



IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION No. 15693 OF 2012.

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Articles 11, 14, 15, 21, 27, 31 and 32 of the Constitution, Bangladesh Labour Code 2006, Fire Service Ordinance 1959.

AND

IN THE MATTER OF:

1. Ain of Salish Kendra (ASK), represented by its Executive Director, 7/17, Block- B, Lalmatia, Dhaka.
2. Bangladesh Legal Aid and Services Trust (BLAST) represented by its Legal Advisor, YMCA Bhaban, 1/1 Pioneer Road, Shegunbagicha, Dhaka.
3. Nijera Kori represented by its Coordinator of 7/8, Block-C, Lalmatia, Dhaka.
4. BRAC, represented by its Director (Human Rights and Legal Services) of BRAC Centre 75 Mohakhali, Dhaka.

.....Petitioners.

-Versus-

1. Bangladesh, represented by the Secretary, Ministry of Industries, Bangladesh Secretariat, Dhaka.
2. Secretary, Ministry of Labour and Employment, Bangladesh Secretariat, Dhaka.
3. Chief inspector of Factories, Sramo Bhaban, 4 DIT Avenue, Dhaka.

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4. President, Bangladesh Garments Manufacturers and Exporters Association (BGMEA), BGMEA Complex, 23/1 Pantha Path Link Road, Kawran Bazar, Dhaka-1215, Bangladesh.
5. Director General, Fire Service and Civil Defence, 38-46 Kazi Alauddin Road, Dhaka.
6. Mr. Delwar Hossain, Managing Director, Tuba Group House-24 (2nd and 4th floor) Road No. 130 (Lake View) Gulshan.
7. Managing Director, Tazrin Fashion Limited, (a sister concern of Tuba Group) Nishchintapur, Narashigapur, Ashulia, Dhaka.

.....Respondents.

AND

IN THE MATTER OF:

Failure of the respondents to ensure effective enforcement of applicable laws on workplace safety in particular regarding prevention of deaths and injuries of workers from fire in garments manufacturing factories amounting to breach of their statutory duties.

Present:

Mr. Justice Mirza Hussain Haider

And

Mr. Justice Kazi Md. Ejazul Haque Akondo.

The 26th day of November, 2012.

Dr. Kamal Hossain with

Ms. Sara Hossain, with

Mr. Abu Obaidur Rahman with

Mr. Abantee Nurul, Advocates,

.....for the petitioner.

Mr. Al Amin Sarker DAG

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.....for respondents.

Let a Rule Nisi be issued calling upon the respondents to show cause as to why they should not be directed to appropriate/necessary action as required by law and the Constitution to effectively investigate, prosecute and punish those responsible for the deaths and injuries of the victims of the fire that broke out on the night of 24.11.2012 at Tazrin Fashion Limited” situated at “Nishchintapur, Narashigapur, Ashulia, Dhaka and why they should not be directed to take all necessary measures to prevent any such occurrence in future causing loss of life and property; and further to show cause as to what steps/measures have been taken as to establishing a national committee in compliance with the directives contained in the judgment dated 31.5.2001 in Writ Petition No. 6070 of 1997 in respect of monitoring compliance of the same by the garments factories with the applicable laws on fire safety and to make recommendations to prevent any such incident and to disseminate their reports in both electronic and print media and also on their website on every six months; the respondents are also directed to show cause as to why they should not be directed to secure payment of adequate compensation by Respondents no. 6 and 7 to the workers, injured in the said fire and to the dependants of the works, who died in the said fire; and further to show cause as to why they should not be directed to ensure adequate and appropriate protective measures, in particular, relating to the safety precautions of the workers of all garment factories in the event of fire and to implement and enforce legal provisions for the rehabilitation of the victims of such incidents as well as making available appropriate medical treatment for the victims of fire and to hand down penalties upon the persons responsible for such damage and/or loss of life and property in accordance with the laws of the land; and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 4(four) weeks from date.

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Pending heirng of the Rule.

The Respondents no. 1 to 4 are directed to obtain reports from the Bangladesh Garments Manufacturers and Exporters Association (BGMEA) on the steps taken to enforce compliance of all measures including payment of compensation to the injured workers and to the dependents of the said deceased workers; all steps taken to ensure fire and other safety including medical attendances; and implementation of sufficient safety measures for the workers to protect their life and property in faces of such fire or any other natural calamities and submits a copy to this court within 4(four) weeks from date;

The Respondents No. 6 and 7 are directed submits a report as to compensation paid to the victims of the said incident and the basis of calculation of such amount within 45 days from the date of receipt of this order;

The Respondent No. 1 is specifically directed to submit a report of complete list of garments industries operating in the country and steps taken to enforce applicable laws on fire safety in each factory and also about steps taken by the owner of the garments factories or the BGMEA to enforce applicable laws on fire safety as directed in the judgment dated 31.5.2001 passed in Writ Petition No. 6070 of 1997 within 45(forty five) days.

The Respondents are further directed to inform as to what medical treatment has been rendered to the victims of the said factory due to fire caused on the night of 24.11.2012 within 45 days from the date of receipt of this order.

The Chairman, National Human Rights Commission and the Chief Executive of the Bangladesh Environmental lawyers Association (BELA) are requested to submit one or more panels of committee(s) headed by a retired judicial officer with eminent persons of the society for the purpose of constituting an inquiry committee on the event of incident taken place on the event of incident

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taken place on the night of 24.11.2012 at Tazrin Fashion 24.11.2012 at Tazrin Fashion Limited within 10 days from the date of receipt of this order.

Let a copy of this Rule be sent the Respondents and the Chairman, National Human Rights Commission and the Chief Executive of the Bangladesh Environmental Lawyers Association (BELA) by Special messenger at the cost of the petitioners immediately.

M.H. Haider

K.M.E.H. Akondo.

Type: Shahidullah. 09.12.12.

Read by:

Ex. by:

Shahidullah
09.12.12
09.12.12

Abdusalam

10.12.12

Mumtaz
10.12.12

Ryotir