



5-05, 13-6-05, 13-6-05, 13-6-05, 13-6-05

In the Supreme court of Bangladesh
High court Division
(Special Original Jurisdiction)

Writ Petition No. 3566 of 2005.

In the matter of :

An application under Article 102(1) and Article 102(2)(a) of the Constitution xxx of the People's Republic of Bangladesh.

And

In the matter of :

Articles 11, 14, 15, 21, 27, 31 and 32 of the Constitution of the People's Republic of Bangladesh, the penal code, 1860, the Fatal Accidents Act, 1955, the Workmen's Compensation Act, 1923, the Employers' Liability Act, 1938, the Factories Act, 1965, the Factories Rules, 1979, the Employment of Labour (standing Order) Act, 1965, the Industrial Relations Ordinance, 1965, the Bangladesh Environment Conservation Act, 1995, Environment Conservation Rules, 1997, Town Improvement Act, 1953, the Building, Construction Act, 1952 and the rules made thereunder in 1996, the Savar Cantonment Act, 1924 and the Savar Cantonment Building, Bye-laws, 1982.

And

In the matter of :

1. Md. Kamal Hossain, S/O. Afsar Uddin, Rajrani Villa, Eastern, Housing Furba Kalashbari, Savar, Dhaka, and ors... Petitioners.

-Versus -

1. Bangladesh, represented by the Secretary, Ministry of Home Affairs Bangladesh Secretariat, P.S. Ramna, Dhaka.
2. The Secretary, Ministry of Industries, Bangladesh Secretariat, Police Station Ramna, Dhaka.



3. The Secretary, Ministry of labour and Employment, Bangladesh Secretariat, Police Station Ramna, Dhaka.
4. The Secretary, Ministry of Food and Disaster, Bangladesh Secretariat, Police Station Ramna, Dhaka.
5. The Secretary, Ministry of land, Bangladesh Secretariat, Police Station Ramna, Dhaka.
6. The Secretary, Ministry of Environment and Forest, Bangladesh Secretariat, P. S. Ramna, Dhaka.
7. The Deputy Commissioner, Office of the Deputy Commissioner, Police Station Kotwali, Dhaka.
8. Chief Inspector of Factories, Bex Dainik Bangla Bhaban, 4 DIT Avenue, Dhaka.
9. The Director General, Department of Environment, Porbaasha Bhaban, 16/1 E, Agargaon, Sherabangla Nagar, Dhaka.
10. The Rajshahi Unnayan Katripakka, represented by its Chairman, Rajak Bhaban, Dhaka.
11. The Chief Executive Officer, Savar, Cantonment, Bex Board, Savar, Dhaka.
12. Director, Department of Bangladesh fire Service and Civil Defence 38-46 Kazi Alauddin Road, Dhaka.
13. Inspector General of Police Police Headquarters, Ramna, Dhaka.
14. Superintendent of Police, Dhaka District Dhaka.
15. Officer -in-Charge, Savar Police Station Savar.
16. The President, Bangladesh Garments Manufacturers and Exporters Association, BMTA Bhaban 7/9 Kawran Bazar, Dhaka.
17. Spectrum Sweater Industries Ltd, (Spectrum) a company incorporated under the companies, Act, 1994 having its office at

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House No.2, Road No.14 Bariakara, Dhaka.

18. Chairman, Spectra Sweater Industries Ltd, House No.2 Road no.14, Bariakara, Dhaka.

19. The Managing Director, Spectra Sweater Industries Ltd, House No.2, Road No.14, Bariakara, Dhaka.

20. The Director, Spectra Sweater Industries Ltd, House 2, Road No.14. Bariakara, Dhaka.

Present:

Mr. Justice Md. Abdul Matin.

and

Mr. Justice A.F.M. Abdur Rahman.

The 24th May, 2005.

Mr. Dr. Kamal Hossain with

Mr. Md. Iqbal Kabir, ...for the petitioner.

Let a Rule Nisi issue calling upon the respondents to show cause as to why they should not be directed to take necessary measures and legal actions to carry out and conduct an effective and thorough public inquiry, by a Commission to be constituted by this Hon'ble Court chaired by a sitting or retired judge of the Supreme court and relevant expert members to identify the reasons for the collapse and persons and agencies responsible, and to make recommendations to prevent any such disaster in future and to secure payment of adequate compensation and arrange for rehabilitation in favour of the victims of the said collapsed factory as prescribed in the Fatal Accident Act, 1985, the Workmen's Compensation Act, 1923 and other applicable laws and rules against the

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garments factories operating in Dhaka, Narayanganj and Chittagong in unauthorised buildings and without adequate safety measures as directed by the judgment dated 31. May, 2001 in Writ petition No. 6070 of 1997 and to ensure appropriate protective measures to prevent such disasters in future and also to protect the families of the victims of such incidents and or pass such other or further order or orders as to this court may seem fit and proper.

Pending hearing of the rule, the respondent Nos. 7, 8, 10, and 11 are directed to submit reports before the Court on legality of the construction of the building, ownership of land and safety conditions of the buildings within such time frame as may be set by this court and respondent Nos. 17, 18, 19 and 20 are also directed to furnish list of their accounts (including export proceeds and other payments receivable by them) and allow victims and their families to enforce their legal right to compensation and also restrained from disposing of any of their assets and properties to frustrate the realization of compensation by the victims and the families till disposal of the rule.

The rule is made returnable within 3 (three) weeks from dates.

Let this matter come up in the list for further order one week after the vacation.

M.A. Matin.

A.F.M.A. Rahman.

Bodol/. 13.6.05.

Examd. by *[Handwritten signature]*