



24-05-21, 24-05-21, 24-05-21, 24-05-21, 24-05-21

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

**WRIT PETITION No. 4333 of 2021**

With

**WRIT PETITION No.4462 of 2021.**

**WRIT PETITION No. 4333 of 2021**

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Ain o Salish Kendra (ASK), of 2/16, Block-B, Lalmatia, Dhaka-1207, represented by its Executive Director.

.....Petitioner

-Versus-

1. The Government of People's Republic of Bangladesh, Represented by the Senior Secretary, Ministry of Home Affairs (Public Security Division), Bangladesh Secretariat, Ramna, Dhaka.
2. The Secretary, Ministry of Home Affairs (Security Services Division), Government of People's Republic of Bangladesh, Bangladesh Secretariat, Ramna, Dhaka.
3. The Secretary, Ministry of Law, Justice and Parliamentary Affairs,



বাংলাদেশ  
কোর্ট ফি  
দুই  
টাকা

4. The Secretary, Ministry of Industries, Government of People's Republic of Bangladesh, 91, Motijhel C/A, Dhaka.
5. The Secretary, Ministry of Labour and Employment, Government of People's Republic of Bangladesh, Bangladesh Secretariat, Ramna, Dhaka.
6. The Secretary, Ministry of Commerce, Government of People's Republic of Bangladesh, Bangladesh Secretariat, Ramna, Dhaka.
7. The Secretary, Ministry of Power, Evergy and Mineral Resources, Government of People's Republic of Bangladesh, Bangladesh Secretariat, Ramna, Dhaka.
8. The Secretary, Ministry of Environment, Forest and Climate Change, Government of People's Republic of Bangladesh, Bangladesh Secretariat, Ramna, Dhaka.
9. The Inspector General, Bangladesh Police, Bangladesh Police Police Headquarters, 6, Phoenix Road, Fulbaria Dhaka-1000.
10. The Divisional Commissioner, Divisional Commissioner Office, Court Building, Chattogram-4000.
11. The Deputy Inspector General, Bangladesh Police, Chattogram Range.
12. The Deputy Commissioner, Deputy Commissioner Office, Chattogram.
13. The Superintendent of Police, Office of Superintendent of Police, Chhoto Pole Police Lines, Chattogram.
14. The Officer-in-Charge, Banshkhali Police Station, Chattogram.
15. The Upazila Nirbahi Officer, Banshkhali, District-Chattogram.
16. The Chairman, Banshkhali Upazila, Chattogram.



- 18.The Department of Environment, Chottogram Divisional Office, Poribesh Bhaban, Zakir Hossain Road, Foislakh Area, Khulshi, Chottogram.
- 19.SS Power I Limite4d, Of Village-Poshchim Boroghona, Gondamara, Thana-Bnshkhali, District-Chattogram. And SW(H), Plot No.5, Road No.2, Level 3, Gulshan 1, Dhaka 1212.
- 20.S. Alam Group, S. Alam Bhaban, 2119, Asadgonj, Chittagong, Bangladesh.
- 21.SEPCOIII Electric Power Construction Corporation, Of Village-Poshchim Boroghona, Gondamara, Thana-Banshkhali, District-Chattogram.
- 22.HTG Development Group Co. Limited, of Village-Poshchim Boroghona, Gondamara, Thana-Banshkhali, District-Chattogram.

.....Respondents

AND

IN THE MATTER OF:

Inaction and failure of the respondent Nos.1-10 to take appropriate legal action against the perpetrators who Killed 5/6 workers (including more, if not reported) and injured hundreds of workers at SS. Power I Plant (a coal power plant) in Poshchim Boroghona, Gondamara, Thana-Banshkhali, District-Chattogram belonging to the respondent nos.19-22 in the conflict happened there on 17.04.2021 and to ensure subsequent safety and security to the workers and their families (including dead, injured and participants in the protest).



IN THE MATTER OF:

Direction upon the respondents to give compensation jointly and severally of Tk. 3 (three) Crore to each of the victim worker's family (who were killed) and Tk. 2 (two) Crore to each of the injured workers in the said conflict.

**WRIT PETITION No.4462 of 2021.**

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

1. Bangladesh Environmental Lawyers Association (BELA), being represented by its Lawyer, Sayeed Ahmed Kabir, Advocate, Supreme Court, House-15A, Road-3, Dhanmondi, Dhaka.
2. Association for Land Reforms and Development (ALRD) being represented by its Executive Director, Md. Shamsul Huda, House # 1/3, Block-F, Lalmatia, Dhaka.
3. NIJERA KORI, being represented by its Coordinator, Khushi Kabir, 7/8, Block-C, Lalmatia, Dhaka.
4. Safety and Rights Society, being represented by its Executive Director, Md. Sekender Ali Mina 6/5A, Sir Syed Road, Block A, Mohammadpur, Dhaka.
5. Bangladesh Legal Aid and Services Trust (BLAST), being represented by its Director (Administration) and Law Adviser, S M Rezaul Karim, Advocate, Supreme Court, YMCA Development Centre, 1/1 Pioneer



-Versus-

1. Bangladesh represented by the Secretary, Power Division, Ministry of Power, Energy and Mineral Resources, Bangladesh Secretariat, Dhaka.
2. The Secretary, Ministry of Environment, Forest and Climate Change, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
3. The Secretary, Ministry of Labour and Employment, Bangladesh Secretariat, P.S. Shahbag, Dhaka.
4. The Secretary, Ministry of Industry, Bangladesh Secretariat, P.S. Shahbag, Dhaka.
5. The Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka.
6. The Inspector General, Bangladesh Police, Police Head Quarter, Dhaka.
7. The Chairman, Bangladesh Power Development Board, Abdul Gani Road, Dhaka.
8. The Director General, Department of Environment, Poribesh Bhaban, 16/E, Sher-e-Bangla Nagar, Agargaon, Dhaka.
9. The Deputy Commissioner, Office of the Deputy Commissioner, Chittagong.
10. The Superintendent of Police, Office of the Superintendent of Police, Chittagong.
11. Officer-in-Charge, Banshkhali Police Station, Chittagong.
12. The Managing Director, SS Power 1 Ltd. and SS Power 2 Ltd. SW(H),



13. The Managing Director, S Alam Group, S Alam Bhaban, 2119, Asadganj, Chittagong.
14. The Managing Director, SEPKO III Electric Power Construction Corporation, C/O, SS Power 1 Ltd. and SS Power 2 Ltd, SW(H), Plot 05, Road, 02, Gulshan, Dhaka and Unique Hights (19<sup>th</sup> floor) 117 Kazi Nazrul Islam Avenue, Kakrail, Ramna, Dhaka.
15. The Managing Director, HTG Development Group Company Limited, C/O, SS Power 1 Ltd. and SS Power 2 Ltd. SW(H), Plot 05, Road 02, Gulshan, Dhaka and Unique Hights (19<sup>th</sup> floor) 117 Kazi Nazrul Islam Avenue, Kakrail, Ramna, Dhaka.

.....Respondents.

AND

IN THE MATTER OF:

Articles 14,15,18A,21,31,32,37,38,39 and 40 of the Constitution of the Peoples' Republic of Bangladesh; the Bangladesh Environment Conservation Act, 1995 and Rules, 1997; the Bangladesh Labour Act, 2006; the Police Act, 1861; Police Regulations, 1943; the Penal Code, 1860; the Code of Criminal Procedure, 1898; Public Service Inquiry Act, 1950, the Public Procurement Act, 2006; the Electricity Act, 2018; the Quick Enhancement of Electricity and Energy Supply (Special Provision) Act, 2010 and Rules of 2018 made thereunder, and other applicable laws, policies, Master Plans and notifications.

AND

IN THE MATTER OF:



and 17 April, 2021 in Banskhali Police to suppress opposition against a thermal power plant namely, SS Power Plant and the lawful protests of the labourers of the said Plant demanding timely payment of wages and decent working conditions.

AND

IN THE MATTER OF:

Scrapping of the agreement with respondents No. 12-15 for the SS Power Plant in Banskhali Upazilla.

AND

IN THE MATTER OF:

Directions for appropriate actions against the wrongdoers and for treatment, rehabilitation and compensation of the affected villagers and labourers.

AND

IN THE MATTER OF:

Directions for preparation of report on labour safety, protection and welfare issues in the SS Power Plant, and review of environmental and social impact assessment reports of the said Power Plant being constructed by respondents NO. 12-15 in Gondamara Union of Banskhali Upazilla.

**Present:**

**Mr. Justice M. Enayetur Rahim.**

**-And-**

**Mr. Justice Sardar Md. Rashed Jahangir.**

**The 04<sup>th</sup> day of May, 2021.**



Ms. Syeda Nasrin, Advocate

.....For the petitioner

(in W.P.NO.4333 of 2021)

Ms. Syeda Rizwana Hassan, Advocate

.....For the petitioner

(in W.P. NO. 4462 of 2021)

Mr. Arobinda Kumar Roy, DAG with

Mr. Bipul Bagmar, DAG.

Ms. Farjana Shampa, AAG,

Mr. Md. Akhter Hossain, AAG and

Mr.Md. Salim, AAG

..... For the Respondents-Government

Mr. Mohammad Arshadur Rouf, Advocate

.....For the Respondent S.S Power I Ltd.

The facts and issues of both the writ petitioners are interrelated and thus those have been heard analogously and a common Rule is issued on the following terms-

Let a Rule Nisi be issued calling upon the respondents (both the writ petition) to show cause as to why i) the impugned inaction and failure of the respondents to take appropriate legal action against the perpetrators who killed 7(as mentioned, in paragraph-22 of the writ petition No.4462 of 2021) workers (including more, if not reported) and injured hundreds of workers at SS Power I Plant (a coal power plant) in Poshchim Boroghona, Gondamara, Thana-Banshkhali, District-Chattogram belonging to the respondent Nos.19-





to ensure safety and security to the workers and their families (including dead, injured and participants in the protest) shall not be declared to have been doing/carrying out without lawful authority and is of no legal effect and ii) why the respondents should not be directed to hold a judicial inquiry into the incidence happened on 17.04.2021 and iii) why the Respondent Nos.19-22(W.P.No.4333 of 2021) shall not be direct to give compensation jointly and severally of Tk.3(three Crore to each of the victim worker's family (who were killed) and Tk.2 (two) Crore to each of the injured workers in the said conflict for ends of justice and/or pass such other or further order or orders as to this Court may seem fit and proper.

Pending hearing of the Rule-

- i) respondent, SS Power I limited is directed to pay Tk.5,00,000/- (Five lac) to each of the families of the seven deceased victim, immediately and also directed to submit a compliance thereof to this Court including what measures it has taken for the treatment of injured labours with period of 45 (forty five) days.
- ii) the respondents are directed to ensure safety and security to the workers and their families (including dead, injured) and to ensure that any labour or persons in that area are not to be harassed;
- iii) respondent, the Deputy Commissioner, Chattogram and the Superintendent of Police, Chattogram are directed to submit respective inquiry report of the inquiry committees formed by them to inquiry into the incident of 17<sup>th</sup> April, 2021 within a period of 45(forty five) days from the date of receipt of this order



iv) The Secretary Ministry of Labour and Employment is directed to submit a detail report on the labour safety, welfare, protection issues in SS I power Plant with the said period.

The Rule is returnable within 04 (four) weeks from date.

The petitioners are directed to put in requisites for service of notices upon the respondents in the usual course and through registered post within 72 hours.

Power filed by Mr. Mohammad Arshadur Rouf, the learned Advocate on behalf of the Respondent, the Managing Director SS Power Ltd. be kept on the record.

M. Enayetur Rahim

S. Rashed Jahangir

Typed by: Jahir: 24.05.2021

Read by: 24.05.21

Exam by: 24.05.21

Readied by: 24.05.21

10

24-05-21  
মোহাম্মদ মাহমুদুল হক  
প্রশাসনিক কর্মকর্তা

24-05-21  
মোঃ গোলাম মোস্তফা ভূঁইয়া  
সুপারিনটেনডেন্ট

প্রত্যায়িত অধিকার প্রতিলিপি  
সহকারী রেজিস্ট্রার  
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিজাপ  
(১৮৭২ ইং সনের ১নং আইনের)  
৭৬ খারামতে ককতাপ্রাণ