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# Legal Personality of Rivers in Bangladesh and India

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## Abstract

The emerging scholarship of river personification, which envisions rivers as a subject of law, arguably leads to a theoretical and legal reconceptualisation of the predominant human–nature binary (Hutchison, 2014). This paper aims to delve into the theoretical underpinning of the legal personality of rivers in light of some recent judicial decisions declared by the courts in Bangladesh and India. The paper begins with a discussion of a judgement by the High Court Division of the Supreme Court of Bangladesh that has conferred legal personality to all the rivers in Bangladesh (Human Rights & Peace for Bangladesh vs Bangladesh, 2019). It then draws a comparative study with the decision of the Uttarakhand High Court on the legal personality of the rivers Ganges and Yamuna. Furthermore, the paper examines the current trend of personifying rivers to understand how this new trend initiates a different understanding of the river and contributes to shifting the rivers’ right paradigm from anthropocentrism to ecocentrism. The study critically engages with anthropocentrism and argues that a purely anthropocentric framework is insufficient to understand the issues facing rivers in Bangladesh today.

**Keywords:** anthropocentrism, legal personality, natural elements, river, turag.

## Introduction

Nature and its elements have long been considered either outside or above the law. In some religions and cultures, natural features like the sun, moon, ocean, forest, and rivers are believed and worshipped as Gods or Goddesses. In some other religions and cultures, they are viewed as mere objects because of their human-centric interpretations. In the last few years, however, the legislative body through legislation or the judiciary through judicial activism have initiated granting legal personality to many rivers worldwide as the earlier human-sponsored paternalistic approach failed to protect the environment from deterioration (Stilt, 2021). Therefore, a new

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right-based system has emerged where environmental elements get protected for anthropocentric consideration and their own sake. Under the right-based approach, nature is the autonomous right holder capable of defending its own identity and survival by exercising the legal personality. To explain nature's right-based protection, we can refer to the Advisory Opinion of the Inter-American Court of Human Rights on human rights and the environment. The court held that nature and the environment are protected not only because of its connectedness with a utility for human beings ... but also for the importance for other living organisms with whom the planet is shared, also deserving of protection in and of themselves (Environmental Law Alliance Worldwide, [2018](#)).

In the last few years, the world has experienced the legal recognition of the rights of nature and its entities like rivers, glaciers, and forests globally (Clark et al., [2018](#)). For example, legislative or judicial decisions have created a new dimension regarding nature's legal standing in New Zealand, India, Bangladesh, and many other countries (Colwell et al., [2017](#)). Back in 2016, the Supreme Court of Bangladesh accorded legal personhood to the river Turag based on a writ petition filed by the Human Rights and Peace for Bangladesh against the illegal encroachment, filling, and construction alongside the Turag River bank (Stilt, [2021](#)). The court also held that this status shall apply to all other rivers that flow within Bangladesh's territory. Through this judgment, at least theoretically, the focus of the legal scheme regarding the protection of the rivers has moved from a paternalistic approach, which solely prioritises human-centrism and makes river protection dependable on human interest, to a right-based process that ensures river's legal protection for the river's own existence.

The paper has been divided into several parts to systematically present and articulate the arguments. After an introduction in part I, part II offers a comparative study between two decisions, one held by the Supreme Court of Bangladesh and another by the High Court of Uttarakhand, regarding the conferment of the legal personality to Turag and the Ganges and Yamuna Rivers. Part III discusses the impact on these judgments considering the dominant human-nature binary. Finally, Part V concludes the paper with a summary of the findings.

## Legal Personhood to the Rivers in Bangladesh and the Rivers Ganges and the Yamuna

### Issues Involved and Decisions of the Cases

The scholarship of conferring legal personality is a global phenomenon, meaning that the attribution of legal personhood to the rivers in Bangladesh cannot be described as *sui generis* or a single unilinear national movement in the context of Bangladesh. Instead, it would not be an exaggeration to claim that this scholarship is a part of the international movement for the rights of nature. However, the grounds for conferment of personhood vary from country to country. In this section, the author searches for the particularities of decisions taken in the Turag River case and the Ganges and Yamuna case, and intends to analyse them.

#### Figure 1

*River Turag*



*Note.* Source: [https://en.wikipedia.org/wiki/Turag\\_River](https://en.wikipedia.org/wiki/Turag_River)

On February 03, 2019, The Supreme Court of Bangladesh issued a landmark and historical judgment, declaring the Turag River and all the rivers that flow within the territory of Bangladesh, as legal persons (Stilt, [2021](#)). Using its *parens patriae* jurisdiction, the Supreme Court reached the decision. In delivering the judgment, the court expressed disappointment at the current status of the rivers in Bangladesh. It said that despite taking

several positive steps like amending the existing laws, enacting new ones, and bringing amendments to the Constitution to protect the rivers here, everything went in vain due to the actions of a few dishonest public officials and representatives. Therefore, considering the overall deteriorating state of the rivers flowing within Bangladesh, the court declared them as legal persons. It further emphasized that this is probably the last thing we can resort to protect the rivers (Stilt, [2021](#)).

The High Court Division, in this case, extensively relied on the doctrine of public trust and declared it as a part of the legal system of Bangladesh. Based on this doctrine and considering Article 18A of Bangladesh's Constitution, the High Court Division declared the government as the trustee of the rivers in the country (Stilt, [2021](#)). They emphasized that, as per Article 18A of the Constitution of the People's Republic of Bangladesh, the state has an obligation to protect the environment and biodiversity, and safeguard the natural resources of present and future citizens. In this context, the High Court Division declared the National River Conservation Commission (NRCC) the person in the *loco parentis* of all this country's rivers. They decided that from now on, NRCC will take all necessary measures to conserve and protect the rivers in Bangladesh (Stilt, [2021](#)).

The court also ordered the government to consider the judgment and issued some other piecemeal directives against illegal encroachment and activities that invite pollution to nature as criminal offences. This means that people who commit these acts or omissions will incur different civil and criminal sanctions (Stilt, [2021](#)). The court further directed the Election Commission to submit a list of the encroachers and polluters, thereby disqualifying them from contesting any type of elections, whether local or national. Further, the court instructed Bangladesh Bank to declare any person, company, or institution ineligible for loans if they cause harm to the environment (Stilt, [2021](#)). This judgment has undoubtedly opened a new pathway for the recognition of rights of the rivers in Bangladesh.

Back in 2014, two years before the Turag River case filing, a petition was filed by Mohammad Salim, one of the residents of Uttarakhand state in India (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). Mr Salim sought the intervention of the High Court of Uttarakhand to protect the Rivers Ganges and Yamuna from illegal mining and pollution (Mohd. Salim vs State of Uttarakhand & others, [2014](#)).

## Figure 2

### *Mining in the River Ganges*



*Note.* Source: <https://dainiknation.com/2017/09/uttarakhand-high-court-lifts-mining-ban-within-5km-river-ganga/>

In response to the petition, the court ordered a ban on the ongoing mining on the riverbed of the Ganges and Yamuna (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). The court also directed the Uttarakhand state government to establish the Ganga Management Board within the next three months of the decision (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). More than three months passed; nonetheless, the state government did not take any steps for the constitution of the management board. Therefore, in March 2017, the court issued two follow-up judgments. In its first judgment, the court granted legal personhood to the Ganges and Yamuna and their tributaries. In the second judgment, the court extended the scope of this personality even to their surrounding natural features like glaciers, lakes, air, forests, wetlands, waterfalls, etc (Lalit Miglani vs State of Uttarakhand and Others, [2015](#)). The Uttarakhand High Court relied on its *Parens Patrie* jurisdiction to deliver its judgment, as observed in the Turag River case above. To protect the rights of these two rivers, the court declared a committee of three members as persons in *loco parentis* who will take care of these rivers and promote the health and well-being of these

rivers if needed (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). The committee is formed by the director of NAMAMI Ganges, the chief secretary, and the advocate general of Uttarakhand State (Mohd. Salim vs State of Uttarakhand & others, [2014](#)).

In the judgment given by the Uttarakhand High Court, the court referred to the interconnection between the rivers and the people of India, highlighting how the culture, songs, and stories of communities contribute to the protection of biodiversity and conservation of nature (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). The court emphasized that festivals, rituals, and ceremonies are part of our culture, and cultures define who we are (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). Nature can be conserved by incorporating it into our religion, festivals, cultures, lifestyles, and literature (Clark et al., [2018](#)). In this context, the court recognized that the physical and spiritual survival of people is linked to rivers, hence it is important to acknowledge this dependency. That does not mean that the rivers have the right to get protection as living entities only because of their interrelation between humans and nature. In contrast, the court opined that nature and its elements are entitled to protection for the intrinsic, independent value of nature itself, and all citizens are responsible for protecting the rivers, the point where the court put their emphasis (Clark et al., [2018](#)).

### **Comparative Study Between Turag River and the Ganges and Yamuna Rivers Judgments**

Within two years, the Supreme Court of Bangladesh and the Supreme Court of Uttarakhand (India) stood separately for rivers in their respective countries. The courts of both jurisdictions relied on the public trust doctrine. Grounding its reasoning on Article 21 of the Constitution of Bangladesh, the High Court Division argued that every citizen, including the person in the service of the Republic, has undertaken the duty to protect public property (Human Rights & Peace for Bangladesh vs Bangladesh, [2019](#)). By the same token, the Uttarakhand High Court stated that under the public trust doctrine, which has its basis in ancient belief, laws impose certain conditions on human conduct in its relationship with nature (Mohd. Salim vs State of Uttarakhand & others, [2014](#)).

Before starting the detailed discussion, one thing must be made clear: for Bangladesh, the very idea of extending legal personhood to the rivers of



Bangladesh was an unexpected event for most of the people, if not to all. There is no disagreement with the idea that the law determines who is considered a person before the law. Lawson said all that is necessary for the existence of a legal person, a subject of rights, and other legal relations is the lawmaker (Lawson, [1957](#)). That suggests that determining who or what can be a legal person is not a question of natural sciences but law. Nonetheless, the law does confer legal personality to everything around us. The idea of legal personhood is not confined to any specific framework, and its approach has distinct variations. In contrast, the dominant narration in this regard is the incident of legal personhood, which can only be attributed to entities that can hold rights or perform acts themselves or through representatives (Lawson, [1957](#)).

As per Article 146 of the Constitution of Bangladesh, the state of Bangladesh holds legal personality since it can hold property, sue, and be sued by others. Similarly, a company is considered an artificial person and must act through some natural agent. It is entirely different from its members, whose interests are confined to their shares. An individual shareholder has no proprietary interest in the company's property, and his interest in the shareholding is not directly affected by the sale of the company (Punjab Ali vs Mokarram Hossain, [2000](#)). Legal personality can also be recognised for some property or estate that has been devoted to a particular purpose, like religious or charitable (Paton, [1972](#)). There are commonalities among all these entities identified as legal personas before the law, as they are non-living entities.

On the contrary, rivers are living entities, and their actions differ entirely from those performed by the corporation or any other legal entity. Hence, the conferment of legal personality to the rivers requires clarity as to the theoretical justification for the extension of the existing legal framework of legal personhood to the rivers, which the court unexpectedly failed to do. Many issues of this new jurisprudence of legal personality in the context of the existing legal framework of Bangladesh were supposed to get an explanation from the High Court Division. However, in the judgment of two-hundred and eighty-three pages, the Supreme Court maintained pin-drop silence about any theoretical justification of their decision. The court did not provide any discussion on how legal personhood can be extended to the rivers in Bangladesh.



The Uttarakhand High Court, in contrast, relied on the existing theories of legal personhood in the case of granting legal personhood to Rivers Ganges, Yamuna, and the surrounding correlated entities (Kurki, [2019](#)). The court held that- “A juristic person can be any subject matter other than a human being to which the law attributes personality for good and sufficient reasons. Granting legal personality confers rights and obligations to the entity declared as a legal person” (Lawson, [1957](#), p. 909). It is essential to mention that, in the case of deciding the legal personality of Rivers Ganges and Yamuna, the Uttarakhand High Court resorts to several judicial precedents and grounds its decision on the existing theory related to legal personhood. The court referred to the decision taken by the Supreme Court in *Yogendra Nath Naskar vs. Commission of Income-Tax, Calcutta*, 1969 AIR 1089, 1969 SCR (3) 742. It was held in the case that- “Hindu idols are juristic entities, capable of holding property and being taxed through its Shebait, who are entrusted with the possession and management of its property” (Mohd. Salim vs State of Uttarakhand & others, [2014](#), p. 12). In *Ram Jankijee Deities & others vs. State of Bihar & others* ([1992](#)) the court also held that ‘the deity/idol are the juridical persons entitled to hold property (Mohd. Salim vs State of Uttarakhand & others, [2014](#)).

Under Indian Jurisprudence, a deity/idol is a legal person, and several judicial precedents support that jurisprudence. In *Salim vs. the State of Uttarakhand*, the court justified its decision in the way that under Hindu Scripture, the River Ganges and Yamuna are treated as an idol.

Idols according to Hindu authorities, are of two kinds: the first is Sayambhu or self-existent or self-revealed, while the other is Pratisthita or established. A Sayambhu or self-revealed image is a product of nature, and it is Anadi or without any beginning; the worshippers simply discover its existence, and such images do not require consecration or Pratistha but a man-made image requires consecration. (Mohd. Salim vs State of Uttarakhand & others, [2014](#))

Rivers such as the Ganges and Yamuna are considered Goddesses. Since Hindu idols are legal persons under the existing legal framework, legal personality is justifiably conferrable to the River Ganges and Yamuna. At para 11, 13, and 17 of the judgment, the court held that-

The river Ganga originates from Gaumukh Glacier, and River Yamuna originates from Yamnotri. These rivers are very sacred and revered. All the Hindus have deep Astha in the rivers Ganga and Yamuna, and they collectively connect with these rivers. Hindus worship them. According to Hindu beliefs, a dip in the River Ganga can wash away all the sins. Ganga is also called as Ganga-Maa. It was mentioned in ancient Hindu scriptures, including Rigveda. (Mohd. Salim vs State of Uttarakhand & others, [2014](#), pp. 11–13)

Thus, the justification for conferring legal status to the Ganges and Yamuna was further bolstered by the sacred status of these rivers within the Hindu religion, with the Court emphasising that both rivers are revered as deities by Hindus and considered sacred (Eckstein et al., [2019](#)). The analysis made by the Uttarakhand High Court does not apply to the rivers in Bangladesh since, for Bangladesh, personhood was not a question of religion or faith; instead, the Supreme Court has decided that likely as an exceptional measure (Human Rights & Peace for Bangladesh vs Bangladesh, [2019](#)). The court held that despite taking several measures like amending the current laws, making new laws, rules, and policies, and even adding a new provision in the Constitution through an amendment to protect the rivers, the rivers' conditions had not improved. Therefore, the court felt the necessity to confer personality to the rivers in Bangladesh as an extraordinary measure, hoping the decision may bring some positive changes to the fate of the rivers in Bangladesh (Stilt, [2021](#)).

The court undoubtedly has the authority to take such extraordinary steps if it deems them necessary, and there is no inherent flaw in this approach. However, the question is whether this argument for an extraordinary step gives any theoretical justification for the extension of legal personhood to the rivers in Bangladesh or not. Two vital questions are involved here: why should the rivers be attributed to legal personhood, and how can the existing framework be liberally construed to include the rivers under the umbrella of legal personality? The argument held by the court can, at best, be related to the question as to why the legal character of rivers became necessary, but how legal personhood can be affiliated with all the rivers in Bangladesh is still unanswered. As to why conferment of legal personality is necessary to the Ganges and Yamuna, the court answered that since an extraordinary situation has arisen where the river Ganges and the Yamuna are in danger of losing their existence, an extraordinary measure is required thereof to

protect and conserve them (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). The Supreme Court of Bangladesh also took the same standing in answering the question. However, the Uttarakhand High Court explained the idea in detail, and they said that with the development of society, it became necessary to cooperate with a larger unit of individuals. Therefore, the Constitution of the State, corporations, and companies were created as legal persons to address society's necessity and put the mask on of separate personalities in law (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). The court referred to the case *Shiromani Gurudwara Prabandhak Committee, Amritsar vs Shri Som Nath Dass & others* ([2000](#)), where it was held that the recognition of legal personality is necessary to promote human development and sustain the faith of society. Thus, Rivers Ganges and Yamuna are to be declared legal entities to recognise and protect the society's faith (Mohd. Salim vs State of Uttarakhand & others, [2014](#)). Under these exceptional measures, as the court mentioned, the rivers Ganges, Yamuna, their tributaries, and glaciers are declared as legal persons.

### **Imagining Rivers as Persons: A Paradigm Shift?**

The decision taken by the High Court Division regarding the legal personality of all the Bangladesh's rivers must be admitted as one of the landmark judgments in its history, despite having some loopholes. However, the most significant contribution of this judgment is that, there has been a paradigmatic shift in understanding the rivers' rights. The legal status of the rivers is shifted from the mere object of law to one of the subjects of law. This part will investigate the Supreme Court's approach in major cases regarding rivers' rights and their protection in Bangladesh.

### **High Court Division on River Rights in Bangladesh**

In several cases, the Bangladesh Supreme Court took a stand for and tried to protect nature and its different elements, like rivers, against illegal encroachment and pollution, either *suo moto* or based on any *Public Interest Litigations* (PIL) holding on to different maxims and doctrines like *Salus Populi Suprema Lex* and the public trust doctrine (Dr. Mohiuddin Farooque vs Bangladesh and others, [1994](#)). They ordered stopping all kinds of encroachment, illegal construction, and land grabbing in the river area and dismantling and removing all illegally erected structures without delay (Dr. Mohiuddin Farooque vs Bangladesh and others, [1994](#)).

Generally, the court signifies the sanctity of the human right to life when deciding to protect and conserve the environment, including rivers, water, air, and so on. In extending the scope of the right to life as enumerated under Article 32 of the Constitution of Bangladesh, the Supreme Court regarded environmental protection as a part of this fundamental right. The Court in *Mohiuddin Farooque* stated that the right to life, as enumerated under Articles 31, 32 of the Constitution of Bangladesh, does not necessarily mean only the right to the bare life. Instead, this fundamental right also includes the right to a healthy environment (*Dr. Mohiuddin Farooque vs Bangladesh and others*, [1994](#)). The court stated that water is the sole essence of life. Without drinking water/ sweet water, homo sapiens cannot survive. Water is also an integral part of human life for agriculture, farming, cleaning, bathing, etc. The river is the principal natural source of sweet water. So, from time immemorial, all the world's civilisations grew up on the banks of various rivers (*The Human Rights and Peace for Bangladesh vs Government of Bangladesh and Others*, [2009](#)). Therefore, considering the dependency of human life, both the present generation and future, on rivers, we must protect them, the principal source of drinking water, at every cost in several petitions (*The Human Rights and Peace for Bangladesh vs Government of Bangladesh and Others*, [2009](#)).

In certain instances, the court has expressed deep concern and empathy for the plight of the rivers, highlighting the absence of fish, which serves as a vital protein source for the populace. Furthermore, the contamination of river water to an intolerable degree has resulted in millions falling ill from consuming it. Consequently, safeguarding Bangladesh necessitates the preservation of its rivers, as continued neglect could soon lead to the abandonment of entire cities. In some other cases, mentioning the significance of water for human life, the court held that water is also an integral part of human life, and no human being can live without water (*Dr. Mohiuddin Farooque vs Bangladesh and others*, [1994](#)). In other cases, the court connected their idea of glory and felt disappointed as we have lost our past glory of the rivers with time and suggested that it must be done at once if we want to regain that lost glory of the river Buriganga.

...so, this is about time that they ravel the net with a stentorian determination to keep our beloved land habitable, to retrieve the lost glory of the Buriganga, to regain for its water the same transparency prevailed during the olden days so that it can be turned into a source

of palatable water, a source of unpolluted air, a safe habitat for sweet water fishes. (Human Rights and Peace for Bangladesh (HRPB) vs Secretary, Ministry of Shipping, Bangladesh Secretariat, P.S. Shahbag, Dhaka Bangladesh and others, [2010](#))

The court highlighted the significance of natural elements for the tourist industry in Bangladesh. The court insisted that if the government wants to invite tourists to Cox Bazar, the government must protect the natural elements like water, air, and soil of the Beach from any pollution and disturbance (Faridul Alam vs Bangladesh, [2010](#)). The court responded with issues like whether the government can act as the owner of the natural resources like air, water, sea, seashore, and forests or the mere trustee obliged to protect the natural resources on behalf of the public. The court consistently posits that the government is the mere trustee of these natural resources and manages them only on behalf of the people of Bangladesh (The Human Rights and Peace for Bangladesh vs Government of Bangladesh and Others, [2009](#)). The court also dealt with issues like natural resources being the gift of nature and should be accessible to all rather than permitting private owners to use them for commercial purposes (Aristocrat Ind. Ltd and others vs Bangladesh and others, [2010](#)). They even make the government patronise and protect the commercial purpose of natural resources. In *Faridul Alam*, the court blamed “the government had favoured some fortunate persons in giving a lease of the Beach which is in the heart of Cox’s Bazar Beach disregarding the rights of the fourteen crores of people (Faridul Alam vs Bangladesh, [2010](#)).

The court sometimes romanticised nature, emphasising the glory and beauty of nature and the significance of its scenic beauty in our arts, culture, and literature to positively impact people in protecting the environment. Additionally, attributing such explicit motives and methods to a court’s actions, such as using artistic expressions to inspire environmental protection, may not accurately reflect the institution’s role or capabilities. Courts generally operate within specific legal frameworks and procedural constraints, and their decisions are based on legal reasoning rather than artistic or cultural appeals.

### **Court’s Approach in River-related Cases**

Courts in these judgments approached to protect the rivers based on their relevance and significance to human life, health, and welfare. Human

survival, human health, and the longevity of human life are the parameters of deciding whether the court will stand for the environment and its elements or not. This approach might seem unproblematic as it apparently intends to preserve natural features and ecosystems. However, the truth is that this approach has a utilitarian perspective and eventually serves anthropocentrism and human-centred interests (Nash, [1989](#)). These decisions, however, nonetheless having an anthropocentric legacy, narrated everything based on human welfare and their dependency on these elements. The anthropocentric idea of natural elements and their protection has been used in several major decisions of the Supreme Court to protect the rivers. Therefore, despite having the bonafide intention of the court to protect the river's rights in these cases, these judgments ultimately ended up making these rivers objects to humans, who, as the exclusive right-bearer, have the ultimate authority over the entitlements and offerings from the rivers (Staker, [2017](#)). The courts understood nature as objects or features having nothing more to do than ensuring human welfare and enjoyment. Through this lens, they endorse and prioritise the supposed sanctity of the life of the human species only (Naffine, [2012](#)). The significance of nature eventually narrowed down to its role in human life, meaning how it protects human lives, livelihood, habitat, and entertainment (Kurki, [2017](#)). The central argument of these judgments produced and reproduced nothing but anthropocentrism, which negates rivers as duty-bearers who have a lifelong obligation to look after the present generation of human beings and the generations yet to come.

The anthropocentric approach to understanding the right to nature is the dominant module that the judiciary has been following in formulating the rights of any natural feature, whether air, water, river or anything else. Therefore, this approach to nature's rights, which calls for the environment and its various features to be considered as the right-holders instead of being treated as objects or property of humans, is a new judicial phenomenon.

### **Turag River Judgment: A New Approach to Understanding River Rights**

The approach followed in the Turag River case is a very new phenomenon in Bangladesh's legal-judicial history, introducing a novel concept by recognizing rivers as legal persons. This recognition of legal personhood for the Turag River and all the rivers in Bangladesh undoubtedly is a new judicial intervention that seems pretty promising for

the protection of river rights. The attribution of legal personhood to rivers means that these rivers are no longer treated as mere objects or resources; instead, they are recognized as entities capable of holding legal rights, something that inanimate objects or things cannot do (Wise, [2010](#)). Any non-human entity is declared as a legal person, meaning this legal entity can claim rights before that court, and the asserted right can be enforced before the court in the entity's own name if the rights are infringed, and most importantly, the legal entity has access to remedy for the rights violated by others (Wise, [2010](#)). The Supreme Court of Bangladesh has nowhere mentioned the consequences of conferring legal personhood to the rivers in Bangladesh. However, considering the effect of the conferment of legal personality of other entities, we can assume that having the status of a legal person means these rivers will possess all the rights, duties, and liabilities like all other legal persons. What body of substantive and procedural rights can be held and enforced by the rivers in a court of law is a matter of great concern that the court ignored to discuss. This matter has been criticised by saying what comes from declaring an entity as a person if it confers no right to that particular entity (Wise, [2010](#)). There are many forums already working on this issue globally to understand what the rights of the rivers will be. According to the proponents of the Universal Declaration of River Rights, river rights shall include at least the following five rights, namely the right to flow, the right to get the protection of its biodiversity, the right not to be polluted, the right to feed and be fed by sustainable aquifers, the right to regeneration and the right to maintain necessary connectivity (Wise, [2010](#)). In the absence of our legal development, our court can be enriched by the other developments that are happening internationally.

Two issues are established from the above discussion. First, the new scholarship on nature's legal personification intends to reverse the worldwide dominant approach of considering nature as an object of law and pave the way for recognising nature as the subject of law. Second, a human-centric understanding of river rights is the deciding factor in Bangladesh's context and extent of river protection mechanisms as human beings are the ultimate cause of nature's destruction. So, the problem might be solved or at least mitigated substantially, creating an unconnected relationship between nature and humans. I find it quite problematic to imply that humans are a 'homogenous unit'. Moore sees it as defective to consider humans as a 'homogeneous acting unit' when humans are never found in a generic state (Moore, [2017](#)). Now, the question is whether the uncritical blaming of



human beings, assuming them to be homogenous in any way, prevents us from digging the root of the problems we are facing nationally and globally about nature's destruction.

### Figure 3

*Grabbed Turag River*



It is undeniable that the human-centric understanding of nature is dangerous not only for nature but also for the humanity itself. However, the real question that arises is whether simply blaming anthropocentrism is enough to address the underlying issues, or whether this approach merely perpetuates and reproduces the binary of human versus nature. This criticism of anthropocentrism tends to view the human species as responsible for the transgression of planetary thresholds (Moore, [2017](#)). It treats all humans, from every corner of all time, equally accountable for the current state of our ecosystem. This view obscures the vistas of power, production, and profit in the web of life and prevents us from seeing capital accumulation as a powerful web of interspecies dependencies (Moore, [2017](#)). It also prevents us from seeing how those interdependencies have changed the terms of that producer/product relation over time (Moore, [2017](#)).

Therefore, the problem we are passing nationally and globally is much more complex than it might appear before us. Human-centric development is causing severe harm to the environment. Nonetheless, this contribution initiated by anthropocentrism is not even close to being compared with what

the ‘Capitalocene’ (man vs. nature) is causing. The combination of anthropocentrism and the ‘Capitalocene’ creates a chain reaction of devastation, leading to super-disasters.

### Conclusion

This paper has discussed and analysed the particularities of Turag River case in Bangladesh and compared them with those of Uttarakhand’s Ganges and Yamuna River cases. It will not be unjustified to claim that the attribution of legal personhood to rivers in Bangladesh holds potential to challenge the assumed superiority of human beings and their domination over nature. In the Turag River case, the recognition of the river as a legal entity represents a paradigm shift in environmental jurisprudence. By granting legal personhood to the river, the court acknowledges its inherent rights and interests, effectively elevating its status from a mere resource to a legal entity deserving of protection. This move reflects a growing awareness of the intrinsic value of nature and the need to reconsider traditional anthropocentric views that prioritise human interests above all else. Comparing this with similar cases in Uttarakhand, where the Ganges and Yamuna rivers were also granted legal personhood, reveals a broader trend towards recognising the rights of nature within legal frameworks. These cases highlight the interconnectedness of environmental issues across borders and the global relevance of granting legal personhood to natural entities.

However, whether the conferment of legal personhood to the rivers in Bangladesh will bring any effective change to the fate of the rivers in Bangladesh is still unknown. The judicial decisions or the legislative measures initiated in this field are novel and recent, and the complete outcomes of these initiatives are yet to be ascertained with either positive or negative impression. The progress, however, has been slow and only evident in the form of judicial pronouncements. Legislative guidelines are required to effectuate this judicial pronouncement successfully with the edge that it has been accommodated within the existing legal system. For this rights-based framework to be more than a mere pushback with evident results, it needs to be synchronised with ideas like sustainable development and nature-based solutions. However, to date, no legislative initiative has been taken. The effectiveness of this decision also depends on how the changes are accommodated in the broader framework. For instance, the court has declared the NRCC the guardian of all the rivers in Bangladesh.

However, the question is whether this committee is well-equipped to carry out this substantial responsibility.

### **Conflict of Interest**

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### **Data Availability Statement**

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