandatory Replantation:** For every tree cut, a minimum of five trees must be planted in the same area or designated alternative spaces within six months. The government (the respondents) shall take necessary steps to insert a provision in “সামাজিক বিধিমালা ২০০৪” to pay appropriate amount to the planters as fixed by the competent authorities/ said committee instead of cutting trees at roadside of different districts and upazila. The government shall honor agreements under- the Social Forestry Rules (সামাজিক বিধিমালা ২০০৪) and compensate planters fairly to encourage community participation in reforestation.

### **Monitoring and Enforcement:**

**5. National Monitoring Authority:** A centralized monitoring body under the Ministry of Environment, Forest and Climate change must be established to oversee all tree cutting and reforestation activities.

### **6. GIS Based Forest Tracking:**

Implement a Geographic Information System (GIS) to monitor forest coverage, illegal deforestation and reforestation progress.

### **Legislative and Policy Measures:**

**7. National Reforestation Plan:** - Draft a long-term plan to increase forest coverage to at least 15% by 2035 and 25% by 2050, aligning with global standards.

**8. Environmental Courts:** Strengthen existing environmental Courts to handle cases of deforestation and violations promptly.

### **Public Awareness and Education:**

**9. Environmental Education:** Introduce mandatory environmental education at all levels to raise awareness about forest conservation.

**10. Community Engagement:** Launch public campaigns and incentivize citizens to participate in reforestation programs, similar to the “One Billion Trees” program in New Zealand.

### **Global Collaboration:**

**11. International Support:** Bangladesh must seek technical and financial assistance from international organizations like the UNDP, FAO and World Bank to implement advanced reforestation techniques and combat climate change.

### **Directives regarding Respondent Nos. 16 and 18.**

The Respondent Nos. 16 and 18 are directed to postpone the aforementioned tree cutting activities until the formation of said specialised committee and their approval and until approval from Forest and Environmental department. The Chief Executive Officer, Zilla Parishad, Jessore is directed to identify trees whose roots were cut and soil removed by respondent Nos. 16 and 18, in the presence of the concerned Upazilla Nirbahi Officer and Officer-in-Charge of the relevant Police Station. Respondent Nos. 16 and 18 may only cut down the trees only whose roots have been severed and soil removed, in order to prevent significant damage to life and property.

The Respondent Nos. 16 and 18 shall be reimbursed for the amount they were unable to recover due to restrictions on tree cutting, despite having already incurred expenses, including reasonable compensation. The concerned authority is directed to refund the amount to them within 60 days from the receipt of this order.

The Respondent Nos. 16 and 18 may proceed with tree cutting in the designed area of both sides of National Highway, starting from Neelgonj setu to Karimpur and Vatiapara-Khulna-Lohogora, Narial, Jessore, following all procedures once the Committee is formed and grants approval.

This Court acknowledges the critical role of forests in maintaining climate change, and ensuring public health. While development is essential, it must not come at the cost of environmental destruction. The directives issued today aim to restore balance and align Bangladesh with global best practices for sustainable environmental management.

It is important to note that the aforementioned directives regarding tree cutting do not apply to the implementation of the government development project, as per government policy approved by the appropriate authority, as previously mentioned.

However, before making any decision regarding tree cutting for development project, the government must carefully consider the stated directives to ensure a balance approach that prioritizes environmental sustainability while meeting infrastructural and economic needs, Thoughtful planning and adherence to ecological guidelines will help mitigate adverse environment-impacts and promote responsible development.

The proposed committee, after its formation, shall take necessary measures in order to implement the above directives. The respondents are directed to submit a progress report on implementing these directives within six months from the receipt of this judgment.

There will be no order as to costs.

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