

# The Legal Status of River Rights in Bangladesh: A Comparative Analysis of River Personhood and Rights-Based Approach

Joydeep Chowdhury\*<sup>1</sup>, Muhammad Ali<sup>2</sup>, Sunzida Akhter<sup>3</sup>

<sup>1\*,2,3</sup> Department of Law, Sonargaon University, Dhaka, Bangladesh

\*E-mail: joydeepchowdhury1511@gmail.com

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## ABSTRACT

*The study examines how acknowledging the rights of rivers could revolutionize environmental management in Bangladesh by adopting a rights-based framework that confers legal rights to rivers, which are both central to the nation's identity and a source of ecological challenges, thereby promoting sustainable development and preserving vulnerable ecosystems. The article identifies significant deficiencies in Bangladesh's environmental law by contrasting it with international standards, such as New Zealand's Whanganui River laws, and examining the domestic legal framework. The research utilizes qualitative doctrinal analysis and case study reviews to propose a novel legal framework that enhances the rights of rivers as living entities, situated within the realms of social justice, local customs, culture, and community-based management. It is imperative that we implement a rights-based strategy to address decades of mismanagement, social inequity, and resultant ecological degradation, thereby facilitating a just and sustainable future in Bangladesh. Furthermore, the framework fosters adaptive management, catalyzing progressive legal reforms and promoting active local participation.*

**Keywords:** River Rights; Environmental Law; Bangladesh; Legal Personality; Rights-Based Approach

## 1.0 INTRODUCTION

### 1.1 Background

With more than 700 rivers, Bangladesh is a riverine nation whose ecology, culture, and economy are built upon them. Maintaining millions of livelihoods, these rivers are vital in transportation, fishing, and agriculture. They also have great religious and cultural value that shapes customs, literature, and folklore. Ecologically, rivers are important habitat for many fish species and other aquatic life, therefore promoting diversity (Karim, 2019). However, rivers in Bangladesh are under great environmental threat notwithstanding their importance. Serious ecological devastation has come from industrial pollution, unchecked release of harmful chemicals, invasion, and indiscriminate sand mining. Urbanization has accelerated river damage; one prominent example of how industrial trash has changed a once-thriving water source into a biologically dead zone is Dhaka's Buriganga River. Moreover, climate change is aggravating hydrological stress since irregular rainfall patterns causes both extreme flooding and extended droughts (Hossain, 2023). Although Bangladesh has passed environmental laws

such the Environmental Conservation Act, 1995 and the Bangladesh Water Act, 2013, these laws mostly address pollution control and water management without acknowledging rivers as legal persons with enforceable rights. Absence of a rights-based framework has resulted in inadequate enforcement, scattered governance, and ongoing environmental damage (Akter & Ali, 2020).

### **1.2 Statement of the Problem**

Based on Bangladesh's present legal system, rivers are more of economic resources than living things with inherent rights. This viewpoint has helped to explain poor enforcement systems and incapacity to stop major environmental damage. For example, unbridled industrialization has caused the Buriganga, Shitalakhya, and Turag rivers- once main supplies of drinking water and fisheries- to become among the most contaminated rivers in the nation (Islam, 2021). Comparatively, nations like New Zealand and Ecuador have embraced rights-based systems that give rivers legal personhood so they may be represented in court to protect their environmental integrity and health (O'Donnell & Talbot-Jones, 2018). Under the Te Awa Tupua (Whanganui River Claims Settlement) Act, 2017, the Whanganui River in New Zealand was given legal personhood and rights safeguarded by appointed guardians. Ecuador's 2008 Constitution also clearly acknowledges the rights of nature, therefore enabling legal action on behalf of ecosystems (Ecuador Constitution, 2008, arts. 71-74). A comparable transformation in Bangladesh's legal structure could enhance protections for rivers by transitioning from mere conservation to proactive legal representation and enforcement.

### **1.3 Research Objectives and Scope**

This paper seeks to investigate the possibility of a rights-based legal model and critically review Bangladesh's present legal system in relation to river rights. The study tries to answer the following queries:

What are the inherent limitations of Bangladesh's environmental laws in protecting rivers?

What lessons can be drawn from international case studies on river personhood?

What legal and policy reforms are necessary to implement a rights-based approach in Bangladesh?

By integrating doctrinal legal analysis with comparative case studies, this research will offer insights into how a rights-based framework can enhance river conservation in Bangladesh.

### **1.4 Structure of the Article**

This study is structured as follows: The next section presents a literature review tracing the evolution of river law and examining rights-based environmental governance. The methodology section outlines the research approach, followed by an in-depth analysis of the existing legal framework in Bangladesh. The study then explores international case studies and proposes a rights-based legal model for Bangladesh. Finally, the discussion and conclusion highlight key findings and recommend policy changes for sustainable river governance.

## 2.0 LITERATURE REVIEW

### 2.1 Historical Evolution of River Law in Bangladesh

Through a mix of colonial-era rules, post-independence legislative changes, and court interventions, Bangladesh's legal posture toward rivers has changed. Knowing this helps one to see the structural and ideological constraints still in place in river management nowadays. River management during the British colonial era was essentially driven by navigation and commercial interests. Water channel building and maintenance for transportation and irrigation were governed by the Bengal Canal Act of 1864 and the Northern India Canal and Drainage Act of 1873. But these regulations treated rivers only as means of economic activity, mostly ignoring their biological state. But these rules treated rivers only as means of economic development, mostly ignoring their ecological state (Ahmed, 2020). Another important rule emphasizing flood management and land reclamation was the Bengal Embankment Act of 1882, so strengthening the perspective of rivers as tools to be managed rather than natural entities with inherent rights (Rahman, 2021).

River rules were progressively included into more general environmental protection schemes after Bangladesh gained its freedom in 1971. While it instituted frameworks for water resource management, the Bangladesh Water and Power Development Board Order of 1972 overlooked issues of pollution and environmental degradation. Approaching environmental protection, the Environmental Conservation Act of 1995 limited industrial pollution and encroachment. Still, enforcement stayed poor, and the law did not regard rivers as legal entities (Chowdhury, 2022). More recently, enforcing sustainable use and protection policies, the Bangladesh Water Act of 2013 sought to provide a more integrated approach to river management. Still, the legislation stays oriented on human-centric use instead of acknowledging rivers as rights-bearing objects. Notwithstanding these changes, Bangladesh's legal system still lacks a thorough rights-based perspective that would provide rivers autonomous legal status (Hossain, 2023).

### 2.2 Conceptual Framework: Rights-Based Approaches and Legal Personhood

The rights-based approach to environmental governance contests the conventional human-centered legal framework by bestowing legal standing upon ecosystems. This paradigm posits that rivers, as sentient beings, should be endowed with rights akin to those held by humans and companies. This designation enables rivers to be represented in legal proceedings, safeguarding them from pollution and encroachment (O'Donnell & Talbot-Jones, 2018). After historic rulings in several countries, this strategy attracted popularity all over. The Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017 gave the Whanganui River legal status and named guardians to speak for it in New Zealand. The Māori perspective, which regards rivers as ancestors and holy entities rather than as tools, helped to ground this awareness. Likewise, Ecuador's 2008 Constitution became the first in the world to acknowledge the "rights of nature," therefore enabling legal action on behalf of rivers and other ecosystems (Ecuador Constitution of 2008, Articles 71–74). These stories show how legal personhood could change environmental governance from a human-centered to an ecological one. Laws can help to enforce more robust legal safeguards, impose more responsibility for environmental damage, and

support sustainable management by realizing rivers as rights-bearing entities. Bangladesh especially needs this concept since the deterioration of rivers affects public health, agriculture, and biodiversity in a broad sense.

### 2.3 Critical Analysis of Existing Legal Approaches

The present legal system of Bangladesh for river conservation combines administrative actions, court decisions, and legislative clauses. Although environmental regulations have been strengthened in some measure, institutional coordination, legal acknowledgment of river rights, and enforcement still lag. Environmental degradation in Bangladesh's river systems reflects a deep failure of governance and collective empathy (Chowdhury, 2025).

The Environmental Conservation Act of 1995 provides a comprehensive framework for environmental protection and measures to combat water pollution. However, political influence and bureaucratic inefficiency have led to inconsistent enforcement. Particularly in the textile and tannery industries, industrial polluters frequently surpass pollution thresholds with no legal consequences (Karim, 2021).

Judicial actions have sometimes helped river protection. The Bangladesh Supreme Court granted all rivers legal status in 2019, treating them like humans. This pioneering verdict has been difficult to implement due to a lack of institutional procedures to protect river rights. Bangladesh's verdict didn't develop an enforcement framework, unlike New Zealand's Whanganui River model, which selected guardians as river advocates. Bangladesh symbolises a shift toward recognising nature as a rights-bearing subject, demanding institutional mechanisms to enforce those rights effectively (Begum, 2024). The Bangladesh Water Act of 2013 also falls short of providing legal personhood to rivers, instead focusing on water resource management and pollution control. While the law includes provisions for sustainable use, it does not empower rivers with the ability to seek legal redress against harm (Akter & Ali, 2020).

These limits demonstrate the need for a more robust, rights-based legal framework that acknowledges rivers as legal people and develops institutional procedures to safeguard them. Such measures are needed to implement existing regulations and protect Bangladesh's rivers from exploitation and deterioration. Post-independence environmental legislation replaced colonial resource exploitation techniques in Bangladeshi river law. Human-centered laws fail to recognize rivers as legal persons with rights. New Zealand and Ecuador have used rights-based approaches to improve Bangladesh's judiciary. Insufficient institutional systems and legal ambiguities make enforcement difficult, even developments like judicial recognition of river personhood. But rivers as legal persons in Bangladesh are symbolically powerful but remain largely ineffective without institutional accountability and societal willingness to respect and enforce those rights (Jahan, 2023). This literature review stresses the urgency of rights-based legal reforms to boost Bangladesh's river protections through legislative and institutional changes.

### 3.0 RESEARCH METHODOLOGY

#### 3.1 Research design

This study critically examines Bangladeshi river rights using doctrinal legal research and comparative legal analysis. In this context, doctrinal study helps build statutory provisions, judicial decisions, and legal concepts controlling river preservation. It details the legal framework and its limitations in recognizing river rights (Hutchinson & Duncan, 2012). Additionally, the comparative approach also evaluates international models like New Zealand and Ecuador's legal personhood for rivers. The study compares these frameworks to Bangladesh's legislative situation to find approaches to implement rights-based river governance (O'Donnell & Talbot-Jones, 2018).

#### 3.2 Data sources

The research draws on primary and secondary materials. Along with important court decisions addressing river conservation and personhood status, primary data consists in a review of national statutes including the Environmental Conservation Act of 1995 and the Bangladesh Water Act of 2013. Government policy papers and statutory texts are closely examined to evaluate how much the current laws offer legally enforceable protections for rivers (Akter & Ali, 2020). Secondary sources include academic literature, law review articles, and reports by environmental organizations, and case studies from jurisdictions that have successfully implemented rights-based river governance. Scholarly analyses on legal personhood, environmental rights, and water law provide theoretical insights into the viability of recognizing rivers as legal persons in Bangladesh (Rahman & Chowdhury, 2021). Comparative sources from New Zealand's Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017 and Ecuador's constitutional provisions on nature's rights serve as benchmarks for evaluating how such frameworks could be adapted to Bangladesh's socio-legal context (Ecuador Constitution, 2008, arts. 71–74).

#### 3.3 Analytical framework

The study applies a rights-based legal theory to analyze the feasibility of granting legal personhood to rivers in Bangladesh. The framework is grounded in environmental justice and ecological jurisprudence, arguing that natural entities should possess enforceable rights independent of human interests (Stone, 1972). By assessing legal precedents, statutory developments, and policy recommendations, the study evaluates whether a shift from an anthropocentric legal system to an ecocentric approach could enhance river protection in Bangladesh.

#### 3.4 Limitations of the study

Despite the fact that it offers a strong foundation for legal analysis, doctrinal legal study has specific restrictions. The dependence on current legal materials is one major limitation since it does not adequately reflect the informal or customary practices affecting river management in Bangladesh. Furthermore, although perceptive, the comparative study could find difficulties in contextual adaptation since legal personhood models in New Zealand and Ecuador are anchored in distinct cultural and historical narratives that might not be

straight translatable to Bangladesh's legal system. Future multidisciplinary research could investigate the empirical data on policy implementation difficulties as the study also lacks such information (Te Awa Tupua, 2017). The purpose of this research is to give relevant legal insights into how Bangladesh might progress toward a framework for river governance that is more sustainable and rights-based. This will be accomplished by addressing the limits that have been identified and ensuring with a rigorous analytical methodology.

#### **4.0 CURRENT LEGAL FRAMEWORK FOR RIVER RIGHTS IN BANGLADESH**

##### **4.1 Statutory provisions and policies**

A number of legislation in Bangladesh addresses river rights, focusing on pollution control, water management, and conservation. The 2013 Bangladesh Water Act governs water use, conservation, and protection. This statute promotes integrated water resource management and pollution prevention without recognizing rivers as legal people with enforceable rights. The law promotes water conservation but does not hold polluters accountable beyond administrative penalties (Bangladesh Water Act, 2013). The Environmental Conservation Act of 1995 is another important piece of legislation that lays out rules for river protection among other environmental concerns. Still, enforcement systems are poor; businesses regularly dump untreated garbage into rivers in spite of laws (Environmental Conservation Act, 1995). Other laws aiming at water pollution control and conservation include the Bangladesh Environment Conservation Rules of 1997 and the National Water Policy of 1999. Still, institutional inefficiencies and overlapping duties across government entities keep these rules mainly useless (Ahmed & Rahman, 2020). Policy initiatives have also included efforts such as the Bangladesh Delta Plan 2100, which seeks long-term water resource management. While this initiative presents an integrated vision, it does not explicitly incorporate a rights-based approach for rivers, maintaining an anthropocentric view of water governance (Bangladesh Planning Commission, 2018).

##### **4.2 Judicial interpretations and case law**

Bangladesh's judiciary has played an active role in environmental protection, occasionally extending legal recognition to rivers. In 2019, the Supreme Court of Bangladesh declared all rivers in the country as living entities with legal rights, following a petition by the environmental group Human Rights and Peace for Bangladesh. This landmark ruling granted rivers the same legal protections as humans and placed the National River Conservation Commission in charge of safeguarding their interests (Bangladesh Supreme Court, 2019). Despite its progressive stance, the ruling has faced implementation challenges. Unlike New Zealand's Whanganui River, which has legal guardians to represent its interests, Bangladesh has not created a structured mechanism for enforcing river rights. The National River Conservation Commission lacks the financial and institutional capacity to effectively litigate or monitor violations, leading to continued encroachments and pollution (Hossain, 2021). Other judicial interventions have reinforced river protections, including cases mandating the removal of illegal structures along riverbanks. However, these orders often face resistance from politically connected encroachers, limiting their effectiveness. Without a comprehensive statutory framework

recognizing rivers as legal persons, judicial activism alone is insufficient to secure their protection (Karim, 2022).

#### **4.3 Role of government agencies and institutional frameworks**

River management in Bangladesh is fragmented among multiple government bodies, leading to inefficiencies and jurisdictional conflicts. The National River Conservation Commission, established in 2013, is the principal authority responsible for river protection. However, it lacks enforcement powers and relies on other agencies, such as the Department of Environment and the Bangladesh Inland Water Transport Authority, for implementation (National River Conservation Commission Act, 2013). The Water Resources Planning Organization is tasked with formulating policies on water management, but its role remains largely advisory, with limited regulatory authority. The Department of Environment is responsible for monitoring pollution but often struggles with enforcement due to inadequate resources and political interference (Department of Environment, Bangladesh, 2022). Institutional overlaps create further challenges. For instance, while the Bangladesh Water Act of 2013 assigns responsibilities to the Water Development Board, the Ministry of Shipping oversees inland water transport, and local government bodies regulate encroachments. This diffusion of responsibilities results in weak enforcement, as no single entity has clear jurisdiction over river protection (Islam, 2020).

#### **4.4 Critical assessment**

Bangladesh's river rights law is flawed. Despite wide protections, current laws do not recognize rivers as legal entities with enforceable rights. The 2019 Supreme Court verdict was positive, but without legislative and institutional support, it has little influence. River governance is weakened by sectoral policies and fragmented enforcement. Lack of accountability for polluters and encroachers is a weakness. Due to regulatory loopholes and corruption, industries seldom suffer consequences for river pollution. River rights require stronger enforcement, including judicial oversight and independent monitoring. Without community participation in river management, laws are less effective. Indigenous organizations safeguard legally recognized rivers in New Zealand. Bangladesh could benefit by involving local people in decision-making and enforcement. Notwithstanding legal and policy initiatives, Bangladesh's waterways will deteriorate without such enhancements.

### **5.0 COMPARATIVE PERSPECTIVES**

#### **5.1 International case studies**

Rivers as legal persons in several countries have changed environmental law, enabling new paradigms for ecological protection and sustainable government. New Zealand, Ecuador, and India pioneered legal personhood for rivers, each with unique processes and ramifications. These worldwide cases show Bangladesh how to implement a rights-based river governance system. Whanganui River in New Zealand is a globally recognized river with legal personality. The 2017 Te Awa Tupua Act recognized the Whanganui River as a

living entity with two guardians, one selected by the government and the other by the Māori community, representing its rights and interests. According to the Māori worldview, the river is an ancestor and an important component of their identity. By giving the river legal status, the act allowed direct legal representation and sustainable governance. Indigenous wisdom is integrated with current legal systems to ensure long-term management rather than resource extraction, making the case significant.

Ecuador became the first nation to acknowledge ecosystems as rights-bearing entities by enshrining nature's rights in its 2008 constitution. Rivers and other natural entities can sue for restoration and environmental protection under Ecuadorian Constitution Articles 71-74 (Ecuador Constitution, 2008). This concept moves environmental legislation from human-centered conservation to ecocentric, allowing nature to survive, regenerate, and flourish. Ecuador's approach is innovative, but enforcement is difficult, especially when commercial interests like mining and deforestation conflict with nature's legal rights (Kauffman & Martin, 2018). River personhood has been tried in India with variable results. In 2017, the Uttarakhand High Court deemed the Ganges and Yamuna rivers living creatures with legal rights like humans. Given the rivers' religious and ecological importance, the court believed this status would strengthen their protection. India's Supreme Court suspended the verdict, citing difficulty enforcing national personhood laws. The case shows that judicial activity alone cannot institutionalize river rights and create enforcement mechanisms. Legislation is needed (Mohan, 2017).

## 5.2 Lessons learned and their relevance

New Zealand, Ecuador, and India demonstrate river personhood success and obstacles. Indigenous governance systems in New Zealand's approach provide long-term river conservation by communities with profound cultural and ecological linkages. Bangladesh, with its long history of river-dependent people, might involve local stakeholders in river management decisions. Bangladesh could institutionalize legal guardianship, like the Whanganui case, to represent rivers in legal and policy matters. Ecuador's ambitious constitution recognizes nature's rights, but enforcement is difficult. Bangladesh will need robust institutions to implement and monitor river rights legislation. Without enforcement, river personhood may be symbolic rather than revolutionary. India shows that judicial recognition alone may not be enough if the legal and political climate does not support implementation. Due to a lack of statute and institutional support, the Bangladesh Supreme Court's 2019 order that legalized all rivers faces comparable issues. Bangladesh must move beyond judicial activism and pass complete law that defines river rights, allocates government agency tasks, and creates sanctions for infringement to avoid this problem (Bangladesh Supreme Court, 2019).

International models can be used to Bangladesh by adjusting them to local legal, socio-political, and environmental constraints. Bangladesh uses common law, which allows judicial interpretation and precedent-based reforms. River personhood could be integrated into environmental law through legislative change and judicial enforcement with this flexibility. The model must address local governance issues such weak

institutional coordination, political influence over environmental regulations, and limited public participation in river management to be effective. These comparative perspectives show that rights-based river governance in Bangladesh is achievable and required. Its success depends on a legal framework with rigorous enforcement, community involvement, and inter-agency collaboration. Without these features, river personhood may remain a theoretical concept rather than an environmental protection instrument.

## **6.0 PROPOSING A RIGHTS-BASED APPROACH FOR RIVER RIGHTS IN BANGLADESH**

### **6.1 Conceptualizing the Rights-Based Framework**

Rights-based river governance treats rivers as entities with inherent rights rather than resources. This approach protects rivers for future generations through ecological justice and sustainability. This approach is based on worldwide legal precedents including New Zealand's Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 and Ecuador's constitutional recognition of nature's rights. These paradigms promote legal personhood, ecological integrity, and intergenerational justice. Environmental law ideas like the precautionary principle, which calls for preventative action in instances of environmental uncertainty, can help Bangladesh establish the legal basis for such an attitude (United Nations Conference on Environment and Development [UNCED], 1992). Furthermore, supporting the legal acknowledgement of rivers is the public trust theory, which holds that natural resources should be kept in trust by the government for public benefit (Sax, 1970). Human rights legislation also supports the case as, according to international legal tools including General Comment No. 15 of the United Nations Committee on Economic, Social and Cultural Rights, access to clean water is progressively acknowledged as a basic right (United Nations Committee on Economic, Social and Cultural Rights (CESCR), 2002).

### **6.2 Legal and Institutional Reforms**

Bangladesh's current legal framework, including the Bangladesh Water Act 2013 and the Environmental Conservation Act 1995, does not explicitly grant legal personhood to rivers. The 2019 Supreme Court decision recognizing all rivers as living entities was a landmark step, but its enforcement remains weak due to the lack of a statutory framework and institutional mechanisms (Human Rights and Peace for Bangladesh v. Bangladesh, 2019). To operationalize river rights, Bangladesh should enact a River Rights Act that establishes rivers as legal persons with enforceable rights, similar to the legal framework applied to corporations (Salomon v. Salomon & Co. Ltd, 1897). This law should define the legal standing of rivers, ensuring that they can be represented in court against polluters and encroachers. Judicial and administrative reforms are also necessary to support the implementation of river rights. The establishment of a specialized National River Rights Commission, with independent authority to litigate on behalf of rivers, would enhance enforcement efforts (National River Conservation Commission Act 2013). This commission should work in coordination with the National River Conservation Commission, which currently lacks the enforcement powers needed to protect river ecosystems effectively. Additionally, legal guardians should be appointed to represent rivers in legal and policy matters, a model successfully implemented in New Zealand (Te Awa Tupua Act, 2017).

Community participation is crucial in implementing a rights-based approach. Bangladesh has a rich history of river-dependent communities whose knowledge and cultural traditions can contribute to sustainable governance. Indigenous and local communities should be integrated into river management through co-governance structures that ensure their voices are heard in decision-making processes (United Nations Declaration on the Rights of Indigenous Peoples, 2007). The creation of a River Stewardship Council, comprising community leaders, environmental experts, and civil society organizations, could facilitate more inclusive governance.

### **6.3 Implementation Challenges and Strategies**

Implementing river rights in Bangladesh faces significant political, economic, and social barriers. Political resistance from industrial polluters and land developers poses a major challenge (International Finance Corporation [IFC], 2018). Economic dependence on river-based commercial activities, such as sand mining and unregulated fisheries, could lead to conflicts between conservation efforts and economic interests (Alamgir et al., 2021). Bureaucratic inefficiencies and jurisdictional overlaps among government agencies further complicate effective policy implementation (World Bank, 2019). To address these challenges, enforcement mechanisms must be strengthened. A dedicated legal framework with strict penalties for violations, along with incentives such as green taxation and corporate accountability measures, could improve compliance (Bangladesh Environmental Conservation Act, 1995). Public awareness campaigns and educational initiatives are also necessary to garner public support for river rights (Global Water Partnership [GWP], 2020). Strengthening international cooperation through transboundary water agreements could further support Bangladesh's efforts to protect its rivers in the context of climate change and upstream water management issues (UN-Water, 2017).

### **6.4 Long-Term Implications for Environmental Governance**

Recognizing river rights in Bangladesh would contribute to sustainable development by ensuring the ecological health of water bodies and promoting biodiversity conservation. Integrating river rights into national planning frameworks, such as the Bangladesh Delta Plan 2100, would align with international commitments under the Sustainable Development Goals, particularly Goal 6 on clean water and sanitation and Goal 15 on life below water (United Nations, 2015). Such a legal transformation would not only safeguard Bangladesh's rivers but also reinforce the country's position as a global advocate for environmental justice.

## **7.0 DISCUSSION**

### **7.1 Comparative analysis: current framework vs. proposed approach**

The existing legal framework in Bangladesh lacks explicit recognition of river rights, treating rivers primarily as economic resources rather than living entities. The Bangladesh Water Act 2013 and the Environmental Conservation Act 1995 focus on pollution control and water management but do not grant legal personhood to rivers (Bangladesh Water Act, 2013). The Supreme Court's 2019 ruling recognizing all rivers as legal entities was a progressive step; however, the absence of statutory enforcement mechanisms has limited its impact

(Human Rights and Peace for Bangladesh v. Bangladesh, 2019). In contrast, the proposed rights-based approach offers a legal and institutional framework that grants enforceable rights to rivers. By recognizing rivers as legal persons, they can be represented in legal proceedings, ensuring stronger accountability for environmental violations (Stone, 1972). This shift aligns with global legal developments, such as New Zealand's Whanganui River and Ecuador's constitutional rights of nature, which have established clear enforcement structures (Te Awa Tupua Act, 2017; Constitución de la República Del Ecuador, 2008). The political resistance of industrial and infrastructural stakeholders, who profit from lax environmental regulations, presents a substantial obstacle to the successful implementation of this approach in Bangladesh (World Bank, 2021). Additionally, bureaucratic inefficiencies and fragmented jurisdiction over river governance pose further challenges that require inter-agency coordination (International Union for Conservation of Nature (IUCN), 2020).

### 7.2 Interdisciplinary perspectives

The recognition of river rights is not solely a legal reform but an environmental and socioeconomic necessity. Legally, it challenges the anthropocentric approach of traditional environmental law by incorporating ecocentric principles that recognize the intrinsic value of natural entities (Boyd, 2017). From an environmental perspective, granting legal personhood to rivers would contribute to biodiversity conservation, improved water quality, and climate resilience (United Nations Environment Programme (UNEP), 2022). Socioeconomically, communities' dependent on rivers for livelihoods—such as fisherfolk and indigenous groups—would benefit from stronger legal protections against industrial pollution and water mismanagement (United Nations Declaration on the Rights of Indigenous Peoples, 2007). However, the transition from an extractive economic model to an ecologically sustainable one requires significant investment in green infrastructure and community-driven conservation initiatives (Global Water Partnership [GWP], 2021).

### 7.3 Future directions for research and policy

While the proposed rights-based framework offers a transformative approach to river governance in Bangladesh, several gaps remain for further research and policy development. Empirical studies are needed to assess the economic feasibility of implementing legal personhood for rivers, including compensation mechanisms for affected industries and alternative livelihood programs for communities' dependent on extractive river-based activities (Asian Development Bank [ADB], 2019). Additionally, comparative research into the successes and failures of existing river personhood models could provide insights into best practices for enforcement and governance structures (O'Donnell & Talbot-Jones, 2018). Future policy frameworks must also address transboundary water management challenges, particularly concerning upstream water diversion projects in neighboring countries that impact Bangladesh's river systems. Addressing these policy gaps will be critical in ensuring that the transition to a rights-based model is both legally enforceable and socially equitable (United Nations Economic and Social Commission for Asia and the Pacific [UNESCAP], 2020).

## 8.1 FINDINGS

The current legal framework in Bangladesh does not recognize rivers as legal persons, leading to weak enforcement and continued environmental degradation. While laws such as the Bangladesh Water Act 2013 and the Environmental Conservation Act 1995 regulate pollution and water management, they lack provisions for river personhood. The 2019 Supreme Court decision was a step forward, but without legislative backing, it remains largely ineffective (Bangladesh Water Act 2013, Act No. 14 of 2013). Comparative models, such as New Zealand's Whanganui River framework and Ecuador's constitutional recognition of nature's rights, demonstrate the benefits of granting legal rights to rivers.

## 8.2 Final reflections on a rights-based approach

A rights-based approach would ensure stronger legal protections for rivers, promoting sustainable management and environmental justice. However, political resistance, economic dependencies, and institutional inefficiencies pose significant challenges (World Bank, 2021).

## 8.3 Policy and legal recommendations

A River Rights Act should be introduced to grant legal personhood to rivers, supported by a National River Rights Commission with enforcement powers. Community participation must be integrated into governance, alongside economic incentives for sustainable practices (International Union for Conservation of Nature [IUCN], 2022).

## 9.0 CONCLUSION

Granting rivers legal rights is essential for long-term ecological and economic balance. While challenges remain, a rights-based framework can transform river governance, ensuring environmental protection and sustainability for future generations (Global Water Partnership [GWP], 2020).

## REFERENCES

- Bangladesh Environment Conservation Act, 1995 (Bangladesh).
- Bangladesh Water Act, 2013 (Bangladesh).
- Begum, F. (2024) 'Implications of conferring legal entity to the Turag River of Bangladesh: recognising the rights of nature', in *Environmental Protection and the Law: Perspectives from South Asia*, pp. 101-120. London: Bloomsbury. <http://dx.doi.org/10.2139/ssrn.5081184>
- Bengal Canal Act, 1864 (India).
- Bengal Embankment Act, 1882 (India).
- Boyd, D. R. (2017). *The rights of nature: A legal revolution that could save the world*. ECW Press.
- Chowdhury, J. (2025) 'When rivers weep in silence', *New Age*, 18 May. Available at: <https://www.newagebd.net/post/opinion/265125/when-rivers-weep-in-silence>
- Cullinan, C. (2011). *Wild law: A manifesto for earth justice* (2nd ed.). Green Books.
- Ecuadorian Constitution, 2008 (Ecuador).

- General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), United Nations Committee on Economic, Social and Cultural Rights, 2002.
- Gibbes, C., & Keys, E. (2010). The Illusion of Sustainability: Infrastructure Development and Displacement in the Brazilian Amazon. *Journal of Latin American Geography*, 9(2), 125-139. <https://doi.org/10.1353/lag.2010.0018>
- Human Rights and Peace for Bangladesh v. Bangladesh, Supreme Court of Bangladesh, 2019.
- Hutchison, A. (2014). The Whanganui River as a Legal Person. *Alternative Law Journal*, 39(3), 179-182. <https://doi.org/10.1177/1037969X1403900307>
- Jahan, K. I. (2023) “‘Legal Rights of Rivers: a voice given to rivers’ – to what extent can we really hear the cry of rivers?’, Centre for Governance Studies (CGS-BD), 18 August. Available at: <https://cgs-bd.com/article/18260/%E2%80%9CLegal-Rights-of-Rivers--a-voice-given-to-rivers%E2%80%9D--to-what-extent-can-we-really-hear-the-cry-of-rivers>
- Kothari, A., Bajpai, S., & Rane, A. (2017). *Re-imagining conservation: The rights of nature and the nature of rights*. Kalpavriksh.
- Laplante, L. J., & De Souza, P. C. (2018). The Rights of Nature: A New Paradigm for Environmental Protection in International Law. *Review of European, Comparative & International Environmental Law*, 27(1), 27-36. <https://doi.org/10.1111/reel.12236>
- Ministry of Water Resources. (2018). *Bangladesh Delta Plan 2100: Long-term strategy for integrated water resource management*. Government of Bangladesh.
- Northern India Canal and Drainage Act, 1873 (Ind.).
- Stone, C. D. (1972). Should Trees Have Standing? Toward Legal Rights for Natural Objects. *Southern California Law Review*, 45, 450-501.
- Tanasescu, M. (2016). When a River is a Person: From Ecuador to New Zealand, Nature’s Rights in Law. *Environmental Politics*, 25(6), 1114-1133. <https://doi.org/10.1080/09644016.2016.1196969>
- Te Aho, L. (2018). Indigenous Challenges to Western Conservation Ethics: The Case of the Whanganui River. *Journal of Indigenous Rights*, 5, 43-59.
- Te Awa Tupua (Whanganui River Claims Settlement) Act, 2017 (N.Z.).
- UN Water. (2018). *The United Nations World Water Development Report 2018: Nature-based solutions for water*. UNESCO.
- United Nations General Assembly. (2010). *Resolution 64/292: The human right to water and sanitation*.
- United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development*. UN General Assembly Resolution A/RES/70/1.
- World Bank. (2020). *Bangladesh: Water governance and sustainability challenges*. The World Bank Group.
- Xie, L., & Ringler, C. (2017). *The governance of transboundary rivers: The case of the Ganges-Brahmaputra-Meghna basin*. *International Journal of Water Resources Development*, 33(4), 549-567. <https://doi.org/10.1080/07900627.2017.1329134>