



**COMMITTEE AND OFFICE-BEARERS  
AS ON 31ST DECEMBER 2011**

**President**

Mr. Md. Fazlul Hoque

**Vice-President**

Mr. Ashfaque ur Rahman

**MEMBERS OF THE COMMITTEE  
(In alphabetical order)**

**Ordinary Members**

- |                               |                             |
|-------------------------------|-----------------------------|
| 01. Mr. M. Anis Ud Dowla      | 02. Mrs. Rupali Chowdhury   |
| 03. Mr. Salahuddin Kasem Khan | 04. Mr. Golam Mainuddin     |
| 05. Mr. Syed Nasim Manzur     | 06. Mr. Niaz Rahim          |
| 07. Mr. Kamran T. Rahman      | 08. Mr. Rajiv Prasad Shaha  |
| 09. Ms. Luna Shamsuddoha      | 10. Mrs. Sadaf Saaz Siddiqi |

**Group Members**

- |                               |                           |
|-------------------------------|---------------------------|
| 11. Mr. M. Shah Alam          | 12. Ms. Nahid Hasan       |
| 13. Mr. Najmul Huq            | 14. Ms. Ayesha Kabir      |
| 15. Mr. Muhammd Shams-uz Zoha | 16. Mr. A. H. Aslam Sunny |

**SECRETARY-GENERAL**

Mr. Farooq Ahmed



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**PROCEEDINGS  
OF  
THE FOURTEENTH ANNUAL GENERAL MEETING  
OF  
BANGLADESH EMPLOYERS' FEDERATION**

held in the Conference Hall of the "Chamber Building", 122-124, Motijheel CA, Dhaka 1000, on Monday, the 30<sup>th</sup> July, 2012, at 4:30 p.m.

Mr. Md. Fazlul Hoque, President of the Federation was in the Chair.

The following members of the Federation were present:

Sl. No	Name of the Member-Firm	Name and Designation of the Representative attending the meeting
01.	Abdul Monem Limited	Mr. A. S. M. Mainuddin Monem, Deputy Managing Director
02.	Abdul Monem Sugar Refinery Limited	Mr. A. S. M. Mainuddin Monem, Deputy Managing Director
03.	ACI Formulations Limited	Mr. Mohammad Shamim Ferdous, Senior H.R. Manager
04.	Advanced Chemical Industries Limited	Mr. Mohammad Shamim Ferdous, Senior H.R. Manager
05.	A. K. Khan & Co. Ltd.	Mr. Salahuddin Kasem Khan Managing Director
06.	American Life Insurance Company	Mr. Md. Nurul Islam, Regional Senior Vice President, South Asia (Bangladesh, Nepal and Pakistan)
07.	Apex Adelchi Footwear Limited	Mr. Syed Nasim Manzur, Managing Director
08.	Apex Tannery Limited	Mr. Syed Nasim Manzur, Managing Director
09.	Bangladeshiyo Cha Sangsad	Mr. M. Shah Alam, Vice Chairman
10.	Bangladesh Frozen Foods Exporters Association	Mr. S. Humayun Kabir, Director  Mr. Shaikh Sohel Pervez, Deputy Secretary



11.	Bangladesh Jute Mills Association	Mr. Najmul Huq, Chairman
12.	Bangladesh Jute Mills Corporation	Mr. Md. Golam Rabbani, Deputy General Manager (ER)
13.	Bangladesh Jute Spinners Association	Mr. Muhammad Shams-uz Zoha, Chairman
14.	Bangladesh Lamps Limited	Mr. Latifur Rahman, Chairman & Managing Director
15.	Bengal Glass Works Limited, The	Mr. Tahmid Ahmed, Director
16.	BRACNet Limited	Mr. Md. Munirul Hoque, ACS, Company Secretary
17.	British American Tobacco Bangladesh Company Limited	Mr. Golam Mainuddin Chairman
18.	Consumer Products Limited	Mr. Alamgir M.Z.Rahman, Managing Director
19.	Dohatec New Media	Ms. Luna Shamsuddoha, Chairman
20.	Duncan Products Limited	Mr. M. Shah Alam, Director
21.	Janata Jute Mills Limited	Mr. Najmul Huq, Managing Director
22.	Maritime Services Limited	Mr. Badrul Haider Miah, Controller of Accounts.
23.	Plummy Fashions Limited	Mr. Md. Fazlul Hoque, Managing Director
24.	Pragati Insurance Limited	Mr. M. Jalalul Azim, MBA, Managing Director & CEO
25.	Pubali Jute Mills Limited	Mr. Kamran T. Rahman Managing Director
26.	Rahimafrooz Batteries Ltd.	Mr. Niaz Rahim, Director
27.	Reliance Insurance Limited	Mr. Akhtar Ahmed, Managing Director & CEO
28.	R.R. Cold Storage Limited	Ms. Rokia Afzal Rahman, Chair & Managing Director.
29.	Sadat Jute Industries Limited	Mr. Najmul Huq, Chairman
30.	sanofi-aventis Bangladesh Limited	Ms. Sheifta Anwar, Director, Human Resources



- |                                    |  |
|------------------------------------|--|
| 31. Sidko Apparels Limited         | Mrs. Sadaf Saaz Siddiqi,<br>Director           |
| 32. Square Fashions Limited        | Mr. Anjan Kumar Paul,<br>General Manager, H.R. |
| 33. Square Pharmaceuticals Limited | Mr. Anjan Kumar Paul,<br>General Manager, H.R. |
| 34. Square Textiles Limited        | Mr. Anjan Kumar Paul,<br>General Manager, H.R. |
| 35. Square Toiletries Limited      | Mr. Anjan Kumar Paul,<br>General Manager, H.R. |
| 36. Technohaven Co. Ltd.           | Mr. Habibullah N. Karim<br>Managing Director   |
| 37. Transcom Limited               | Mr. Latifur Rahman,<br>Managing Director       |

There being a quorum, the Chairperson called the fourteenth Annual General Meeting (AGM) of the Federation to order, and in doing so, he welcomed the members present.

The Chairperson stated that the notice for the meeting giving the agenda and the requisite enclosures were circulated to all the members and requested that the notice be taken as read. There being no dissent the notice was taken as read.

The Chairperson then said that the Annual Report circulated with the notice for the AGM contained the report of activities of the Federation during the year ended on the 31<sup>st</sup> December, 2011. Some of the important developments, events, and activities which took place during the period, from the 1<sup>st</sup> January to the 29<sup>th</sup> July 2012, should be highlighted briefly before taking up the agenda for the meeting, he said.

The Chairperson then mentioned that the Federation remained constantly engaged with the Ministry of Labour and Employment on various issues including review of amendment proposals to the Bangladesh Labour Act 2006. The

Federation volunteered to host the Tripartite Consultative Council (TCC) meeting on the 9<sup>th</sup> February 2012, the first of its kind after the current government came to power. TCC discussed the 3 important issues (1) finalization of list of hazardous work for children, (2) Draft Labour Policy, 2010 and (3) amendment proposals to Bangladesh Labour Act, 2006. The first 2 items were finalized during the TCC meeting. However, the Labour Act issue still remained pending, the Chair informed. The Chair further said that the Federation received a draft copy of the amended version of the Labour Act 2006 during the TCC meeting. Thereafter, the Federation called for a preparatory meeting on the 22<sup>nd</sup> February 2012 inviting all major stakeholders including various Chamber leaders/Presidents. The Federation after a thorough consultation prepared comments on the draft amendment to the Bangladesh Labour Act 2006 and submitted the same to the Ministry of Labour and Employment on the 3<sup>rd</sup> May 2012 for consideration. The Ministry was yet to call for any meeting after having receipt of the Federation's comments. BEF continued to be in touch with the Ministry on this issue, the Chair informed.



*Mr. Md. Fazlul Hoque, President, BEF addressing the 14th Annual General Meeting held at BEF Conference Hall on the 30th July, 2012.*

Then the Chair stated that BEF aspires to facilitate the labor market efficiency, and regularly engages itself in a wide range of activities covering employment, labour, economic, social, and environmental issues. Having that in mind, the Federation with the support of ILO, conducted a strategic planning workshop on May 19-20, 2012. The purpose of the workshop was to identify Mission and Vision for the Federation in line with the varied activities and changing needs of the world of work. Then the Chair mentioned the BEF's newly identified Mission and Vision, which are as under:

## MISSION

- To protect and promote the legitimate rights, and represent the views of employers on Employment and related Socio Economic policy issues at national and international level.
- To facilitate Labour Market efficiency and skills development for enterprise sustainability and national economic growth.

## VISION

- "We will be the leader in ensuring harmonious Industrial Relations and productive employment for robust, sustainable socio economic development"

The Chairman further said that a few strategic goals were also identified, which were being pursued by the Secretariat to attain the objectives.

Next, the Chair mentioned that the Federation remained constantly engaged in resolving labor unrests in the country. As a BEF President, he was personally deeply involved in resolving the recent severe labour unrest in the RMG sector where all factories in Ashulia

area were closed in mid June 2012. BEF also organized a press briefing on that issue on the 20<sup>th</sup> June inviting representatives from all print and electronic media, the Chair informed. BEF had clarified during the press briefing the employers' position and the circumstances under which the situation deteriorated and went beyond control. The press briefing was widely covered and had positive contribution to resolve the issue. Finally the factories were opened on the 21<sup>st</sup> June, the Chair mentioned in his speech.

The Chairman then continued that the Federation had been involved in a number of projects assisted by ILO. The Federation have been continuously organizing series of workshops on gender equality, violence against women in the workplaces, skills development under TVET reform projects, and etc. The Federation was also seeking assistance from the some of the international development agencies and a few project-works were on the pipeline. Federation was also in the process of engaging with Dutch Employers Cooperation Programme (DECP) to seek necessary support on capacity building, and skills development. A 2-member DECP team was due to visit BEF in mid October to discuss possible cooperation in a longer term basis, the Chair mentioned.

Then the Chair mentioned that the Federation held regular meetings with the Minister, State Minister and the Secretary, Ministry of Labour and Employment. In one of the regular meetings, the President along with other senior members including representatives of major line associations (BGMEA & BKMEA) met the Labour Minister and gave the employers' views and concerns on Workers' Welfare Foundation Act 2006 which the government amended and approved during the Cabinet Meeting held on the 23<sup>rd</sup> January 2012. The Chair informed that the Minister assured the employers that he would take note of the concerns and instructed his Ministry officials to write to the Law Ministry about the same.

The Federation had continued to take the leading role on improving industrial relations situation particularly in the RMG sector. A new project called "Better Work Programme" is in its design phase where Federation has been deeply involved right from the beginning, the Chair mentioned.

Then the Chair added that the Federation had participated in a number of

study tours, workshops, seminars at national and international level. Besides, the Federation also received a good number of vacancies for its members' organizations to participate in various courses abroad. Every year, the Federation usually receive 5/6 course vacancies for the senior and mid-level managers from among the member-firms to receive various skills development training on contemporary management and technical issues from Japan.

Next, the Chair mentioned that the Federation continued to receive a good number of delegations from ILO during the period.

The Chair informed the members that BEF had launched its own website.

Then the Chair informed that a 3-member team from the Bangladesh Employers' Federation was included in the Bangladesh delegation to attend the 101<sup>st</sup> Session of the International Labour Conference (ILC), held in Geneva from the 30<sup>th</sup> May to the 15<sup>th</sup> June 2012. The



*A partial view of the members present in the 14th Annual General Meeting of the Federation on the 30th July, 2012.*



employers' delegation consisted of the Federation President, Mr. Kamran T. Rahman and the Secretary-General.

Finally, the Chair informed that the BEF Vice President Mr. Ashfaque ur Rahman resigned from the Committee as he sought voluntary retirement from his company Novartis (Bangladesh) Ltd. Therefore, the Committee unanimously elected Mr. Niaz Rahim Vice President of the Federation for the year 2012-2013.

With these words, the Chairperson took the agenda and moved the Resolution under Agenda No.1:

"That the Report of the proceedings of the Committee of the Federation for the period from the 1<sup>st</sup> January to 31<sup>st</sup> December 2011 be and is hereby passed and accepted."

Mr. Syed Nasim Manzur of Apex Adelchi Footwear Limited seconded the proposal and was passed unanimously.

At the request of the Chair, the Vice President, Mr. Niaz Rahim moved the Resolution No. 2:

"That the Income and Expenditure Accounts for the year ended on the 31<sup>st</sup> December 2011 and the Balance-Sheet as at that date, as audited and certified by the Federation's Auditors, be received and passed."

Mr. Kamran T. Rahman of Pubali Jute Mills Limited seconded the proposal which was passed and adopted without dissent.

Then at the request of the Chair, Mr. Niaz Rahim moved the Resolution No. 3:

"That Messrs. A. Qasem & Co., Chartered Accountants, be and are hereby appointed as the Federation's Auditors for the year 2012 at the remuneration of TK.30,000/-."

Mr. Golam Mainuddin of British American Tobacco Bangladesh Company Limited seconded proposal, which was passed and adopted without dissent.

The Chairperson then took up Agenda No. 4 relating to filling up of vacant seats and announced that there were only 3 (three) valid candidates against 4(four) vacant seats representing the Ordinary members and 1 (one) valid candidates against 2 (two) vacant seats representing Group members. Hence, election was not required.

Then the Chair continued that the Election Board declared the following persons (in alphabetical order) ipso facto elected to the Federation's Committee for the term, 2012-014 under Rule 12 of the Bangladesh Employers' Federation (Election of the Members of the Committee) Rules, 1998 (as amended in 2001 & 2005), subject to approval at this AGM:

## Ordinary Members

- |     |                          |   |
|-----|--------------------------|---|
| (1) | Mr. Tahmid Ahmed         | Director<br>The Bengal Glass Works Ltd.           |
| (2) | Mr. M. Jalalul Azim, MBA | Managing Director & CEO<br>Progati Insurance Ltd. |
| (3) | Ms. Nihad Kabir          | Director<br>Kedarpur Tea Company Ltd.             |

## Group Members

- |     |                      |   |
|-----|----------------------|---|
| (1) | Mr. S. Humayun Kabir | Director<br>Bangladesh Frozen Foods Exporters Association |
|-----|----------------------|---|



The following Ordinary members will retire from the Committee as they have completed their 2-year terms:

- (1) Mrs. Rupali Chowdhury
- (2) Mr. Salahuddin Kasem Khan
- (3) Mr. Rajiv Prasad Shaha
- (4) Ms. Luna Shamsuddoha

The Chairperson then announced the composition of the full Committee for 2012-2013:

- (1) Mr. M. Anis Ud Dowla
- (2) Mr. Syed Nasim Manzur
- (3) Mr. Golam Mainuddin
- (4) Mr. Tahmid Ahmed
- (5) Mr. Md. Fazlul Hoque
- (6) Mr. Kamran T. Rahman
- (7) Mr. Niaz Rahim
- (8) Mrs. Sadaf Saaz Siddiqi
- (9) Ms. Nihad Kabir
- (10) Mr. M. Jalalul Azim, MBA
- (11) Mr. S. Humayun Kabir
- (12) Mr. M. Shah Alam
- (13) Ms. Nahid Hasan
- (14) Mr. Najmul Huq
- (15) Mr. Mohammad Shams-uz-Zoha
- (16) Mr. A.H. Aslam Sunny
- (17) Ms. Ayesha Kabir

The Chairperson then formally moved the following resolution •

“That election of the 3 (three) Ordinary members, viz. (1) Mr. Tahmid Ahmed (2) Mr. M. Jalalul Azim, MBA (3) Ms. Nihad Kabir, and one Group member, viz. (1) Mr. S. Humayun Kabir to the Federation's Committee for the term, 2012-2014, as per the report of the Election Board, be confirmed. •

Mr. M. Shah Alam of Bangladeshiyo Cha Sangshad seconded the proposal which was passed unanimously.

The Chairperson, on behalf of all members of the Federation, thanked Mr. A.K.M. Rafiqul Islam, FCA, Chairman of the Election Board and Mr. Habibullah N. Karim and Mr. Adeeb H. Khan, FCA, Members of the Election Board for providing their valuable time in conducting this election.

At the same time, the Chair also expressed his gratitude to Mrs. Rokia Afzal Rahman, Chairman of the Appeal Board and Mr. M. Azizul Huq and Mr. Syed Tareque Md. Ali, Members of the Appeal Board for having agreed to serve on this Board.

The Chairperson concluded by expressing his thanks and appreciation to both the Vice-Presidents and all members of the Committee for their active support while discharging the responsibilities as the Federation President during the period. He then proposed a vote of thanks for the outgoing members of the Committee for their kind support in upholding employers • interest in local fora and at the international level. The success had been possible because all members of the Committee extended due cooperation and worked as a key team players, the Chair said. Without their support, solidarity, counsel and advice, it would have been difficult for the Federation to achieve what it did, he added.

Then the Chairperson thanked the Secretary-General and all the staff-members of the Federation for their sincere work and dedication to carry out the operations throughout the year.

Then the Chair welcomed the newly elected members, and the Vice-President; and expressed his hope that they, as well as the rest of the Committee members would continue to contribute to the fruitful deliberations of the Committee in the coming days.



Then Mr. Niaz Rahim, the newly elected Vice-President, on behalf of all members, offered a vote of thanks to the President, Mr. Md. Fazlul Hoque for his unstinted work which had been carried out throughout the year and his conscientious discharge of responsibilities and deep insight, guidance and support provided to the Committee and the work that had been

done on behalf of the Committee and the Federation. Mr. Rahim thanked all the other members for their contributions. Then he welcomed the newly elected members of the Committee and expressed hope that the new Committee would continue with equal zeal and commitment in the years to come.

Finally, the Chairperson thanked all present and closed the meeting at 5:30 p.m.

Md. Fazlul Hoque  
PRESIDENT

Farooq Ahmed  
SECRETARY-GENERAL



**BANGLADESH EMPLOYERS' FEDERATION (BEF)  
ANNUAL REPORT  
(JANUARY – DECEMBER 2011)**

The Committee of Bangladesh Employers' Federation has the pleasure of submitting to its members the following Annual Report for the year 2011.

During the period, from January to December, 2011, the Federation continued its efforts to uphold the interests of the employers at all levels. The Federation held several meetings with the Ministry of Labour and Employment on issues like industrial relations, the issues regarding wage, employment, and industrial relations in various industrial sectors, functional effectiveness of the Crises Management Core Committee, situation of the remittance inflow, skills development, and etc. The Federation regularly shared its views/opinions on growth, employment generation, social protection and social dialogue, productivity improvement, occupational safety and health, gender equality at workplace, social compliance, etc. with various national/international organizations including government. The Federation represented the employers in the Minimum Wage Board on regular basis and made skillful negotiations on fixation of minimum wages of concerned sectors which had been referred to the Board by the government. The Federation continued its effective contribution in negotiation of the amendment proposals for Bangladesh Labour Act, 2006.

On the international front, the Federation held meetings with the International Labour Organisation (ILO),

the International Organisation of Employers (IOE), the Confederation of Asia-Pacific Employers (CAPE) and Association for Overseas Technical Scholarships (AOTS) of Japan. In these meetings, the Federation projected the need for capacity building and technical assistance for rendering better services to their members, and for effective strategy formulation for the employers' organizations in the developing economies for facing the challenges of human resource development, particularly at the time when the world economy was slowing down and suffering from debt crisis. The Federation also underscored the need for rural employment creation, social protection and safety net for the more vulnerable groups of workers.

At the national level, the Federation actively took part on various consultation meetings of the National Skills Development Council (NSDC), formed to oversee the implementation of the National Skills Development Policy.

**1 PROPOSED AMENDMENTS TO  
THE BANGLADESH LABOUR ACT,  
2006**

The Government's initiative to amend the Bangladesh Labour Act, 2006 has been ongoing for the last few years. The Ministry of Labour and Employment constituted tripartite Committee and Working Group to undertake the work. The Federation regularly participated in the tripartite consultation meetings organized



*Engr. Khandaker Mosharraf Hossain, M.P., Hon'ble Minister for Labour and Employment address the 52 TCC Meeting held at BEF Conference Hall on 22nd February 2012*

by the Ministry of Labour and Employment on the amendment proposals on the Bangladesh Labour Act, 2006. A total of 387 proposals for amendments were received by the Ministry. The tripartite Working Group formed for reviewing the amendment proposals assigned with the initial responsibility to review the proposals had reviewed 123 proposals by 2011. The BEF Committee noted that out of these 123 amendment proposals, 72 could be considered as acceptable, 42 proposals were considered as unacceptable, and the proposals could be considered for negotiation.

## **2 FEDERATION'S COMMENTS ON THE PROPOSED AMENDMENTS OF THE WORKERS' WELFARE FUND ACT, 2006**

The Government was considering reviewing and amending The Workers' Welfare Foundation Act, 2006. The Ministry of Labour and Employment prepared a draft amendment and sent it to the Ministry of Commerce for their comments and views instead of sharing it with the appropriate stakeholders. In turn, the Ministry of Commerce forwarded the same to Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA). The Federation, after due deliberations and

analysis of the proposed amendments, was of the opinion that they were extremely detrimental to the interests of the employers and workers as well. The BEF Secretariat had circulated the draft amendments to member-firms, and many had raised concerns that workers of respective factories/companies would be loser if a portion of their participation fund would have to be deposited to welfare foundation fund which would be controlled by the Government. The workers preferred that the total amount should be distributed amongst them as it was their hard-earned share of company's profits. Accordingly, BEF took up the issue with the Ministry of Labour and Employment.

## **3 MEETINGS WITH MINISTERS/ EMPLOYERS/ WORKERS/ OTHER GOVERNMENT OFFICIALS**

During the period, the Federation held several meetings with the Minister for the Ministry of Labour and Employment, and the Ministry of Expatriates' Welfare and Overseas Employment, and with the Secretary, Ministry of Labour and Employment. The Federation highlighted different points and drew the Government's attention/intervention as and when required. Some of the key issues raised were as under:

- 1) Meeting of the Tripartite Consultative Council (TCC) should be held as early as possible; thereafter it should be held on regular basis, at least twice in a year.
- 2) Review of Bangladesh Labour Act 2006. BEF had submitted its proposal earlier, and reiterated that there must be prior consultation before finalizing the same.
- 3) Extension of Maternity Leave from 16 weeks to 6 months for public sector female workers. It must not be made for the private sector female workers.

- 4) Labour Policy 2010. Any policy/Act should be processed through the TCC.

#### 4 MEETING WITH THE HON'BLE MINISTER FOR LABOUR AND EMPLOYMENT

The newly elected President, Mr. Md. Fazlul Hoque led a delegation comprising of the newly elected office-bearers of the Federation to pay courtesy visits to the Hon'ble Minister for Labour



*A delegation from Bangladesh Employers' Federation (BEF) led by its President, Mr. Md. Fazlul Hoque met the Minister for Labour and Employment, Engr. Khandaker Mosharraf Hossain, M.P. at his office on Thursday, the 26th January, 2011.*

and Employment, Eng. Khandaker Mosharraf Hossain, M.P., and the State Minister for labour and Employment begum Munnujan Sufian, M.P., on the 9<sup>th</sup> August 2011 at their respective offices. The Ministers congratulated the new Committee. The delegation from the Federation discussed some of the issues related to importance of Bangladesh Employers' Federation, review of Bangladesh Labour Act 2006, responsibility of employers and workers' organizations for the development of healthy industrial relations and hosting of a Tripartite Consultative Council (TCC) meeting as soon as possible. The Ministers requested for necessary support and cooperation from the Federation, and assured cooperation from the Ministry.

#### 5 REVIEW OF THE LABOUR SITUATION

The Federation Committee regularly reviewed and prepared reports on the labour situation prevailing in the country, and appraised the members. The Federation also took note of a number of incidents including frequent strikes and agitations of workers that took place during the year, mostly in the garments sector. The Federation also discussed the progress of the Minimum Wage Board to determine the minimum wage in selected sectors, which had been referred to the Board.

#### 6 THE 100<sup>TH</sup> SESSION OF THE ILC: BEF'S PARTICIPATION

The 100<sup>th</sup> session of the International Labour Conference (ILC) was held in Geneva, Switzerland from from the 1st to 17th June 2011. Mr. Kamran T. Rahman, Former President and Mr. Farooq Ahmed, Secretary-General attended the Conference. President, Mrs. Rokia A. Rahman could not attend the Conference due to other pre-occupations.

BEF noted that the 100<sup>th</sup> Session of the ILC 2011 was important because the ILO had adopted a new Convention supplemented by a Recommendation on the Decent Work for Domestic Workers during the Conference.

The following items among others were included in agenda of the 100<sup>th</sup> Session of the ILC 2011:

- 1) Reports of the Chairperson of the Governing Body and of the Director-General;
- 2) Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work;



3) Information and reports on the application of Conventions and Recommendations;

4) Elaboration of social security instruments in light of the 2008 Declaration on Social Justice for a fair Globalization; and

5) Discussion on adoption of a comprehensive standard of Decent Work for Domestic Workers.

### **7 ELECTION OF THE ILO GOVERNING BODY AND THE IOE MANAGEMENT BOARD**

The Federation Committee noted with due appreciation that Mr. Kamran T. Rahman, Former President of BEF, had been elected the Deputy Member of the ILO Governing Body and as the Regional Vice-President of International Organization of Employers (IOE) for the Asia-Pacific Region, a prestigious issue for the Federation.

### **8 BEF'S PARTICIPATION IN THE GLOBAL DISABILITY NETWORK**

BEF Joined the ILO's Global Disability Network (GDN) IN 2011 with a view to support the mainstreaming effort for the persons with disability. The Committee noted that BEF's participation at the GDN would uphold its image and would offer greater opportunity for contributing to the social cause. The Federation plans for conducting some study as well as a number of activities in future to identify potential employability of persons with disability in Bangladesh and promote awareness amongst the employers about their high productivity.

Delegation from the BEF took part in a study tour in Sri Lanka, from the 18<sup>th</sup> to the 22<sup>nd</sup> July, 2011, with support from the ILO, to get a first-hand knowledge on inclusion of disabled persons in the workplace.

### **9 UPDATING THE CHARTER OF DUTIES FOR THE SUB-COMMITTEES**

The Federation Secretariat prepared a draft charter of duties for the Sub-Committees. The emerging and contemporary issues were included among those duties. The Committee discussed those at length, and the updated charter of duties for the Sub-Committees was approved.

### **10 DRAFT "POLICY GUIDELINES FOR EMPLOYERS ON GENDER EQUALITY"**

The Federation conducted a survey study to assess the current situation on gender equality practices at the workplace with the support from the International Labour Organization (ILO), and based on the key findings of that survey, drafted a policy named "Policy Guidelines for Employers on Gender Equality". The draft guideline addressed various issues like, equal treatment in terms of recruitment, remuneration, promotion, training, motivation, performance appraisal, maternity leave, strict measures against sexual harassment, flexi-timing for women etc., as possible means to promote gender equality at the workplace. A stakeholders' consultation meeting was organized to get further views on the draft policy guidelines, and the same was finalized for the approval of the ILO.

### **11 VISIT OF ILO MISSION TO BANGLADESH**

A 5-member ILO Mission led by Mr. Andy Salm, Senior Textile and Apparel Specialist, visited Bangladesh from the 8<sup>th</sup> to 13<sup>th</sup> February 2011 with a view to carrying out a feasibility study on introducing "Better Work Programme" in RMG sector. The Mission held a meeting with the members of Bangladesh Employers'

Federation (BEF), Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA). Specific activities under “Better Work Programme” in RMG sector would be developed later on the basis of the feasibility report conducted by this team.

## 12 BEF’S INITIATIVE TO PROMOTE THE “BETTER WORK PROGRAMME” OF THE ILO

BEF took the initiative to promote the “Better Work Programme” of the ILO, with a view to bringing the enterprises into better compliance with Bangladeshi labour law and the core international labour standards, and improving workplace cooperation in industrial relations, particularly in the RMG sector of Bangladesh.

As a part of capacity building effort, a delegation from the BEF took part in a study tour to gain first hand knowledge on Better Work Programme already in place in Vietnam during the 17<sup>th</sup> to 19<sup>th</sup> October, 2011.

## 13 MEETING WITH THE HON’BLE MINISTER FOR COMMERCE

A delegation of the Federation’s office-bearers, led by the BEF President



*A delegation from Bangladesh Employers’ Federation (BEF) led by its President, Mr. Md. Fazlul Hoque met the Minister for Commerce, Lt. Col. (Retd.) Muhammad. Faruk Khan, M.P., at his office on Sunday, the 13th November, 2011.*

Mr. Md. Fazlul Hoque called on the Hon’ble Minister for Commerce, Lt. Col. (Retd.) Muhammad. Faruk Khan, M.P., in his office on the 13<sup>th</sup> November 2011. The BEF President was accompanied by fellow Members of the Committee and senior staff of the Secretariat. The Minister was informed about BEF’s activities. Besides, BEF’s recent initiative on ILO’s Better Work Programme was also discussed in detail with the Minister.

The Minister appreciated the issues discussed and thanked the BEF delegation for addressing those concerns.

## 14 THE 8<sup>TH</sup> ILO/IOE/CAPE ASIA-PACIFIC HIGH-LEVEL EMPLOYERS CONFERENCE AND THE 15<sup>TH</sup> ASIA PACIFIC REGIONAL MEETING (APRM)

A delegation from the BEF participated at the 8<sup>th</sup> ILO/IOE/CAPE Asia-Pacific High-Level Employers Conference and the 15<sup>th</sup> Asia-Pacific Regional Meeting (APRM) of the International Labour Organization held in Kyoto, Japan on 4<sup>th</sup> – 7<sup>th</sup> December, 2011. The BEF delegation was led by the BEF President, Mr. Md. Fazlul Hoque, and comprised of Mr. Kamran T. Rahman, and Mrs. Sadaf Saaz Siddiqi, members of the BEF Committee, and Mr. Farooq Ahmed, the Secretary-General of the BEF.

The high-level meetings, among other issues, focused on sustainable enterprises, tax and fiscal issues, job creation and productivity improvement. There were four thematic discussions and BEF President was one of the panellists in the thematic discussion on “Productive employment, sustainable enterprise and skills”.



**I. MEMBERSHIP:**

*New Member:*

During the period, the following organizations joined the Federation as new members:

**Ordinary Members:**

Independent Television Ltd.

*Successor Member:*

During the period, the following member-firms had changed their names, and the successor companies were elected as successor members as follows:

<b>Previous Name</b>	<b>Successor Member</b>
BOC Bangladesh Limited	Linde Bangladesh Limited
BRAC BDMail Network Limited	BRACNET Limited
Dhaka Sheraton Hotel	Ruposhi Bangla Hotel

*Resignation:*

During the period, Unilever Bangladesh Limited, and K. Rahman & Co. resigned from the membership roll of the Federation.

**II. MANAGING COMMITTEE**

At the commencement of the year, i.e. on the 1st January, 2011, the managing Committee of the Federation comprised of the following:

**PRESIDENT**

Ms. Rokia Afzal Rahman  
Chair & Managing Director,  
R. R. Cold Storage Limited

**VICE-PRESIDENT**

Mr. Muhammad A. (Rumeel) Ali  
Chairman,  
BRAC Bank Limited

**MEMBERS OF THE COMMITTEE**

*Ordinary Members:*

- |     |                       |  |
|-----|-----------------------|--|
| 01. | Mr. Akhtar Ahmed      | Managing Director & CEO,<br>Reliance Insurance Limited |
| 02. | Mrs. Rupali Chowdhury | Managing Director,<br>Berger Paints Bangladesh Limited |



03. Mr. M. Azizul Huq  
Managing Director,  
GlaxoSmithKline Bangladesh Ltd.
04. Mr. Md. Nurul Islam  
Regional Senior Vice President,  
Middle East, Africa & South Asia-East,  
American Life Insurance Company
05. Mrs. Sabrina Islam  
Director,  
Osman Textiles Limited
06. Mr. Salahuddin Kasem Khan  
Managing Director,  
A.K. Khan & Co. Ltd.
07. Mr. A. S. M. Mainuddin Monem  
Deputy Managing Director,  
Abdul Monem Limited
08. Mrs. Rokeya Quader  
Chairperson,  
Desh Garments Limited
09. Mr. Rajiv Prasad Shaha  
Managing Director,  
Kumudini Welfare Trust of  
Bengal (BD) Limited
10. Ms. Luna Shamsuddoha  
Chairman,  
Dohatec New Media
- Group Member:**
11. Mr. Ahmed Hossain  
Chairman,  
Bangladesh Jute Spinners Association
12. Mr. Ardashir Kabir  
Vice-Chairman,  
Bangladeshiyo Cha Sangsad
13. Mrs. Sonia Bashir Kabir  
Director,  
Women Entrepreneurs' Association,  
Bangladesh
14. Dr. Muhammad Abdul Moyeen  
Director,  
Bangladesh Knitwear Manufacturers  
and Exporters Association
15. Mr. Kaihan N. Rahman  
Executive Committee Member ,  
Bangladesh Jute Mills Association
16. Mr. Khondoker Jamil Uddin  
Director,  
Bangladesh Garment Manufacturers  
and Exporters Association

SECRETARY-GENERAL  
Mr. Farooq Ahmed



The following members were to retire on the eve of the 13th A.G.M. due to completion of two-year term 2009-2011:

*From Ordinary Members*

- |     |                              |  |
|-----|------------------------------|--|
| (1) | Mr. Akhtar Ahmed             | Managing Director & CEO,<br>Reliance Insurance Ltd.  |
| (2) | Mr. Muhammad A. (Rumeel) Ali | Chairman,<br>BRAC Bank Ltd.  |
| (3) | Mr. M. Azizul Huq            | Managing Director,<br>GlaxoSmithKline Bangladesh Ltd.  |
| (4) | Mr. Md. Nurul Islam          | Regional Senior Vice-President,<br>Middle East, Africa & South Asia East,<br>American Life Insurance Co. |
| (5) | Mrs. Sabrina Islam           | Director,<br>Osman Textiles Limited  |
| (6) | Mr. A.S.M. Mainuddin Monem   | Deputy Managing Director,<br>Abdul Monem Ltd.  |
| (7) | Mrs. Rokeya Quader           | Chairperson,<br>Desh Garments Ltd.   |
| (8) | Ms. Rokia Afzal Rahman       | Chair & Managing Director,<br>R. R. Cold Storage Ltd.  |

The Committee further noted that all the 8(eight) persons mentioned above would retire on completion of their two-year term and would not be eligible to seek re-election for the next term (2 years). Their respective organizations would also not be eligible to nominate anyone else to seek election for the next term (2 years).

Election would thus be required for 8(eight) vacancies from the Ordinary members.

*From Group Members*

The Committee noted that the following Group members would retire at the 13<sup>th</sup> AGM:

- |     |                         |  |
|-----|-------------------------|--|
| (1) | Mr. Ahmed Hossain       | Chairman,<br>Bangladesh Jute Spinners Association            |
| (2) | Mr. Ardashir Kabir      | Vice-Chairman,<br>Bangladeshiyo Cha Sangsad                  |
| (3) | Mrs. Sonia Bashir Kabir | Director,<br>Women Entrepreneurs' Association,<br>Bangladesh |



- |     |                           |   |
|-----|---------------------------|---|
| (4) | Dr. Muhammad Abdul Moyeen | Director,<br>Bangladesh Knitwear Manufacturers<br>and Exporters Association |
| (5) | Mr. Kaihan N. Rahman      | Executive Committee Member,<br>Bangladesh Jute Mills Association            |
| (6) | Mr. Khondoker Jamil Uddin | Director,<br>Bangladesh Garment Manufacturers<br>and Exporters Association  |

The Committee noted that all the 6(six) persons mentioned above would retire on completion of their term (2 years) and would not be eligible to seek re-election for the next term (2 years) but their respective organisations would remain eligible to nominate any other candidate to contest the election.

Besides the above 6(six) vacancies arising from the retirement, two seats remained vacant in 2009-2010.

Hence election would be required for 8(eight) vacancies from the Group members.

The Committee finally noted that election would be needed for 16(sixteen) vacancies (eight vacancies from the Ordinary members and eight vacancies from the Group members).

The following members remained on the Committee as they were elected in the previous year for the 2010-2012 term:

*Ordinary Members*

- |     |                           |  |
|-----|---------------------------|--|
| 01. | Mrs. Rupali Chowdhury     | Managing Director,<br>Berger Paints Bangladesh Limited                 |
| 02. | Mr. Salahuddin Kasem Khan | Managing Director,<br>A.K. Khan & Co. Ltd.                             |
| 03. | Mr. Rajiv Prasad Saha     | Managing Director,<br>Kumudini Welfare Trust of<br>Bengal (BD) Limited |
| 04. | Mrs. Luna Shamsuddoha     | Chairman,<br>Dohatec New Media   |



The Management Committee of the Federation as in August 2011 (after the 13<sup>th</sup> AGM held on the 31<sup>st</sup> July, 2011) was as follows:

**PRESIDENT**

Mr. Md. Fazlul Hoque

**VICE-PRESIDENT**

Mr. Ashfaque ur Rahman

**COMMITTEE MEMBERS (In alphabetical order)**

- |      |                            |
|------|----------------------------|
| (1)  | Mr. Shah Alam              |
| (2)  | Ms. Rupali Chowdhury       |
| (3)  | Mr. Anis Ud Dowla          |
| (4)  | Ms. Nahid Hasan            |
| (5)  | Mr. Najmul Huq             |
| (6)  | Mrs. Ayesha Kabir          |
| (7)  | Mr. Salahuddin Kasem Khan  |
| (8)  | Mr. Golam Mainuddin        |
| (9)  | Mr. Syed Nasim Manzur      |
| (10) | Mr. Niaz Rahim             |
| (11) | Mr. Kamran T. Rahman       |
| (12) | Mr. Rajiv Prasad Shaha     |
| (13) | Mrs. Sadaaf Saaz Siddiqi   |
| (14) | Mrs. Luna Shamsuddoha      |
| (15) | Mr. A.H. Aslam Sunny       |
| (16) | Mr. Muhammad Shams-uz-Zoha |

**III. SUB-COMMITTEES**

As constituted by the Managing Committee, the following 13 (thirteen) Sub-Committees functioned during the term 2011-2012:

**1. FINANCE & MEMBERSHIP SUB-COMMITTEE**

- |    |                                   |  |
|----|-----------------------------------|--|
| 1. | Mr. Ashfaque ur Rahman (Chairman) | Novartis (Bangladesh) Ltd                                |
| 2. | Ms. Nahid Hasan                   | Bangladesh Garment Manufacturers & Exporters Association |
| 3. | Mr. Najmul Huq                    | Bangladesh Jute Mills Association                        |
| 4. | Mr. Md. Nurul Islam               | American Life Insurance Company                          |
| 5. | Mr. Ardashir Kabir                | Kedarpur Tea Company Ltd                                 |
| 6. | Ms. Ayesha Kabir                  | Women Entrepreneurs Association of Bangladesh            |



7. Mr. Niaz Rahim Rahimafrooz Batteries Limited
8. Mr. Kamran T. Rahman Pubali Jute Mills Limited

## 2. LABOUR RELATIONS SUB-COMMITTEE

1. Mr. Golam Mainuddin (Chairman) British American Tobacco Bangladesh Co. Ltd.
2. Mr. M. Shah Alam Bangladeshiyo Cha Sangsad
3. Mr. M. Anis Ud Dowla Advanced Chemical Industries Limited
4. Ms. Nahid Hasan Bangladesh Garment Manufacturers & Exporters Association
5. Mr. Syed Nasim Manzur Apex Adelchi Footwear Limited
6. Ms. Rokia A. Rahman R. R. Cold Storage Ltd.
7. Mr. A.K.M. Azizur Rahman Bangladesh Textile Mills Association
8. Mr. Kamran T. Rahman Pubali Jute Mills Limited
9. Mr. A.H. Aslam Sunny Bangladesh Knitwear Manufacturers & Exporters Association

## 3. LABOUR LAW SUB-COMMITTEE

1. Mrs. Rupali Chowdhury (Chairperson) Berger Paints Bangladesh Limited
2. Mr. M. Shah Alam Bangladeshiyo Cha Sangsad
3. Mr. M. Anis Ud Dowla Advanced Chemical Industries Limited
4. Ms. Nahid Hasan Bangladesh Garment Manufacturers & Exporters Association (BGMEA)
5. Mr. Shahadat Hossain Chowdhury (Arun) BGMEA
6. Mr. Najmul Huq Bangladesh Jute Mills Association
7. Mr. Salahuddin Kashem Khan A.K. Khan & Company Ltd
8. Mr. Golam Mainuddin British American Tobacco Bangladesh Co. Ltd.
9. Mr. Kamran T. Rahman Pubali Jute Mills Limited
10. Mr. Muhammad Shams-uz Zoha Bangladesh Jute Spinners Association
11. Mr. A.H. Aslam Sunny Bangladesh Knitwear Manufacturers & Exporters Association

## 4. LABOUR COURTS SUB-COMMITTEE

1. Mr. M. Shah Alam (Chairman) Bangladeshiyo Cha Sangsad
2. Ms. Nahid Hasan Bangladesh Garment Manufacturers & Exporters Association
3. Mr. Najmul Huq Bangladesh Jute Mills Association
4. Mr. Golam Mainuddin British American Tobacco Bangladesh Co. Ltd
5. Mr. Syed Nasim Manzur Apex Adelchi Footwear Limited
6. Mr. Niaz Rahim Rahimafrooz Batteries Limited
7. Mr. Kamran T Rahman Pubali Jute Mills Ltd
8. Mr. Muhammad Shams-uz Zoha Bangladesh Jute Spinners Association



9. Mr. A. H. Aslam Sunny Bangladesh Knitwear Manufacturers & Exporters Association

**5. SELECTION SUB-COMMITTEE**

- |                                    |  |
|------------------------------------|--|
| 1. Mr. Kamran T. Rahman (Chairman) | Pubali Jute Mills Ltd                      |
| 2. Mrs. Rupali Chowdhury           | Berger Paints Bangladesh Ltd               |
| 3. Mr. Md. Nurul Islam             | American Life Insurance Company            |
| 4. Mr. Ashfaqur Rahman             | Novartis (Bangladesh) Limited              |
| 5. Mr. Saria Sadique               | BASF Bangladesh Ltd                        |
| 6. Mr. Rajiv Prasad Shaha          | Kumudini Welfare Trust of Bengal (BD) Ltd. |
| 7. Ms. Luna Shamsuddoha            | Dohatec New Media                          |
| 8. Mrs. Sadaf Saaz Siddiqi         | Sidko Apparels Ltd                         |

**6. SEMINAR SUB-COMMITTEE**

- |                                      |  |
|--------------------------------------|--|
| 1. Mr. Rajiv Prasad Shaha (Chairman) | Kumudini Welfare Trust of Bengal (BD) Ltd. |
| 2. Mrs. Simeen Hossain               | Transcom Limited                           |
| 3. Mr. Najmul Huq                    | Bangladesh Jute Mills Association          |
| 4. Mr. Ardashir Kabir                | Satgaon Tea Estate                         |
| 5. Mr. Habibullah N. Karim           | Technohaven Company Limited                |
| 6. Mr. Salahuddin Kasem Khan         | A. K. Khan & Company Ltd                   |
| 7. Mr. A. S. M. Mainuddin Monem      | Abdul Monem Limited                        |
| 8. Mr. Kamran T. Rahman              | Pubali Jute Mills Ltd                      |
| 9. Mrs. Luna Shamsuddoha             | Dohatec new Media Ltd                      |

**7. WAGES CONSULTATIVE SUB-COMMITTEE (DHAKA REGION)**

- |                                    |   |
|------------------------------------|---|
| 1. Mr. A.H. Aslam Sunny (Chairman) | Bangladesh Knitwear Manufacturers & Exporters Association |
| 2. Mr. Akhter Matin Chaudhury      | Nuvista Pharma Limited                                    |
| 3. Mr. Mir Nasir Hossain           | Mir Ceramic Limited                                       |
| 4. Mr. Md. Nurul Islam             | American Life Insurance Company                           |
| 5. Mr. Syed S. Kaiser Kabir        | Renata Limited  |
| 6. Mrs. Laila Rahman Kabir         | Kedarpur Tea Company Limited                              |
| 7. Mr. Golam Mainuddin             | British American Tobacco Bangladesh Company Limited       |
| 8. Mr. A. S. M. Mainuddin Monem    | Abdul Monem Limited                                       |
| 9. Mr. A. M. Hamim Rahmatullah     | Singer Bangladesh Limited                                 |



10. Mr. Khondoker Jamil Uddin Bangladesh Garment Manufacturers & Exporters Association

#### 8. MINIMUM WAGES RELATED SUB-COMMITTEE

1. Ms. Nahid Hasan (Chairperson) Bangladesh Garment Manufacturers & Exporters Association
2. Mr. M. Shah Alam Bangladeshiyo Cha Sangsad
3. Mr. A. Matin Chowdhury Malek Spinning Mills Limited
4. Mr. Mohammad Hatem Bangladesh Knitwear Manufacturers & Exporters Association
5. Mr. Ahmed Hossain Bangladesh Jute Spinners Association
6. Mrs. Sabrina Islam Osman Textiles Limited
7. Ms. Rokia A. Rahman R.R. Cold Storage Ltd.
8. Mr. A.K.M. Azizur Rahman Bangladesh Textile Mills Association
9. Mr. Kaihan N. Rahman Bangladesh Jute Mills Association

#### 9. PUBLIC RELATIONS SUB-COMMITTEE

1. Mr. Syed Nasim Manzur Chairman) Apex Adelchi Footwear Ltd
2. Mr. Akhter Matin Chaudhury Nuvista Pharma Limited
3. Mr. M. Azizul Huq GlaxoSmithKline Bangladesh Ltd.
4. Mrs. Sabrina Islam Osman Textiles Limited
5. Mr. Ardashir Kabir Satgaon Tea Estate Ltd
6. Ms. Ayesha Kabir Women Entrepreneurs' Association, Bangladesh
7. Mr. A. S. M. Quasem Newage Garments Limited
8. Mr. A.K.M. Azizur Rahman Bangladesh Textile Mills Association

#### 10. SAFETY AND WORKING CONDITIONS SUB-COMMITTEE

1. Mr. Najmul Huq (Chairman) Bangladesh Jute Mills Association
2. Mr. Faizun Nabi Chowdhury Bangladesh Garment Manufacturers & Exporters Association
3. Mr. Habibullah N. Karim Technohaven Company Limited
4. Mrs. Laila Rahman Kabir Kedarpur Tea Company Limited
5. Mr. Golam Mainudidn British American Tobacco Bangladesh Co. Ltd.
6. Mr. Syed Nasim Manzur Apex Adelchi Footwear Limited
7. Mrs. Rokeya Quader Desh Garments Limited



- |                    |                                   |
|--------------------|-----------------------------------|
| 8. Mr. Feroz Rahim | Rahimafrooz Batteries Limited     |
| 9. Products Ltd.   | Mr. Alamgir M. Z. Rahman Consumer |

**11. TRAINING AND HUMAN RESOURCE DEVELOPMENT SUB-COMMITTEE**

- |   |                                      |
|---|--------------------------------------|
| 1. Mr. Salahuddin Kasem Khan (Chairman) | A.K. Khan & Co. Ltd.                 |
| 2. Mr. Anjan Chowdhury                  | Square Toiletries Limited            |
| 3. Mr. A. Matin Chowdhury               | Malek Spinning Mills Limited         |
| 4. Mr. Iftekharul Islam                 | sanofi-aventis Bangladesh Limited    |
| 5. Mrs. Sabrina Islam                   | Osman Textiles Limited               |
| 6. Mr. M. Salman Ispahani               | Bangladeshiyo Cha Sangsad            |
| 7. Mr. Kaihan N. Rahman                 | Pubali Jute Mills Ltd                |
| 8. Mrs. Rokeya Quader                   | Desh Garments Limited                |
| 9. Mr. Muhammad Shams-uz Zoha           | Bangladesh Jute Spinners Association |

**12. WOMEN IN DEVELOPMENT SUB-COMMITTEE**

- |                                       |  |
|---------------------------------------|--|
| 1. Ms. Luna Shamsuddoha (Chairperson) | Dohatec New Media                            |
| 2. Mrs. Simeen Hossain                | Transcom Limited                             |
| 3. Mrs. Sabrina Islam                 | Osman Textiles Limited                       |
| 4. Ms. Ayesha Kabir                   | Women Entrepreneurs' Association, Bangladesh |
| 5. Ms. Tahniyat A. Karim              | BRAC Bank Ltd.                               |
| 6. Ms. Rokeya Quader                  | Desh Garments Limited                        |
| 7. Mrs. Zeenat Rahim                  | Rahimafrooz Batteries Limited                |
| 8. Mr. Kamran T. Rahman               | Pubali Jute Mills Limited                    |

**13. SOCIAL DEVELOPMENT SUB-COMMITTEE (DECENT WORK FOLLOW-UP AND ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK AND ITS FOLLOW-UP)**

- |  |  |
|--|--|
| 1. Mrs. Sadaf Saaz Siddiqi (Chairperson) | Sidko Apparels Ltd                                       |
| 2. Mr. Ahsan Khan Chowdhury              | Property Development Limited                             |
| 3. Mr. A. Matin Chowdhury                | Malek Spinning Mills Limited                             |
| 4. Ms. Ayesha Kabir                      | Women Entrepreneurs' Association, Bangladesh             |
| 5. Mr. Shafiul Islam Mohiuddin           | Bangladesh Garment Manufacturers & Exporters Association |
| 6. Mrs. Rokeya Quader                    | Desh Garments Limited                                    |
| 7. Mr. Ashfaqur Rahman                   | Novartis (Bangladesh) Limited                            |
| 8. Mr. A.K.M. Azizur Rahman              | Bangladesh Textile Mills Association                     |
| 9. Mr. Alamgir M. Z. Rahman              | Consumer Products Limited                                |

**YEARLY REPORT ON THE ACTIVITIES OF THE FEDERATION  
FOR THE PERIOD FROM THE 1ST JANUARY TO THE 31ST DECEMBER, 2011**

**A. Participation in AOTS / ITC-ILO / other International Organisation's Training Programs:**

The Federation nominated a number of participants to different training programs conducted by The Association for Overseas Technical Scholarship (AOTS) and other international organisations. The list is as follows:

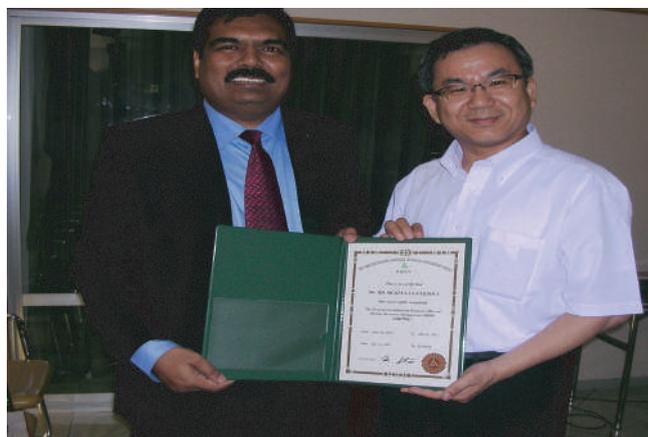
Sl.	Name of Participant	Designation & Name of the Firm	Training Program	Place & Duration
1.	Mr. Shawkat Sadek	Manager (Personnel & Administration) Pahartali Textile & Hosiery Mills	AOTS Programme on "Role of Executives for Better Industrial Relations in Global Era (ERGE)"	12 January - 1 February, 2011 Yokohama, Japan
2.	Mrs. Sonia Bashir Kabir	Member of the Committee Bangladesh Employers' Federation	AOTS joint study workshop on "Asian EOs' Responses to the International Standards and Human Resource Development for Sustainable Growth of Enterprises" and "bilateral consultation meeting"	19 - 21 January, 2011 Thailand
3.	Mr. Mohammad Shamim Ferdous	Human Resources Manager ACI Limited	AOTS "Trainers' Training Course on Management Training Programme (MTP) - (ERMI)"	8 - 24 June 2011 Osaka, Japan
4.	Mr. Md. Mehruz - Ul - Ferdous	Head of Human Resources Singer Bangladesh Limited	AOTS Programme on "Industrial Relations (IR) and Human Resource Management (HRM) - [ERPM-1]"	9 - 27 July 2011 Osaka, Japan
5.	Mr. Md. Zamiul Ahmed	Chairman Tourism Developers Association of Bangladesh (TDAB)	"Experts Validation Workshop :Toolkit on Tourism and Poverty	29 - 31 August 2011 Turin, Italy
6.	Mr. Zakir Hossain	Deputy Manager - EHS Beximco Pharmaceuticals Limited	AOTS Programme on "Occupational Safety and Health Management and Work Environment Improvement (ERWM)"	29 August - 9 September, 2011 Osaka, Japan

Sl.	Name of Participant	Designation & Name of the Firm	Training Program	Place & Duration
7.	Mr. Khaled Shafiq	Manager - Administration & HR Karnaphuli Fertilizer Company Limited (KAFCO)	AOTS Programme on 'Industrial Relations (IR) and Human Resource Management (HRM) - [ERPM-2]"	12 - 25 October 2011 Tokyo, Japan
8.	Mr. Md. Mominul Ahsan	Head of Human Resource Apex Adelchi Footwear Ltd.	AOTS "Refresher Seminar for Former Participants [ERLX]"	16 - 22 November 2011 Tokyo, Japan



Mr. Shawkat Sadek, Manager (Personnel & Administration), Pahartali Textile & Hosiery Mills participated the AOTS Programme on "Role of Executives for Better Industrial Relations in Global Era (ERGE) held at Yokohama, Japan during the 12th January to 1st February, 2011.

Mr. Mohammad Shamim Ferdous, Human Resources Manager, Advanced Chemical Industries Limited attended the AOTS's Training Course on Management Training Programme (MTR) - (ERMI) held at Osaka, Japan from 8th to 24th June, 2011



Mr. Md. Mehfuz-Ul-Ferdous, Head of Human Resources, Singer Bangladesh Limited participated the AOTS Programme on Industrial Relations (IR) and Human Resource Management (HRM) - [ERPM-1] held at Osaka, Japan during the 9th to 27th July 2011.



Mr. Md. Zamiul Ahmed, Chairman, Tourism Developers Association of Bangladesh (TDAB) participated the Experts Validation Workshop : Toolkit on Tourism and Poverty held at Turin, Italy during the 29th to 31st August 2011.

Mr. Zakir Hossain, Deputy Manager - EHS of Beximco Pharmaceuticals Limited attended the AOTS's Programme on Occupational Safety and Health Management and Work Environment Improvement (ERWM) held at Osaka, Japan from 29th August to 9th September, 2011



Mr. Md. Mominul Ahsan, Head of Human Resources, Apex Adelchi Footwear Limited participated the AOTS's Programme Refresher Seminar for Former Participants (ERLX) held at Tokyo, Japan from 16th to 22 November, 2011



## **B. Bangladesh Employers' Federation's Participation in Seminars / Workshops / Symposiums and other National / International Affairs:**

### **(1) Participation in Local Seminars/ Workshops/ Symposiums:**

The Federation participated in various seminars/workshops/symposiums organized by various ministries, national / international organizations, think tanks and development partners. The major events where the Federation's nominee participated were:

- (i) "Launching Ceremony of On-Line Compensation Information Services (CIS)" organized by Pro-Edge Associates on the 8th February 2011 at the BICC Media Bazaar Hall, Dhaka.
- (ii) "Consultation Workshop on Promoting Gender Equality and Preventing Violence against Women at Workplace" organized by the Ministry of Labour and Employment on the 9th February 2011 at BIAM Foundation Auditorium, Dhaka.
- (iii) "Training program on Assessing the Effects of Trade on Employment: an Introduction to Social Accounting Matrix and Multiplier Analysis" organized by the ILO during the 13th - 17th February 2011 at BRAC Centre Inn, Mohakhali, Dhaka.
- (iv) "Signing Ceremony for Cooperation Agreement with CRP and TVET Component 5", organized by the ILO at the ILO Conference Room on the 26th April 2011.
- (v) "National Workshop on Occupational Health and Safety at Workplaces: Challenges and Way Forward" organized by the OSHE Foundation on the 28th April 2011 at National Press Club, VIP Lounge, Dhaka.
- (vi) "Workshop on Diagnostic Tool on Freedom of Association and Collective Bargaining in the Bangladesh RMG Sector" organized by the ILO on the 11th May 2011 at BIAM Foundation, Dhaka.
- (vii) "Pilot Training on RMG Sewing Machine Operator Course" organized by the ILO TVET Reform Project on the 13th July 2011 at CRP, Ganakbari, Savar.
- (viii) "Tripartite National Conference on Green Jobs: Way Forward" organized by the ILO on the 18th September 2011, at Ruposhi Bangla Hotel, Dhaka.
- (ix) "Technical Workshop on Study on Estimating Green Jobs in Bangladesh 2010" organized by the ILO on the 19th September 2011 at the ILO Conference Room, Dhaka.
- (x) "High Level National Conference on Social Dialogue in the Ready Made Garment Sector (RMG) in Bangladesh" organized by the ILO Dhaka on the 28th - 29th September 2011 at Hotel Purbani International Ltd.
- (xi) "Dissemination Workshop on Baseline Survey to Know the Extent and Severity of Violence against Women in Selected Sectors" organized by the ILO Project for Promoting Gender Equality and Preventing Violence against Women at Workplace held at the CIRDAP Auditorium, Dhaka on the 23rd November 2011.
- (xii) "Skills Data Working Group" meeting

organized by the ILO TVET Reform project held at the DTE Conference Room, Agargaon, Dhaka on the 30th November 2011.

- (xiii) "Tripartite Technical Consultation Workshop on DWCP 2011 - 2015" organized by the ILO Dhaka on the 13th December at Ruposhi Bangla Hotel.

**(2) Bangladesh Employers' Federation's representations at various International Seminars / Workshops / Conferences:**

During the year 2011, representatives of the Federation participated in the following international seminars/workshops/ conferences:

- (i) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the ILO/SKILLS-AP/Japan Regional Workshop and Study Program on Addressing Skills Mismatch through Public Private Partnerships (PPPs)" held in Tokyo, Japan, during the 14th - 18th February 2011.
- (ii) Mr. Santosh Kumar Dutta, Joint Secretary, Bangladesh Employers' Federation attended the ILO "Regional Conference on Promoting Inclusive Vocational Education and Training in the Asian Region" held in Bangkok, Thailand during the 29th - 31st March 2011.
- (iii) Mr. Farooq Ahmed, Secretary-General,



Bangladesh Employers' Federation, and Mr. Santosh Kumar Dutta, Joint Secretary, Bangladesh Employers' Federation participated in the ILO Study Tour on "Employers' Organizations and Disability Inclusion" held in Sri Lanka during the 18th - 22nd July 2011.

- (iv) Mr. Absal Shaquib Quoreshi, Secretary, Bangladesh Employers' Federation attended the ILO Capacity Building Program Working with the United Nations: Workers and Employers Contribution to Achieving Decent Work in a Changing Regional Environment" held in Colombo, Sri Lanka during the 20th - 21st October 2011
- (v) Mr. M. Anis Ud Dowla, Chairman, Advanced Chemical Industries Limited attended the ILO's "Tripartite Meeting on Promoting Social Dialogue on Restructuring and its Effects on Employment in the Chemical and Pharmaceutical Industries" held in Geneva during the 24th - 27th October 2011.
- (vi) Mr. Md. Fazlul Hoque, President, Bangladesh Employers' Federation and Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the 8th High-Level Asia-Pacific Employers Conference held in Kyoto, Japan on the 3rd December 2011.

**C. Joint Programs of Bangladesh Employers' Federation (BEF) and other International Organizations:**

BEF undertook a number of joint programs with International Labour Organizations (ILO), National Forum of Organizations Working with the Disabled (NFOWD), and The Association for Overseas



Technical Scholarship (AOTS). These joint programs are briefly described as follows:

**(1) BEF - ILO Training / Workshop on "Promoting Gender Equality and Preventing Violence against Women at Workplace"**

As one of the implementing partners, BEF organized and facilitated training sessions on promoting gender equality and preventing violence against women at the work place.

The Training Programs were formally launched by Mr. Shafique Alam Mehdi, Secretary, Ministry of Labour and Employment, Government of Bangladesh, on the 24th May 2011. Ms. Rokia Afzal Rahman, President, Bangladesh Employers Federation (BEF) chaired the program. Mr. Gagan Rajbhandari, Deputy Director, ILO Country Office for Bangladesh was also present and spoke at the launching ceremony. Mr. Farooq Ahmed, Secretary-General, BEF explained the rationale of the training on promoting gender equality and preventing Violence against Women (VAW) at the workplace, and thanked the ILO for supporting such a program.

The specific objectives of the training events for the employers, managers and supervisors, workers were to:

- Increase understanding and capacity of managers and supervisors, i.e., representing the employers' at the workplace, with knowledge on basics/facts of promoting gender equality and prevent VAW at workplace. \*Relate and reflect on stigma and discrimination issues especially at the workplace.
- Attain a better understanding of the participants about their rights and responsibilities/roles in regards to managing promotes gender equality and prevent VAW at workplace.

- Increase the knowledge of the participants on workplace programs to promote gender equality and prevent VAW at workplace.
- Provide managers and supervisors with knowledge and information on how to develop workplace policies and programs to promote gender equality and prevent VAW at workplace.

A total of 24 training events were organized by the BEF during the period from the 24th May 2011 to the 8th December 2011. There were 4 central/regional training events each in Dhaka, Sylhet, Khulna and Chittagong, participated by employers and managers of various enterprises engaged in different industrial sectors. The rest 20 training programs were organized for managers, supervisors and workers at the enterprise levels at the factory premises of different companies in the industrial belt around Dhaka. There were altogether 609 participants attended the training/workshop sessions. Every effort was made to ensure the maximum number of female participation among the trainees. Out of the 609 participants, 263 were female, and the rest 346 were males.

Each training event started with an opening session. Invited guests, BEF representatives, National Project Officer of the ILO, and the senior staff member of the respective organization spoke in the opening sessions. After the opening session, a formal introduction of all the participants and facilitators were made in each training event. This exercise helped as the icebreaker and created an atmosphere for easy interaction between the resource persons and the participants. The resource persons provided some general introductions and then introduced the training objectives.

All the Training facilitators were members of the Dhaka Ahsania Mission (DAM), Training and Material Development Division. Each of the training

## PICTORIAL

### Training events in four Divisional Cities



*Partial view of the training session held in Dhaka on the 24th May, 2011.*



*Partial view of the training session held in Sylhet on the 3rd November, 2011.*



*Snapshot of the training session held in Khulna on the 1st December, 2011.*



*Partial view of the training session held in Chittagong on the 8th December, 2011.*

## PICTORIAL Training events at the Enterprise Level



Partial view of the training session held at PRAN Agro Limited, Natore on the 12th September, 2011.



View for the group discussion of the training session held at Beximco Pharmaceuticals Ltd., Tongi on the 27th July, 2011.



Scene from the group work during the training session held at Blue Ocean Footwear Ltd., Shafipur on the 20th September, 2011



Snapshot of the training session held at Apex Adelchi Footwear Ltd., Shafipur on the 14th September, 2011.



Partial view of the training session held at the sanofi-aventis Bangladesh Ltd., Unit-2, Tongi on the 24th September 2011.



Patial view of the group work during the training session held at Apex Tannery Ltd., Shafipur on the 27th September 2011.



Partial view of the training session held at the Madina Footwear Ltd., Shafipur on the 11th October, 2011.



Partial view of the introductory session during the training programme held at the ACI Formulations Ltd., Rajabari, Gazipur on the 22nd October, 2011.



Participants of the training session held at Beximco Infusions Ltd., Tongi on the 26th October, 2011.



Scene from the training session held at Apex Tannery Ltd., Unit-2, Shafipur on the 29th November, 2011.



Snapshot of the training session held at the Novartis Bangladesh Ltd., Tongi on the 5th December, 2011.



Snapshot of the group work presentation during a training programme.

event lasted for one full day. The training followed participatory (small group discussion, role play, audio-visual, case study, etc.) and experiential training methodologies. The training followed a structured plan, which was developed at the curriculum-designing phase of the course by the experts of ILO and DAM, and approved by the ILO. All the topics reflected in the schedule had been discussed and exercised by the participants. The training events at different locations started in the morning, usually around 09:30 a.m. or 10:00 a.m. and then the training session moved on to actual activities as per the training schedule. The sessions continued till afternoon, usually till 4:00 or 4:30 p.m. with lunch and prayer breaks.

At the central and enterprise level training events, the working sessions came to an end followed by a closing statement by the representative of BEF and the National project Officer of the ILO. In the concluding remarks the BEF representative encouraged the participants to apply their learning and experiences obtained from this training in their work place. Finally the closing of the training was announced with vote of thanks to the participants. The participants also expressed their enthusiasm and affirmation to disseminate the knowledge learned among the colleagues and workers they supervise.

## (2) BEF - NFOWD Workshop on "Training and Employment for Persons with



## *disabilities: Present Situation and Future Plan of Actions"*

Bangladesh Employers' Federation (BEF) jointly with the National Forum of Organizations Working with the Disabled (NFOWD)/ (National Disability Forum) organized a workshop on "Training and Employment for Persons with disabilities: Present Situation and Future Plan of Actions" in Dhaka at the BEF Conference Hall on the 30th July 2011.

A total of 58 (fifty eight) participants attended the program including 11 (eleven) visually impaired persons, 9 (nine) hearing impaired persons, and 9 (nine) otherwise physically impaired persons, and representatives of the employers and civil society.

In the inaugural ceremony was chaired by Mr. Khondoker Jahurul Alam, President, National Disability Forum/ NFOWD, and Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation (BEF) delivered the address of welcome. Mr. Shafique Alam Mehdi, Secretary, Ministry of Labour and Employment, Government of the People's Republic of Bangladesh inaugurated the workshop as the Chief Guest. Mr. Srinivas Reddy, Skills Training Advisor, TVET Reform Project, ILO Office in Dhaka and Major Md. Yead Ali Fakir (retired), President, National Association of Sports for the Persons with Disability (NASPD) were the Special Guests. Mr. Jowaherul Islam Mamun, Secretary-General, NFOWD moderated the inaugural ceremony.

Mr. Md. Zahidul Kabir, Coordinator, National Disability Forum/NFOWD, presented the keynote paper in the workshop. Mrs. Nazrana Yasmin Hira, Program Manager, Manuser Jonno

Mr. Farooq Ahmed, Secretary General, Bangladesh Employers Federation in his concluding remark stated that as disability would always remain in society with the entire social stigma attached to it, the question of employment of disabled persons was very important. He mentioned that Bangladesh Employers' Federation was aware and committed and considered strong advocacy for the members on the issue. Accordingly, employers should be motivated to employ persons with disabilities, he added.

**(3) BEF/AOTS Workshop on "Occupational Safety and Health (OSH)"**

Bangladesh Employers' Federation (BEF) in collaboration with The Association for Overseas Technical Scholarship (AOTS) of Japan, organized 2-day long training workshops on "Occupational Safety and Health (OSH)" in Dhaka and Chittagong for



the junior managers, mid-level managers/promising officials /executives, and persons responsible for OSH management at their work places.

- (1) The first training workshop was held in the BEF Conference Hall at the "Chamber Building" (4th floor), 122-124 Motijheel C. A., Dhaka during the 20th -21st November 2011.
- (2) The second training workshop was held at the Agrabad Hotel, Chittagong during

the 23rd - 24th November 2011.

The objectives of this program were to provide opportunities to the participants to develop their knowledge of occupational safety and health (OSH) management. More specifically, the program aimed to enable participants to (i) understand trends in managing OSH in companies, (ii) find solutions of issues concerning OSH management by applying concepts and methodology gaining through lectures, workshops, company visits and discussions, and (iii) enhance their capabilities to optimally utilize OSH management at their companies/ organizations observing the best practices.

The training workshops on OSH were conducted through lecture sessions, experience sharing, plant visits and exercises.

The contents of the workshop included:

- International trends in occupational safety and health;
- Occupational safety and health management systems - experiences in Japan and Asia;
- Effective ways of workplace improvement - (i) materials handling, (ii) workstation design, (iii) team work environment;
- Laws and practices in occupational safety and health in Bangladesh;
- Implementation of cost-effective improvements for better safety and health management;
- Factory visit, and
- Miscellaneous related issues.

The training workshops were conducted by the AOTS resource person Dr.



Ippei Mori, General Manager of Research Division, the Institute of Science for Labour, Japan, who had years of experience as an OSH expert on Japanese industrial workload and ergonomics. He also worked

as Chief Researcher of National Institute of Occupational Safety and Health, Japan.

Besides, local resource person Mr. Md. Mahbubul Alam, Head of Learning and Development, BRAC Bank Limited conducted sessions on the prevailing laws of the Government and practices in occupational safety and health in Bangladesh.

The training workshop were designed for the junior managers, mid-level managers / promising officials, particularly persons responsible for OSH management at their work places and who were willing to play a key role for the dissemination of knowledge in the field of OSH management

#### D. Representative on various Committee /Bodies:

During the year under review, the Federation was represented on the following Committees / Bodies:

1. Executive Committee of International Organisation of Employers, Geneva : Mr. Md. Fazlul Hoque, President  
Substitute: Mr. Farooq Ahmed, Secretary-General
2. Governing Body of Bangladesh Institute of Management : Mr. Md. Fazlul Hoque, President.
3. Bangladesh Technical Education Board : Mr. Kazi Saifuddin Ahmed, Labour Adviser
4. Bangladesh Minimum Wages Board : Mr. Kazi Saifuddin Ahmed, Labour Adviser
5. Tripartite Consultative Council (TCC) on Labour Matters of the Ministry of Labour and Employment : (1) Mr. Md. Fazlul Hoque, President.  
(2) Mr. Ashfaqur Rahman, Vice-President.  
(3) Mr. Farooq Ahmed, Secretary-General.  
(4) The Chairman, Bangladesh Jute Mills Corporation  
(5) The Chairman, Bangladeshiyo Cha Sangsad



- (6) The Chairman,  
Bangladesh Jute Spinners Association
  - (7) The Chairman,  
Bangladesh Jute Mills Association.
  - (8) The President,  
Bangladesh Garment Manufacturers  
and Exporters Association.
  - (9) The President,  
Bangladesh Knitwear Manufacturers  
and Exporters Association.
  - (10) The President,  
Bangladesh Aushad Shilpa Samity.
  - (11) The President,  
Bangladesh Textile Mills Association.
  - (12) Mrs. Sadaf Saaz Siddiqi,  
Director,  
Sidko Apparels Limited
  - (13) Mr. M. Anis Ud Dowla,  
Chairman,  
Advanced Chemical Industries Ltd.
  - (14) Mr. Golam Mainuddin,  
Chairman,  
British American Tobacco Bangladesh  
Co. Ltd.
  - (15) Mr. Niaz Rahim,  
Director,  
Rahimafrooz Batteries Limited.
  - (16) Mrs. Rupali Chowdhury,  
Managing Director,  
Berger Paints Bangladesh Ltd.,
  - (17) Mr. Kamran T. Rahman,  
Managing Director,  
Pubali Jute Mills Ltd.
  - (18) Mr. Syed Nasim Manzur,  
Managing Director,  
Apex Adelchi Footwear Limited.
  - (19) Mr. Salahuddin Kasem Khan,  
Managing Director,  
A.K. Khan & Company Limited.
  - (20) Mr. Kazi Saifuddin Ahmed,  
Labour Adviser, BEF.
6. Bangladesh University of Engineering & Technology (BUET) : Mr. A.S.M. Quasem.  
Chairman  
Newage Garments





Additionally, the Federation nominated representatives on various Committees/ Board of Directors/Working Groups formed by the Ministry of Labour and Employment as under:

**a. National Council for Industrial Health and Safety:**

- |                            |                               |
|----------------------------|-------------------------------|
| (1) Ms. Rokia Afzal Rahman | (5) Dr. Muhammad Abdul Moyeen |
| (2) Mr. Kamran T. Rahman   | (6) Mr. Farooq Ahmed          |
| (3) Mrs. Sabrina Islam     | (7) Mr. Kazi Saifuddin Ahmed  |
| (4) Mr. Kaihan N. Rahman   |                               |

**b. Board of Directors - Bangladesh Shramik Kalyan Foundation:**

- |                            |                              |
|----------------------------|------------------------------|
| (1) Ms. Rokia Afzal Rahman | (4) Mr. Farooq Ahmed         |
| (2) Mr. Kamran T. Rahman   | (5) Mr. Kazi Saifuddin Ahmed |
| (3) Ms. Perveen Rasheed    |                              |

**c. Tripartite Review Committee for amendment of Bangladesh Labour Act 2006:**

- |                                |                                |
|--------------------------------|--------------------------------|
| (1) Ms. Rokia Afzal Rahman     | (7) Mr. Md. Nurul Islam        |
| (2) Mr. M. Anis Ud Dowla       | (8) Mrs. Sabrina Islam         |
| (3) Mr. Kamran T. Rahman       | (9) Mr. Ahmed Hossain          |
| (4) Mrs. Laila Rahman Kabir    | (10) Mr. Khondoker Jamil Uddin |
| (5) Mr. M.A. Baset             | (11) Mr. Farooq Ahmed          |
| (6) Mr. Akhter Matin Chaudhury | (12) Mr. Kazi Saifuddin Ahmed  |

**d. Tripartite Working Group for amendment of Bangladesh Labour Act 2006**

- |                          |                          |
|--------------------------|--------------------------|
| (1) Mr. M. Anis Ud Dowla | (4) Mr. Riaz Bin Mahmood |
| (2) Mr. Kamran T. Rahman | (5) Mr. Farooq Ahmed     |
| (3) Mr. M.A. Baset       |                          |

**E. Representatives on the Labour Courts:**

At the request of the Ministry of Labour & Employment, Government of Bangladesh, the Federation proposed the names of employers' representatives for appointment as the panel of members for the seven Labour Courts in the country. The Government appointed following persons vide S. R. O No. 94-AIN/2011 dated the 19th April 2011:

**First Labour Court, Dhaka**

Mr. Md. Tofazzal Hossain  
 Mr. Md. Fazlul Hoque  
 Mr. Md. Rafiqul Islam  
 Mr. Md. Monirul Islam  
 Mr. A. K. M. Firoz Alam  
 Mr. Mohammad Serajul Islam

**Second Labour Court, Dhaka**

Mr. Md. Abdul Mannan  
 Mr. Nur Mohammed



Mr. Md. Shahidul Haque  
Mr. J. H. Shahedee  
Mr. Abdus Salam  
Mr. Kamal Sarker

**Third Labour Court, Dhaka**

Mr. M. A. Wahab  
Mr. Mustafa Abdud Dayan  
Mr. Narayan Chandra Lodh  
Mr. Md. Mahfuzur Rahman  
Mr. Sharfuddin Ahmed Shareef  
Mr. Md. Bilal Hossain

**First Labour Court, Chittagong**

Mr. Gazi Mohammad Fasihul Alam  
Mr. A. M. M. Sajjad  
Mr. Golam Mustafa  
Mr. Mohammad Mohshin Chowdhury  
Mr. Khondaker Sayedur Rahman  
Mr. A. Z. M. Tabarak Ullah

**Second Labour Court, Chittagong**

Mr. Md. Anayetullah  
Mr. A N M Saifuddin  
Mr. Md. Shahedur Rahman  
Mr. Mohammad Mohiuddin  
Mr. S. M. Shah Newaz  
Mr. Kazi Jamil Ahmed

**Labour Court, Rajshahi**

Mr. Md. Sohrab Ali  
Mr. A. S. M. Wasiq Billah  
Mr. Md. Abu Bakkar Ali  
Mr. Md. Harun or Rasheed  
Mr. Kabirur Rahman Khan  
Mr. S. M. Saifuddin Ahmed

**Labour Court, Khulna**

Mr. S. M. A. Halim  
Mr. Abdul Halim Talukder  
Mr. Md. Shafiullah Khan  
Mr. S M Shainul Alam  
Mr. Lutfor Rahman Talukder  
Mr. Shah Alam Sikder

**F. Affiliation with World Bodies:**

The Federation continued to be affiliated to the International Organisation of Employers (IOE), Geneva and was a member of the Confederation of Asia Pacific Employers (CAPE).



## IMPORTANT COURT CASE ON LABOUR MATTERS

### HIGH COURT DIVISION

(Civil Revisional Jurisdiction)

Civil Revision No. 1431 of 2008

SK Sinha J

Country Director, International Bank of Reconstruction

and Development..... Petitioner

vs

Ismat Zerine Khan.....Plaintiff-Opposite Party\*

March 5th, 2008

### Judgment

At the instance of the defendant this Rule by leave was issued against an order of the learned Additional District Judge, 7th Court, Dhaka in Civil Revision No. 337 of 2007 affirming that dated 8th November, 2007 of the learned Assistant Judge, 2nd Court, Dhaka in Title Suit No.92 of 2003.

2. Opposite party instituted the suit for declaration that the non-confirmation of her appointment and termination of employment by the defendant No.2 is illegal and not binding upon her, that she is entitled to reinstatement to her post and that she is entitled to a mandatory injunction directing the defendants to pay her emoluments.

3. Plaintiffs case, in short, is that she was a qualified and competent employee and had been appointed through a rigorous selection process as the External Affairs Officer of the World Bank, Dhaka. She joined the office of the World Bank on 16th January, 2000 and after joining, no six-monthly written assessment of the performance was undertaken during her provisional period of employment as per rules of the Staff Manual. Instead, in

recognition of her efficiency, she was given the spot award after six months and a special pay rise after eight months of employment. She was the victim of a conspiracy by few of her colleagues who wanted to remove her from the post and get someone else appointed instead. She was asked to perform some unnecessary, irrelevant and indecent tasks which were beyond the scope of her duties. After 13 months of her employment, she was informed through an operational performance evaluation that her job performance was evaluated to be unsatisfactory, which was based upon untrue and false charges. She was informed by the Country Director on 3rd May, 2001 that her employment would not be extended after her probation period of two years. She was illegally terminated from her service and accordingly, she instituted the suit seeking the reliefs.

4. The parties went up to the Appellate Division in Civil Appeal No. 187 of 2004 over an order made pursuant to an application moved by the defendants under Order VII, rule 11 of the Code of Civil Procedure. Initially the plaintiff sought two declarations. Thereafter the plaintiff amended the plaint and added some reliefs

by substituting the relief 'kha'. In this amendment, the plaintiff prayed for reinstatement and mandatory injunction in the form of declaration of her entitlement of arrear salaries and benefits. In pursuance of such amendment, the defendant No.2 filed an application in the trial Court for directing the plaintiff "to revalue the suit on the basis of amended plaint." The learned Assistant Judge by order dated 6th May, 2007 directed the plaintiff to revalue the suit in the light of the amendment. Accordingly, the plaintiff evaluated the suit for mandatory injunction at Taka 1000 and paid Court fee accordingly. The defendant opposes the revaluation of the suit on the plea that there is objective standard valuation for the relief and that the plaintiff in required to pay ad valorem Court fee on the basis of her salaries. The learned Assistant Judge turned down the objection observing that the plaintiff did not seek any exact amount of salary by way of amendment of the plaint and therefore, no objective standard valuation was ascertainable in the relief claimed. Petitioner took a revision petition being Civil Revision No. 337 of 2007 from the said order of the learned Assistant Judge. The learned Additional District Judge, 7th Court, Dhaka heard the said revision and by judgment and order dated 5th March, 2008 rejected the revision petition and maintained the order of the learned Assistant Judge. The learned Additional District Judge observed that the plaintiff sought for two declarations, which have no objective standard valuation and that the learned Assistant Judge has committed no error of law in not acceding to the objection of the defendant-petitioner.

5. The plaintiff prayed for the following reliefs in the suit :

(ক) বিবাদীগণের প্রেরিত ৩-৫-২০০১ ইং তারিখের পত্র এবং উহাতে বর্ণিত বাদীনির non confirmation of appointment ও চাকুরী হইতে

অব্যাহতি (terminate) এর সিদ্ধান্ত দুরভীসন্ধিমূলক, বেআইনী, ন্যায়নীতি বিরুদ্ধে ও ইহা বাদীনির উপর বাধ্যকর নহে মর্মে ঘোষণামূলক ডিক্রী প্রদানে বাধিত করিবেন।

(খ) বাদীনি নালিশি পদে পুনবহাল হওয়ার অধিকারী এবং তাহার বকেয়া বেতন ভাতাদি পাওয়ার অধিকারী মর্মে এক বাধ্যতামূলক নিয়োগের আদেশ পালনে বাধিত করিবেন। ১-২নং বিবাদী সম্পূর্ণ অবৈধ এবং বেআইনীভাবে এবং আদালতের বিগত ৮-১১-২০০১ ইং তারিখের আদেশ অমান্য করিয়া ৪নং বিবাদীকে বাদীনির নালিশী পদে external affairs officer হিসাবে ৭-১-২০০২ ইং তারিখে নিয়োগ প্রদানের ঘোষণা দিয়াছেন সম্পূর্ণ অবৈধ, বেআইনী, অকার্যকর ক্ষমতা বর্হিভূত যাহা বাদীনির নালিশী পদে যোগদানের বিষয়ে কোন প্রকার প্রভাব ফেলিতে পারে নাই মর্মে বাদীনির অনুকূলে এবং বিবাদীর প্রতিকূলে এক ঘোষণামূলক ডিক্রী দিতে।

6. Mr Rafiqul Huq, learned Advocate, has taken me to the plaint, the application for amendment and the impugned orders, and submits that the plaintiff seeks arrear salaries and benefits, the amount of which is ascertainable as the period for calculation would be the date of termination and the date of amendment made - the consolidated amount for the period exceeds the pecuniary jurisdiction of the Court. Secondly, the learned Advocate points out that the salaries of the plaintiff having a standard market value and the same should be the actual valuation of the suit for the purpose of payment of ad valorem Court fee and the jurisdiction of the Court. Mr Hue submits that since there is objective standard valuation for the relief claimed by the plaintiff, the learned Assistant Judge has committed "serious error of law in not holding an inquiry under section 8C of the Court-fees Act for ascertaining the valuation of the suit.

7. In respect of the first point, it seems to me a peculiar explanation which

does not carry any sense, inasmuch as, if an amendment is allowed, it relates back to the date of the institution of the suit and therefore, it cannot be said that an objective standard of valuation is ascertainable in relief 'kha' to the plaintiff Mr Rafiqul Huq, learned Advocate, points out that the relief ('Ka') and second part of ('Kha'), are two simple declarations and the plaintiff is not required to pay ad valorem Court fee. His objection is in respect of first part of relief ('Kha') to the plaintiff as mentioned above. A close look into this relief it will appear that though the plaintiff seeks a direction for mandatory injunction but she has prayed for this relief in the form of declaration. She 'prays for বকেয়া বেতন ভাতাদি পাওয়ার অধিকারী মর্মে an "order. The substance of the reliefs claimed in the suit are that as her termination is illegal, she be declared to be in the service of the World Bank and as a sequel of that relief, she will be entitled to her salaries and benefits and a direction be given in that regard in the form of mandatory injunction. In the alternative, it may be said that she seeks for declarations with a consequential relief of benefits that may be available to her.

8. Mr Huq is trying to impress upon the Court that the objection as to the assessment for ascertaining the proper valuation of the suit is for the beneficial interest of the plaintiff. According to Mr Huq, if the suit is decreed, the Court will not be able to pass a decree for arrear salaries as the amount to be decreed would exceed the pecuniary jurisdiction of the learned Assistant Judge. This submission in any view is based on hypothesis. The question of assessment of valuation will arise if there is objective standard for ascertaining the reliefs claimed in the suit. There is no doubt that in an objection regarding under-valuation of the suit the Court may revise and determine the valuation of the suit under section 8C of the

Court-fees Act where objective standard for determining the valuation is available. The point in controversy is, whether there is objective standard for determining the valuation of the suit as framed. Suppose the suit is decreed, and the Court finds that the plaintiff's termination of employment is illegal and directs the defendant to pay her salaries and benefits. Since the plaintiff does not claim any ascertained amount, what purpose will be served for holding an enquiry about the valuation since no objective standard exists for determining the valuation? In suits for money or land, there is obviously an objective basis for valuation, the amount of money recoverable or the market value of the land. Having regard to the nature of the prayers made in the plaintiff, I am of the view that it would be extremely difficult, if not impossible, to estimate the precise value of the reliefs sought.

9. The second point is, which paragraph of section 7 of the Court-fees Act is attracted to the suit so that the plaintiff will be liable to pay ad valorem Court fee for the reliefs. The valuation of the subject matter of a suit for the purpose of jurisdiction and the valuation for the purpose of Court-fees are two different things. The valuation for the purpose of Court fee is fixed by artificial rules, while the valuation on which depends the jurisdiction of the several grades of Courts is the actual value for the property in litigation.

10. On my persistent query, Mr Huq points out that the suit falls under paragraphs (i) and (in) of section 7 of the Court-fees Act, I find no force in the contention of the learned Advocate. Paragraph (i) of section 7 relates to money suits including suits for damages or compensation, or arrears of maintenance, of annuities, and paragraph (iii) thereof relates to suits for movable property other than money, where the subject matter has a



market value. These two paragraphs do not attract the suit as framed. The plaintiff does not claim any specified amount as damages or compensation or any other amount payable to her by reason of the alleged illegal termination from service. She also does not claim any declaration in respect of movable property which has a market value. She prays for entitlement of her emolument in the event of passing a decree in the suit. Therefore, these clauses have no manner of application in the suit.

11. Mr AJ Mohammad AH, learned Advocate for the plaintiff-opposite party, contends that if the suit is taken as one for declaration with consequential relief, it will fall under paragraph (iv)(c) of section 7 of the Court-fees Act. This paragraph states that in suits "to obtain a declaratory decree or order, where consequential relief is claimed" the plaintiff shall state "the amount at which he values the relief sought": A suit in which the plaintiff prays for a declaratory decree with consequential relief prima facie comes within this paragraph. On a close look at the reliefs claimed in the plaint, I find force in the contention of Mr AJ Mohammad AH. Mr Mohammad Ali also placed sections 8C, 12 of the Court-fees Act and section 8 of the Suits Valuation Act and submits that where in suits covered by paragraphs (I),(H),(III) and (IV) (a), the Court-fees are payable ad valorem under the Court-fees Act. Though section 8C gives the Court to revise the valuation but section 7(iv)(c) does not indicate any method by which the Court can revise the valuation in cases where there is no objective standard. Similarly, section 8 of the Suits Valuation Act states that the value as determinable for the computation of Court fee and the value for the purpose of a jurisdiction shall be the same. Under this provision, the proper procedure is to determine the value for the purpose of Court-fees and then to adopt the same valuation for the purpose of jurisdiction. If any objection is raised as to the payment of Court-fees, if the suit falls

within the provision of paragraph (iv) of clause (c) of section 7, the Court should accept the value of the relief stated in the plaint, both for the purposes of Court-fees as well as for the purpose of determining the jurisdiction of the Court to try the suit.

12. In *Star Film Distributors vs Sergam Pictures Ltd* 6 DLR 466, it has been observed:

"If any standard of valuation is applicable to a case, the Court can, of course, revise the valuation if in its opinion it has been wrongly valued. But the section 8C does not indicate any method or principle by which the Court can raise the plaintiff's valuation in cases where there is no objective standard. The Court is given power to determine the "correct valuation". 'Correct' according to what? Not certainly according to the caprice of the Court, but some recognised principle or standard."

13. Mr Huq has referred some decisions in support of his contention. The first decision is the case of *Nawab Askari Jute Mills Ltd vs Giasuddin Ahmed*, 41 DLR 144, The plaintiff instituted the suit for mandatory injunction in respect of a launch. The defendant raised the valuation of the suit but the trial Court turned down the objection. The High Court on a construction of a plaint came to the conclusion that the suit was not one for simple injunction as per section 7(iv)(d) but it was in substance a suit for recovery of the launch which has a market value of Taka 3,90,386. The High Court Division was of the view that since the plaintiff sought for recovery of the launch in the garb of mandatory injunction, there was objective standard valuation in the relief and directed the trial Court to hold an inquiry under section 8C of the Court-fees Act. This decision has no manner of application in the facts and circumstances of this case. The second case is *Karamat Ali Bepari vs Province of East Pakistan*, 22 DLR 646. In that suit the plaintiff prayed for

declaration of title in respect of 50 acres of land and injunction. The defendant filed objection stating that the valuation of the subject matter of the suit would be about Taka 2,00,000 and that the suit was not triable by the Court of Munsif. The learned Munsif after hearing the parties came to the conclusion that the plaintiff arbitrarily valued the suit at Taka 4,100 and accordingly directed the plaintiff to make proper valuation of the suit in accordance with law. The plaintiff being aggrieved by the said order, moved this Court in revision petition. This Court was of the view that when an objection is raised by the defendant as to the valuation to the relief claimed, it is the duty of the Court under section 8C of the Court-fees Act to hold an inquiry and to determine the correct valuation where an objective standard of valuation is available, that there was an objective standard of valuation of the reliefs sought and that the learned Munsif was perfectly justified in directing the plaintiff to make proper valuation in the suit.

14. In *Kumudini Welfare Trust of Bengal Ltd vs Pakistan*, Karachi 11 DLR 57, the plaintiff sought five declarations with permanent injunction restraining the defendants from taking or causing or permitting the taking of all or continuing any proceedings towards the realisation of the dues by way of taxes and for recovery of Taka 1000 as damages. In respect of relief No. 5 the plaintiff sought for a declaration that the certificate case started against the company was illegal, ultra vires and without jurisdiction. The certificate case was started for recovery of Taka 92,00,863.02 as arrear of income tax for 4 years. The Government claimed that the plaintiff wanted to save its properties from the certificate proceedings, the proper valuation would be the value of the properties. In that case this Court on consideration of various decisions of the subcontinent, turned down

the objection of the Government and observed as follows:

"So, in the view I have taken after reviewing all the cases relating to the point of valuation of the suit and having regard to the nature of the prayers in the plaint, I hold that it not necessary to have an enquiry under section 8C of the Court-fees Act and the valuation put by the plaintiff, however curious it may be, should be accepted."

In my view, this decision instead of helping the "defendant-petitioner, helps the case of the plaintiff-opposite party. The last decision referred by Mr Huq is the case of *Tarachand Mondal vs Hazari Shaikh* 18 DLR 605. Mr Huq submits that in this decision this Court is of the view that if the plaintiff ought to have paid ad valorem Court fee at the time of institution of the suit which he did not pay, the suit of the plaintiff will be dismissed for not paying sufficient Court fee. On reading the head-notes of the above case, one may deduce that the above views have been expressed in that case but the ratio decidendi of the decision is otherwise. In the reported case, the plaintiff instituted the suit for declaration that the kabala executed by the plaintiff No. 1 in favour of the defendants was void and that the plaintiff No. 1 was the benamder of the plaintiff No. 2 and that the kabala executed by the plaintiff No. 1 was not binding upon the plaintiff No. 2, and for injunction. The plaintiff No. 2 paid fixed Court fee as well as Court fee for the consequential relief. It was found that the plaintiff No. 1 was wrongly joined in the suit and his claim was dismissed. In the facts of the given case, it was observed that "the contention that the suit is not maintainable in the absence of payment of ad valorem Court fee is without any substance, inasmuch as, the Court fee paid by the plaintiff No. 2 on the plaint is sufficient."



15. The cases referred by Mr Huq are quite distinguishable from the facts of this case. I do not dispute the principles of law stated by Amin Ahmed, CJ in Kumudini Welfare Trust's case. The plaintiff has sought for some declaration and prayed for mandatory injunction in the declaratory form. The suit falls section 7(iv)(c) of the Court-fees Act and the plaintiff has rightly valued the suit. I find that there is no objective standard of valuation available in the reliefs claimed and therefore, the learned Additional District Judge has committed no error of law in not interfering with the order of the learned Assistant Judge or in the alternative, no failure of justice has occasioned by reason of not holding an

inquiry by the learned Assistant Judge under section 8C of the Court-fees Act for ascertaining the valuation of the suit for the purpose of payment of ad valorem Court fee. The contentions of Mr Huq are devoid of substance. There is no merit in this Rule.

16. Before parting with, I would like to observe that the suit relates to service matter. It was instituted in the year 2001 and the suit of this nature deserves preference over other suits in the matter of disposal. Accordingly, I direct the learned Assistant Judge to dispose of the suit on priority basis not later than 6(six) months from the date of receipt of the order without allowing any unnecessary adjournment to the parties on taking into consideration that

HIGH COURT DIVISION (Civil)  
Civil Appeal Nos. 60 and 61 of 1997

Mahmudul Amin Choudhury CJ  
Md. Ruhul Amin J  
K.M Hasan J

Government of Bangladesh and others..... Appellants  
vs  
Md Anwanul Islam.....Respondent\*  
May 6th, 2002

**Judgment**

**Mahmudul Amin Chowdhury CJ :**  
These two appeals are taken up for disposal which arose out of judgment and order dated 17th February, 1997 passed by the Administrative Appellate Tribunal. Dhaka in Appeal No.29 of 1995 allowing the same with certain observations.

2. The short fact leading to these appeals are that Md Anwarul Islam, former Police Sergeant appellant in Civil Appeal No.61 of 1997 filed Administrative Tribunal Case No. 107 of 1991 alleging that earlier he

was posted at eastern Police Post, Dhaka and on 20-6-1984 at dead of night while he was returning home from duty station at East Dhanmondi Police outpost he found a Microbus bearing No. Dhaka-Cha-1456 moving suspiciously and after a chase he arrested the driver and found two bales of Indian cloth in the Microbus. He then escorted the driver and the Microbus and cloths to Dhanmondi Police Station with the help of another police sergeant and handed over the driver, the Microbus and two bales

of Indian cloth and lodged First Information Report which was recorded as Dhanmondi PS Case No.61(6) 84 under section 156(4) of the Customs Act. It is the case of the petitioner that thereafter he was transferred to Khulna on 8-7-1984 by the Inspector General of Police where he joined on 15-7-1984. It is his further case that Assistant Commissioner of Dhaka Metropolitan Police investigated the case and submitted a report on 16-7-1984. On 30-7-1984 respondent-petitioner was suspended by the Metropolitan Police Commissioner, Dhaka on the basis of that report and a proceeding drawn up against him under the Police Officers (Special Provisions) Ordinance, 1976 on a charge of corruption on the allegation of illegally releasing 18 bales of Indian cloth seized by him. A show cause notice was served upon him on 15-10-1984 to which he submitted a written statement in his defiance on 27-10-1984 denying all the charges brought against him. In that proceeding was fixed for personal hearing before the inquiry officer where he appeared but was not heard. Then the inquiry officer completed the inquiry but the copy of the charge sheet of the Dhanmondi Police Station case was not supplied to him and thereby he was denied the opportunity of defence. Then by order dated 17-11-1984 he was compulsorily retired from service. Then the respondent preferred appeal which was rejected on 7-3-1985 Then again revisional application was filed on 30-3-1985 which was also rejected on 16-1-1991 and thereafter the aforesaid case before the Administrative Tribunal was filed on 28-4-1991.

3. The case was contested by appellant No. 2 the Inspector General of Police by filing a written statement denying the material allegations. It was the case of the contesting party that from the Microbus 20 bales of Indian cloths were seized but after producing only two bales to the duty

officer the first information report was lodged stating that only two bales were seized consequent to which a departmental proceeding was started against the respondent on charge of misconduct and corruption under Clause 4(1) and 4(1V) of the aforesaid Ordinance of 1976 and after observing the formalities including second show cause notice respondent was compulsorily retired from service on 17-1-1984 under the aforesaid Ordinance.

4. Before the Administrative Tribunal both the parties adduced evidence and the Tribunal on consideration of the same by judgment dated 18-2-1995 dismissed the case on two counts, firstly that the case is time barred and secondly that no illegality has been committed in passing the order of compulsory retirement.

5. On being aggrieved by the order of dismissal of the case respondent preferred Appeal No. 29 of 1995 before the Administrative Appellate Tribunal and the Appellate Tribunal on hearing allowed the appeal, set aside the order of the Administrative Tribunal and declared that the respondent is still in service and entitled to all benefits upon setting aside the order of compulsory retirement. The Administrative Tribunal however observed that the competent authority will be at liberty to proceed against the respondent afresh on the same allegation if they so desire and the appellant will continue to remain in suspension till final order is passed. The present appellant and the respondent on being aggrieved by the same judgment of the Administrative Appellate Tribunal filed two Leave petitions and leave was granted to consider the following:

"It appears from the impugned judgment that the Appellate Tribunal took the view that since opposite party No, 3 drew up proceeding against the petitioner after he had joined District Police force,



Khulna on transfer he (OP No. 3) had no jurisdiction for taking disciplinary action against the petitioner because the provisions of Regulation No.859 of PRB, and section 9 of the DMP Ordinance (III of 1976 provide that when a police detachment is transferred to another jurisdiction the authority of taking disciplinary action against that detachment will lie with the competent authority of the latter jurisdiction for all purposes and the jurisdiction of the authority of former station will cease. The Appellate Tribunal also found that the application of the petitioner was not time barred and the decision of the Tribunal below on that point was wrong.

6. Mr B Hossain, learned Deputy Attorney General appearing for the opposite party petitioner (Civil Petition No.326 of 1997) submits that the learned Appellate Tribunal upon a misconception of law and facts wrongly held that the Metropolitan Police Commissioner, Dhaka cased to have jurisdiction for taking disciplinary action against the petitioner (respondent) causing failure of justice, He also submits that the order of compulsory retirement passed against the petitioner is protected by section 8 of the Police Officers (Special Provisions) Ordinance, 1976.

7. Mr Amir-ul-Islam, larned Advocate appearing for the petitioner (In Civil Petition No.330 of 1997) submits that the learned Appellate. Tribunal acted in excess of its jurisdiction by making the observation in the judgment as above causing prejudice to the petitioner. The observation is liable to be deleted from he said impugned judgment, he submits."

8. From the perusal of the judgment it appears that the Adminstrative Tribunal also dismissed the case on the ground of limitation which was set aside by the Administrative Appellate Tribunal but leave was not granted on the point of

limitation. Leave was granted on the competency of appellant No.3, Metropolitan Police Commissioner to pass the impugned order of compulsory retirement of the respondent. Leave was also granted in the Civil Petition filed by the respondent No. Anwarul Islam against certain observations made by the Administrative Appellate Tribunal. The first point raised by the Additional Attorney General is that the Administrative Appellate Tribunal committed wrong and illegality in holding that drawing up of the proceeding against the respondent by appellant No. 3 i.e. Metropolitan Police Commissioner, Dhaka after transfer of the respondent from Dhaka to Khulna and joining there is contrary to law and discipline and it is the Superintendent of Police of Khulna where the respondent was posted on the date of drawing up proceeding was competent to proceed with the inquiry.

9. Admittedly the respondent was charged for misconduct alleging that on 20-6-1984 while he was posted as Sergeant in Dhaka Metropolitan Police he apprehended a Microbus with a driver and actually recovered 20 bales of Indian cloth but while lodging the First Information Report he showed recovery of only two bales and misappropriated the remaining. The occurrence took place within Dhaka Metropolitan area where the respondent was posted at the relevant time. On receipt of the First Information Report from the respondent Dhamondi PS Case No. 6 1(6) 84 was started. Thereafter on 8-7-1984 the respondent was transferred by the Inspector General of Police to Khulna where he joined on 15-7-1984. It is also an admitted fact that on 30-7-1984 the respondent was placed under suspension and proceeding was drawn up against him under Police Officers (Special Provisions) Ordinance, 1976 on a charge of corruption. It is also an admitted



fact that show cause notice was served upon the respondent on 15-10-1984 and he submitted his written statement in his defence on 27-10-1984. He was to be heard in person on 4-11-1984 by appellant No.3 Subsequently on completion of inquiry report was submitted and ultimately respondent was compulsorily retired from service on 17-11-1984. Now the Administrative Appellate Tribunal found that after transfer of the respondent from Dhaka to Khulna the Metropolitan Police Commissioner, Dhaka has no authority to initiate proceeding and to pass any disciplinary order compulsorily retiring the respondent. This proceeding was initiated under the Police Officers (Special Provisions) Ordinance, 1976. The Administrative Appellate Tribunal placing reliance on regulation 859 of Police Regulation observed that the proceeding ought to have been initiated and conducted by the Superintendent of Police of Khulna where at the relevant time the respondent was posted. Admittedly the occurrence took place while respondent was posted in Metropolitan Police at Dhaka. Section 6 of the Ordinance provided that when a police officer is to be proceeded for any of the offences mentioned in section 4 the authority concerned shall frame a charge and specify therein penalty proposed to be imposed and communicate it to the police officer hereinafter cited "accused" requiring him to show cause within specified time which shall not be less than 7 days and not more than 10 days from the date the charge has been communicated to him why penalty proposed to be imposed shall not be imposed and also to state whether he desires to be heard in person. Now section 2(A) of the Ordinance defined "authority" as the authority specified in column 2 of the schedule. In column 2 of the schedule it has been provided that in case of a sergeant the authority would be Deputy Inspector General of Police and in case of Metropolitan area Police Commissioner or Additional

Police Commissioner. Admittedly the respondent was acting as Sergeant in the Dhaka Metropolitan Police and as such as per this Ordinance it is the Metropolitan Police Commissioner, Dhaka or the Additional Commissioner who was competent to draw up proceeding and that has been done in the present case. Admittedly when the proceeding was initiated by the Metropolitan Police Commissioner the respondent was posted in Khulna. In this Ordinance there is nothing that in case of transfer before drawing up of proceeding the same should be drawn up or initiated or proceeded with at the place where the accused is posted. This Ordinance indicate that the proceeding may be initiated/drawn up when the alleged offence has been committed. Though in Regulation 859 of PRB it has been provided that the Superintendent of Police where such an officer is posted will be fully competent to take any disciplinary action for an offence committed by such an officer when he was posted outside his jurisdiction but in view of section 3 of the Ordinance this Regulation 859 has lost its force as section 3 provided that this Ordinance shall have effect notwithstanding anything contained in any law, rules and regulations relating to police force not shall prejudice operation of any other law. Rules and regulations including service conditions of the said police force. When a proceeding is drawn up against a police official under this Ordinance the plea that his case is to be decided under any other law, will have no effective force. So in the present case regulation 859 cannot be a bar in proceeding with the disciplinary action against the respondent by the Metropolitan Police Commissioner in Dhaka. It is an admitted fact that the accused respondent was transferred to Khulna by the Inspector General of Police and he has been charged and proceeded with for an offence

committed by him while posted in Dhaka Metropolitan Police by the Police Commissioner of Dhaka Metropolitan Police and in view of the clear provision of the Ordinance we hold that no illegality and wrong has been' committed in this case. In the Ordinance there is nothing to show that in case of such a nature the concerned authority is required to send the record of the proceeding to the Superintendent of Police where the accused has been subsequently transferred and when there is no such provision in the Ordinance and when this Ordinance override all other laws, rules and regulations we hold that the Administrative Appellate' Tribunal committed wrong and illegality in allowing the appeal holding that appellant No.3 i.e. the Police Commissioner of Dhaka Metropolitan Police had no jurisdiction in taking disciplinary action against the respondent. In such a case provision of regulation 859 of PRB and section 9 of the DMP Ordinance (III of 1973) will have no effect and bar in holding an inquiry and punishing an accused.

10. Having given our anxious consideration to the materials on record and after hearing the learned Advocate of both the sides we hold that the Administrative Appellate Tribunal committed wrong and illegality in allowing the appeal.

11. The respondent also filed Civil Appeal No.61 of 1997 against certain observation made in the judgment by the Administrative Appellate Tribunal. It appears that while disposing of the appeal the Administrative Appellate Tribunal observed as follows :

"In view however of the facts and circumstances of the case we are inclined in the interest of justice to allow the competent authority an opportunity to proceed fresh against the appellant on the same

allegations."

12. Mr Amir-ul-Islam learned Counsel appearing on behalf of appellants of Civil Appeal No, 61 of 1997 submits that the Administrative Appellate Tribunal committed gross illegality in passing the aforesaid order. It is submitted that under the Administrative Tribunal Act the appellate authority has no jurisdiction to pass hush an order and in support of his submission he placed reliance in the ease of *Quitzi Nazrul Islam vs BHBFC* reported in 45 DLR (AD) 106 wherein it has been held that the Administrative Tribunal and the Administrative Appellate Tribunal have been established with a limited jurisdiction and limited powers. The Tribunal cannot grant gratuitous relief and if such a relief is granted the same should be construed as relief granted in excess of jurisdiction. The Administrative Tribunal Act has not provided for any such authority to the Tribunal to give such a relief as has been given to the authority in the present case before us.

13. In view of this we hold that illegality and wrong has been committed in making the aforesaid observation which require interference and accordingly we are inclined to allow the appeal and delete the aforesaid observation.

14. Civil Appeal No. 60 of 1997 is allowed cost as aforesaid. Judgment and order passed the Administrative Appellate Tribunal in the aforesaid appeal is hereby set aside and these of the Administrative Tribunal is restored.

15. In Civil Appeal No. 61 of 1997 the observation made by the Appellate Tribunal as aforesaid is hereby deleted and the appeal is accordingly disposed of.

No order as to cost.

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Ed.



**HIGH COURT DIVISION**  
(Special Original Jurisdiction)

Writ Petition No. 1748 of 2005

Syed Refaat Ahmed J

Moyeenul Islam Chowdhury J

Md Abdul Bari and others ..... Appellants

vs

Government of Bangladesh and others ..... Respondent\*

May 13th, 2010

**Judgment**

**Moyeenul Islam Chowdhury J :** A Rule Nisi was issued calling upon the respondents to show cause as to why the petitioners being employees of Bangladesh Biman Flight Catering Centre (BFCC) should not be governed by the Bangladesh Biman Corporation Employees (Service) Regulations, 1979 and absorbed as such in the service of Biman from the dates of their respective appointments entitling them to retirement and others benefits in line with those of the permanent Biman employees working in BFCC and why clause (d) of the Bangladesh Biman Corporation Organization Order No. 13 of 1989 dated 11-11-1989 (Annexure-'D') issued under the signature of the respondent No. 3 purporting to discriminate between the regular employees of Bangladesh Biman Corporation who were transferred from the Cabin Facilities Department to the newly-established BFCC and the newly-recruited employees of BFCC should not be declared to be without lawful authority and of no legal effect and why the respondents should not be directed to regularize the service of the petitioners in

Biman pursuant to the recommendations of various inquiry committees formed from time to time with all Biman service facilities and allowances including retirement benefits and/or such other or further order or orders passed as to this Court may seem fit and proper.

2. The petitioners' case, as set out in the Writ Petition, in short, is as follows : The petitioners are the employees of the Biman Flight Catering Centre (BFCC) appointed by the BFCC Management against different posts on contractual basis. Anyway, initially BFCC was established as a project approved by the Executive Committee of the National Economic Council (ECNEC) in its meeting held on 16-8-1988. In course of time, BFCC became an integral part of Bangladesh Biman which was established under the Bangladesh Biman Corporation Ordinance of 1977. With the establishment of BFCC in 1989 at Zia International Airport, now renamed as Hazrat Shah Jalal International Airport, Biman Management abolished the Cabin Facilities Department of Bangladesh Biman which consisted of two sections, namely, Field Service and Catering Section by



Organization Order No. 13 of 1989 dated 11-11-1989 issued under the signature of the respondent No. 3 and thereby transferred all the existing employees of the Cabin Facilities Department of BFCC. Clause (b) of the said Organization Order No. 13 of 1989 provides that the employees transferred to BFCC would be functionally and administratively accountable to BFCC Management and on transfer, their service would be governed by the Bangladesh Biman Corporation Employees (Service) Regulations, 1979 (in short, the Regulations of 1979) and they would continue to receive salaries, allowances and other facilities of Biman as per their terms of engagement. Although the employees transferred to BFCC are entitled to all Biman facilities and benefits as per clause (b) of the Organization Order No. 13 of 1989, but clause (d) of the said Organization Order discriminates the newly-recruited employees of BFCC in the sense that they will be governed by BFCC rules and service regulations and that Biman service facilities and benefits will not be admissible to them.

3. Under the administrative and financial policy formulated by BFCC Board, BFCC Management has been recruiting employees since 1990 against different posts on contractual basis within the permanent organizational set-up of BFCC approved by the Biman Authority. The petitioners being employees of BFCC were primarily appointed on contractual basis for a period of 3(three) or 5 (five) years in different capacities. Subsequently, their contractual periods were extended or renewed for further periods. In this way, some of the petitioners have already completed about 15 (fifteen) years of service in BFCC. However, initially the petitioners were paid consolidated salaries by the authority and afterwards pursuant to the declaration of the new National Pay Scale by the Government in 1991, BFCC Management determined their Pay Scale in

line with the Pay Scale applicable to the permanent Biman officers/employees. The petitioners received their salaries accordingly. By the Administrative Order No. 02 of 1998 dated 21-6-1998, BFCC Management approved the implementation of the new National Pay Scale of 1997 to all BFCC contractual employees in line with the Biman Administrative Order No. 07 of 1998 dated 5-4-1998. The Administrative Order No. 02 of 1998 came into force with effect from 1-7-1997 and since then, the petitioners had been receiving their salaries in the new Pay Scale of 1997. But unlike the permanent Biman officers/employees, they are not entitled to other allowance and retirement benefits like pension, provident fund, medical facility etc. On perusal of the appointment letter of a contractual employee and that of a permanent Biman employee, it appears that though both the employees have been appointed in the same Pay Group and primarily on contractual basis under almost identical terms and conditions and are being paid in the same Pay Scale, the terms and conditions of the permanent employee's service will be governed by the Rules of 1979 and his service will be regularized with effect from the date of this contractual appointment subject to his satisfactory performance during the period of contract. On the other hand, the terms and conditions of the contractual employee's service will be governed as per the service agreement and the Orders, Instructions etc. issued from time to time by BFCC. The BFCC Board was reconstituted by the Office Order No. 7 of 1995 dated 29-3-1995 wherein it was stated that the Board would, inter alia, frame Service Rules or Regulations for the newly-recruited contractual employees; but unfortunately no Service Rules or Regulations have yet been framed by the BFCC Board. In the mean time, by issuing various Administrative Order, the BFCC Management approved/introduced different policies and service benefits for the



contractual employees like enhancement of salaries and allowances, gratuity benefit etc. From Memos dated 1-6-2000 and 12-9-2001 issued under the signature of the Senior Assistant Secretary, Ministry of Civil Aviation and Tourism, it is clear that for regularization of BFCC contractual employees, the Ministry asked the respondent No. 2 to provide it with necessary papers/documents, but unfortunately the Biman authority did not respond thereto. Because of reluctance of the Biman authority, they could not be regularized in spite of the issuance of the said two Memos dated 1-6-2000 and 12-9-2001 by the Government. It was stated in the agenda of a Biman ED meeting signed on 30-12-2001 that by reason of the dual management system in BFCC and the discriminatory terms and conditions governing the service of the contractual employees, the smooth functioning of BFCC was being hampered and, as such, it was recommended that the contractual employees be regularized and governed under the Regulations of 1979. But the said recommendation went unheeded. However, in an inquiry report dated 28-1-2002 submitted by a three-member committee of the Government, it has been stated that the appointment of contractual employees against the permanent set-up of Biman and extension of their service for indefinite duration are not consistent with the policies of the Government. The said committee recommended that both the regular Biman employees and contractual employees of BFCC be administered under a uniform regime and that the contractual employees be absorbed in the service of Biman. Alternatively, the committee recommended to convert BFCC into a company and administer all its employees according to the Company Law. But strangely enough, no positive step has been taken by the Biman authority for implementation of the recommendation as yet. In another inquiry report dated 27-10-2004 submitted by a

one-member committee of the Government, it has been stated that since the regular and contractual employees of BFCC are not receiving equal treatment with regard to salaries and other service benefits, there exists a disappointing atmosphere in BFCC causing a feeling of deprivation among the contractual employees to the detriment of the smooth functionality of BFCC. So this committee also recommended that the contractual employees of BFCC be regularized in the service of Biman. Lastly, on 9-1-2005, a five-member committee headed by the General Manager (Administration), Biman submitted a report wherein it was recommended that in order to remove complications as regards promotion of the regular Biman employees and contractual employees of BFCC might be converted into a company under the control of the Biman Corporation.

4. As per Office Order No. 7 of 1995 dated 29-3-1995, the BFCC Board is obligated to frame Service Regulations/Rules for the newly-recruited contractual employees of BFCC; but no such Regulations/Rules have been framed as yet, albeit they are getting various service benefits/facilities under different Administrative Orders issued from time to time. While Regulation 4(1) of the Regulations of 1979 provides that the contractual employees shall be bound thereby, clause (d) of the Organization Order No. 13 of 1989 discriminates between the regular employees and the contractual employees by indicating that the Biman service facilities and benefits will not be applicable to the contractual employees. This being the scenario, clause (d) of the Organization Order No. 13 of 1989 dated 11-11-1989 is arbitrary and violative of the fundamental rights of the petitioners. It is worthy of notice that both the regular and contractual employees of BFCC were appointed under the same terms and conditions and as per the Regulations of

1979, but the service of the contractual employees is governed by various Administrative Orders of BFCC and not by the Regulations of 1979 and such contractual appointments of the petitioners are against the provisions of the Bangladesh Biman Corporation Ordinance of 1977. The impugned Organization Order No. 13 of 1989 is ultra vires the power of the Director (Administration) of Biman Corporation. BFCC being a permanent set up within the organizational structure of Biman, the service of its contractual employees should be governed by the Regulations of 1979. So the issuance of Administrative Orders by BFCC Management to govern the service of the contractual employees without the approval of the Government is violative of the provisions of Section 30 of the Ordinance of 1977. The contractual employees of BFCC are enjoying almost all the service benefits like the regular Biman employees and, as such, they should be regularized as per the recommendations of various inquiry committees for efficient performance of their functions. Against this backdrop, the Biman authority is legally mandated to regularize the petitioners in the service of Biman.

5. In the Supplementary Affidavit dated 16-11-2005 filed on behalf of the petitioners, it has been mentioned that as per the relevant Government policy, all revenue posts transferred from development projects shall be made permanent after three years.

6. In the Supplementary Affidavit dated 12-5-2010 filed on behalf of the petitioners, it has been stated that over the years, BFCC has become an integral part of Biman and this is why, it is managed and controlled by Biman. The contractual employees of BFCC will continue to work till attainment of 57 years and they are retiring from service just like the permanent/regular employees of BFCC. Only the permanent employees of Biman

are entitled to service benefits like gratuity and various types of leave as per the Regulations of 1979; but nevertheless the contractual employees of BFCC are also getting these benefits which show that they are being treated as permanent employees of Biman for all practical purposes. Further, the Administrative Order concerning payment of gratuity to the contractual employees of BFCC also contemplates that they would go on working for an indefinite duration and be entitled to gratuity only on satisfactory completion of 7 years of service.

7. The respondent no. 2 has contested the Rule by filing an Affidavit-in-Opposition. His case, as set out in the Affidavit-in-Opposition, in short, runs as follows :

8. Clause (d) of the Bangladesh Biman Organization Order No. 13 of 1989 does not discriminate between the regular employees of Bangladesh Biman and the newly-recruited employees of BFCC. It is specifically stated that the newly-recruited employees of BFCC have been appointed on contractual basis and that these employees have agreed under their contracts with BFCC that their terms and conditions of service will be governed as per their agreements with BFCC and as per the Service Regulations, Orders and Instructions issued from time to time by BFCC. As the petitioners are contractual appointees, they are bound by the terms and conditions of their contracts and, as such, they are not entitled to enjoy all the benefits admissible to the permanent/regular employees of Biman. BFCC not only has its own Administrative and Financial Rules, but also has a separate Organogram (Organizational Chart). The terms and conditions of the service of the petitioners are prescribed by BFCC and not by Biman. Over and above, the salaries of the petitioners are paid not by Biman, but by BFCC. The allegation of discrimination



by the petitioners in view of non-application of the Regulations of 1979 is clearly misconceived. The petitioners have been receiving gratuity, medical allowance and other facilities under their contracts with BFCC. Besides, they are currently receiving certain benefits/allowances that are not available to the permanent employees of Biman. So the contractual employees form a distinct class by themselves. The petitioners' employment is currently regulated by various Administrative Orders and Instructions issued by BFCC and therefore they have not been in any way prejudiced by the fact that no Service Regulations are in place. The inquiry committee which submitted its report on 28-1-2002 was set up to inquire into certain audit objections. It was not set up for the purpose of reporting on the alleged differences between the terms and conditions of service of the contractual employees of BFCC and those of the permanent employees of Biman. The inquiry report dated 27-10-2004 was in relation to the presence of a nail in the food supplied by BFCC to Qatar Airways and the observations made therein vis-a-vis the service conditions of the two sets of employees are uncalled-for, unjustified and unwarranted.

9. In the Supplementary Affidavit-in-Opposition dated 16-3-2006 filed on behalf of the respondent No.2, it has been averred that the petitioners have all been directly recruited by BFCC on contractual basis and the permanent employees of Biman working in BFCC have been appointed on deputation. Originally BFCC was a project of Biman. Biman is currently running a Poultry Complex which is manned by direct recruits on contractual basis as well as the permanent employees of Biman working on deputation there. The Deputy General Manager of BFCC is a permanent functionary of Biman working on deputation in BFCC. The

contractual periods of the petitioners have been extended/renewed from time to time by BFCC. The orders of extension or renewal of their contractual periods clearly indicate that they are too entitled to terminate the contracts under the terms and conditions embodied therein.

10. In the Supplementary Affidavit-in-Opposition dated 13-5-2010 filed on behalf of the respondent No. 2, it has been mentioned that in 2001, BFCC had 558 employees of whom 312 were contractual employees directly recruited by BFCC and the remaining 246 were permanent employees of Biman working on deputation in BFCC. In 2007, Biman retired 182 permanent employees working on deputation in BFCC under a Voluntary Retirement Scheme (VRS). Furthermore, several permanent employees were terminated and/or removed from service by Biman. As a result, the number of permanent employees of Biman working on deputation in BFCC was considerably reduced. At present, BFCC has only 55 permanent employees of Biman working on deputation and 292 directly-recruited contractual employees. However, BFCC provides exclusive catering services to Air Africa, Saudia Airlines, Dragon Air, China Eastern Airlines, Etihad, Cathay Pacific and Biman Bangladesh Airlines Ltd. BFCC also provides catering services on request' to Air India Express, Emirates, Malaysian Airlines, Qatar Airways, Thai Airways, Kuwait Airways, Oman Airways and PIA. BFCC provides catering services to UN mission flights as well. Consequently, it is imperative that the services provided by BFCC must be commensurate with the international standard. As such, the terms and conditions of service of the directly-recruited contractual employees are determined by the authority with a view to ensuring and/or maintaining the quality and efficiency of the catering services of BFCC.

11. At the outset, Dr M Zahir, the



learned Advocate appearing on behalf of the petitioners, submits that the impugned Clause (d) of the Organization Order No. 13 of 1989 amounts to discriminatory treatment against the petitioners and the said Order should be struck down as being arbitrary and violative of Articles 27, 29, 31 and 40 of the Constitution.

12. Dr M Zahir also submits that the impugned Organization Order No. 13 of 1989 being a mere Administrative Order has overridden the Regulations of 1979 which cannot be acceptable in any perspective.

13. Dr M Zahir also submits that while Regulation 4(1) of the Regulations of 1979 provides that the contractual employees shall be bound thereby, Clause (d) of the Organization Order No. 13 of 1989 discriminates between the regular employees and the contractual employees by indicating that the Biman service facilities and benefits will not be applicable to the contractual employees.

14. Dr. M Zahir further submits that it is true that the petitioners were initially appointed on contractual basis for a period of three or five years, as the case may be, but the fact remains that their contracts were renewed from time to time and they are still working in BFCC and in this view of the matter, those contracts can be regarded as "rolling contracts" and in this regard, the "doctrine of continuous officiation" should be called in aid for their absorption/regulations in the service of Biman.

15. Dr M Zahir also submits that the principle of legitimate expectation requires that the petitioners should be made permanent employees of Biman, regard being had to the attributes of permanency of their jobs.

16. Dr M Zahir next submits that it is an admitted fact that the petitioners along with the deputationists have been rendering

self-same service in BFCC and that being so, both the sets of employees stand on the same footing and from this standpoint, the rule of "intelligible differentia" or "permissible criteria" is not applicable and by that reason, the petitioners should be regularized in the service of Biman as recommended by various inquiry committees.

17. In support of the above submissions, Dr M Zahir relies upon the decisions in the cases of Bangladesh Biman vs Rabia Bashri Irene, 55 DLR (AD) 132; Sheikh Abdus Sabur vs Returning Officer, District Education Officer-in-Charge, Gopalganj, 41 DLR (AD) 30, Md Ismail Hossain vs Government of Bangladesh, 27 DLR (AD) 353; Daily Rated Casual Labour employed under P&T Department through Bhartiya Dak Tar Mazdoor Manch vs Union of India, AIR 1987 (SC) 2342; Kerala Hotel and Restaurant Association vs State of Kerala, AIR 1990 (SC) 913 and Dr AK Jain vs Union of India, 1987 (Supp) SCC 497.

18. Mr Abdul Matin Khasru, another learned Advocate appearing on behalf of the petitioners, submits that it is simply inconceivable that after rendition of continuous, uninterrupted and satisfactory service by the petitioners in BFCC, they will be thrown out on the street with empty hands on attainment of 57 years of age and the principle of equity demands that they be absorbed in the service of Biman.

19. Mr. Abdul Matin Khasru also submits that both the permanent and contractual employees manning BFCC are similarly situated and they must be treated alike; but strangely enough, the petitioners have been discriminated against in the matter of regularization of their service by Biman authority and such being the position, the inaction of Biman authority in not regularizing their service is violative of Article 27 of the Constitution.

20. Mr Abdul Matin Khasru next



as such, they have come up with the instant Writ Petition for appropriate reliefs under Article 102 of the Constitution.

21. Mr Abdul Matin Khasru further submits that it is in the Organization Order No. 13 of 1989 that the petitioners on being appointed on contractual basis will be governed by necessary Service Rules; but for reasons best known to the authority, the contemplated Service Rules have not been framed as yet, instead they are being governed by various Administrative Orders to their prejudice.

22. On the other hand, Mr Abdur Razzaq, the learned Advocate appearing on behalf of the respondent No. 2, submits that in view of Annexure-'G' and 'G-I' to the Writ Petition, it is abundantly clear that the modes of appointment of the permanent and contractual employees working in BFCC are different and in that view of the matter, they cannot be placed or tied together and the petitioners being contractual employees are bound by the terms and conditions of their contracts and they cannot go beyond those terms and conditions in any event.

23. Mr Abdur Razzaq further submits that the petitioners have failed to show that not a single BFCC contractual employee was absorbed in the service of Biman at any point of time and, as such, the question of invocation of the principle of legitimate expectation does not arise at all.

24. Mr Abdur Razzaq next submits that admittedly the petitioners have not challenged the legality of the contracts and it is not their case that they executed the contracts with BFCC under duress or intimidation or coercion or undue influence and consequently they cannot give a go-by to the stipulations of the same.

25. Mr Abdur Razzaq also submits that it is true that the petitioners were given some benefits like gratuity, house rent, over-time allowance, scales of pay et el

beyond the stipulations of the contracts; but those were given to them ex gratia and on compassionate grounds and all those benefits/ facilities are to their benefit and not to their prejudice and their claim for regularization or absorption in the service of Biman has only been made capitalizing on the largesse offered to them by the Biman authority.

26. Mr Abdur Razzaq next submits that there is no question of any discrimination between the permanent employees of Biman and the contractual employees like the petitioners working the BFCC inasmuch, as they are governed under separate regimes, though the differences in respect of service benefits between the two classes of employees have been considerably narrowed down; but none the less, it cannot be held that the contractual employees have acquired the status of permanent employees necessitating their absorption in the service of Biman.

27. Mr Abdur Razzaq also submits that the decisions relied on by Dr M Zahir in support of the case of the petitioners will not be of any avail to him in that those decisions deal either with temporary or casual or adhoc employees and he fails to advert to any decision of any jurisdiction to the effect that the contractual employees have been absorbed permanently in the service of the concerned department of organization because of their continuous, uninterrupted and satisfactory rendition of service for a good number of years.

28. Mr. Abdur Razzaq next submits that it is no comprehensible as to how this Court will issue a Writ of Mandamus particularly when the petitioners have signally failed to make out a case of a legal right for enforcement and a legal duty for performance on the part of the authority concerned and as the recommendations of various inquiry committees for absorption of the petitioners in the service of Biman are



not justiciable, the Rule as issued in the instant Writ Petition must fail.

29. In support of the above submissions, Mr Abdur Razzaq has relied on some cases, namely, Talekhal Progressive Fishermen Co-operative Society Limited vs Bangladesh, 1981 BLD (AD) 103; Hazerullah vs Assistant Commissioner, Board of Management of Abandoned Property, 55 DLR (AD) 15; Yunus Mia vs Secretary, Ministry of Public Works & Urban Development, 45 DLR 498; State of Karnataka vs Umadevi (3), (2006) 4 SCC I and Chief Commissioner of Income Tax vs Susheela Prasad (2007) 12 SCC 402.

30. We have heard the submissions of the learned Advocate Dr M Zahir and Mr Abdul Matin Khasru and the counter-submissions of the learned Advocate Mr Abdur Razzaq and perused the Writ Petition, Supplementary Affidavits, Affidavit-in-Opposition, Supplementary Affidavits-in-Opposition and relevant Annexures annexed thereto.

31. It goes without saying that initially the petitioners were appointed on contractual basis for a period of three or five years, as the case may be and subsequently their contractual periods were extended from time to time. It is admitted that they were first appointed on that basis in BFCC project and after the completion of the project, it became an affiliate body of Bangladesh Biman. It is also admitted that the Biman authority made a material departure from the contracts of the petitioners by awarding them various service benefits/facilities at subsequent points of time by way of house rent, over-time allowance, gratuity etc. It is further admitted that all the petitioner are still working in BFCC. Given this scenario, a pertinent question arises : Whether the petitioners being contractual employees have acquired the status or right to be

treated as permanent employees of Biman? In the facts and circumstances of the case, this moot question must be answered either in the affirmative or in the negative.

32. In this context, the Annexure-'D', 'G'; 'G-1' and 'E' to the Writ Petition appear to be very vital documents for the purpose of adjudication of the Rule. Annexure-'D' to the Writ Petition is the Organization Order No. 13 of 1989 dated 11-11-1989. This Annexure-'D' reveals that with the establishment of BFCC, Biman Management has taken certain decisions and one of those decisions is the abolition of the Cabin Facilities Department. Another decision is that all the existing employees of Cabin Facilities Department stand transferred to BFCC and they will be functionally and administratively responsible to BFCC Management. On transfer, their service will be governed by the Regulations of 1979 or those as are amended from time to time and they will continue to receive salaries, allowances and other facilities of Biman as per their terms of engagement. The Annexure-'D' further shows that the service of newly-recruited employees of BFCC will be governed by BFCC Rules and Service Regulations and Biman service facilities and benefits will not be applicable to them. So from Annexure-'D', it is crystal clear that the erstwhile employees of Cabin Facilities Department working on deputation in BFCC as permanent employees of Biman and the petitioners being contractual employees working there are two distinct and separate classes of employees and are governed separately.

33. Undeniably, the deputationists working in BFCC as permanent employees of Biman were initially appointed on contractual basis and subsequently in terms of Clause 6 of Annexure 'G-1' dated 11-1-2001, they were appointed permanently in the service of Biman, regard being had to their satisfactory service records during contractual periods. But in

contradistinction to Annexure 'G-I'; there is no such clause in Annexure 'G' dated 5-9-1999 which governs the appointment of contractual employees.

In the absence of any such clause in Annexure-'G' to the Writ Petition, there does not appear to be any scope for absorption of the petitioners in the service of Biman as permanent employees. This cause 6 in Annexure 'G-I' is, no doubt, a distinguishing feature which puts the contractual employees like the petitioners on a different footing. What we are driving at boils down to this: had there been any stipulation as embodied in Clause 6 of Annexure-'G-I' in Annexure-'G'; then the question of regularization of the petitioners, or for that matter, their absorption as permanent employees in the service of Biman would have arisen. By the way, Annexure-'E' to the Writ Petition may be taken into account. This Annexure-'E' is the agreement for contractual service. A reference to Annexure-'E' positively indicates that the contractual employees will not be entitled to the benefits of any provident fund, gratuity and group insurance whatsoever, even though indisputably the benefit of gratuity has been extended to them at a later stage. The most striking feature of Annexure-'E' is this: the service of the contractual employees in BFCC is terminable at any time without assigning any reason by giving notice of 60 days. Taking Annexure-'D', 'G', 'G-I' and 'E' together, it leads us to the irresistible conclusion that the service of the contractual employees of BFCC like the petitioners is terminable with prior notice. In other words, the relationship between the Biman authority and the petitioners is virtually that of master and servant. The rule of master and servant necessarily and essentially applies to them.

34. Regulation 1(2)(b) of the Regulations of 1979 envisages that the

Regulation shall apply to the employees of the Corporation employed on contract to the extent not otherwise specified in the instruments of contracts. As a matter of fact, the fate of the petitioners hinges upon the interpretation of Regulation 1(2)(b). From a bare reading thereof, it transpires that the contractual employees (petitioners) shall be governed by the Regulations of 1979 subject to the terms and conditions embodied in the instruments of contracts. At this juncture, Regulation 4(1) of the Regulations of 1979 appears to be of paramount importance. Regulation 4(1) contemplates that an employee on contract is a person with whom a specific contract of employment has been entered into. An employee on contract shall be bound by the Regulations except where otherwise expressly stated in the contract. Precisely speaking, the petitioners shall only be governed by the Regulations of 1979 subject to the stipulations otherwise expressly stated in the contracts. As observed earlier, the permanent employees working in BFCC were initially appointed on contract and subsequently they were appointed permanently in the service of Biman pursuant to clause 6 of Annexure-'G-I'. It has already been adverted to above that there is no such clause in Annexure-'G'. Such being the state of affairs, the express stipulations in the instruments of the contracts executed by the petitioners shall be binding upon them and in the absence of any specific stipulation to the contrary therein, they will be governed by the relevant provisions of the Regulations of 1979.

35. The respondent No. 2, in this respect, rightly relies upon the legal dictum: "Expressiounius est exclusion alterius:." (Bangladesh vs Abdul Mannan, 29 DLR (SC) 17), that is to say, express mention of one thing implies exclusion of others. The express mention of Administrative Orders in the contracts governing the terms and conditions of the service of the petitioners implies exclusion of operation of the



Regulations of 1979.

36. It seems that Mr Abdur Razzaq has rightly contended that the legality of the contracts is not in dispute. No allegation of fraud, coercion, intimidation, undue influence and malpractice has been leveled against the authority. The petitioners entered into the contracts of their own volition and with eyes wide open. The authority cannot be blamed for their act of volition. They are employees on contract by choice, not by chance.

37. It necessarily follows that the impugned Clause (d) of the Organization Order No. 13 of 1989 does not mete out any discriminatory treatment to the petitioners who are a class by themselves as distinguished from the regular permanent employees of Biman working in BFCC on deputation. So the contention of Dr M Zahir that the said Order No. 13 of 1989 is arbitrary and violative of Articles 27, 29, 31 and 40 of the Constitution falls through.

38. As the petitioners have chosen to be governed by the terms and conditions of their contracts and as they are bound by the Regulations of 1979 except where otherwise expressly stated in the contracts, we are not impressed by the omnibus contention of Dr M Zahir that the Organization Order No. 13 of 1989 has overridden the Regulations of 1979.

39. The upshot of the foregoing discussions is that there are 'intelligible differentia' or 'permissible criteria' between the two classes of employees working in BFCC, that is to say, the permanent and contractual employees. From this point of view, we find it difficult to hold that both the contractual and permanent employees working in BFCC are similarly situated. It has already been observed that various service benefits of permanent employees have been extended or awarded to the contractual employees. Does this place the

contractual employees on a par with the permanent employees working in BFCC? The obvious answer is an emphatic no.

40. Although the differences between the permanent and contractual employees in respect of service benefits/facilities have been significantly bridged or narrowed down, even then they are not equals; rather they are unequals. The petitioners might have rendered continuous, uninterrupted and satisfactory service in BFCC, but that does not ipso facto entitle them to lay a claim to regularization of their service in Biman.

41. There is not an iota of doubt that necessary Service Rules or Regulations have not yet been framed by BFCC for the petitioners. It has been agreed upon that they will continue to be governed by various Administrative Orders and Instructions, As they are a consenting party thereto, they cannot cash in on non-framing of any Service Rules or Regulations by BFCC.

42. As per Regulation 3 of the Regulations of 1979, there are as many as 8 (eight) types of employees, namely, (a) Employees on contract, (b) Permanent employees, (c) Probationers, (d) Temporary employees, (e) Substitute employees, (f) Casual employees, (g) Apprentice employees, and (h) Deputationists. It seems that every class of employees as provided in Regulation 3 is a distinct class and stands on a separate footing. So we opine that the petitioners being employees on contract are a class by themselves on the basis of this categorization as well.

43. Dr. M Zahir has emphatically relied on the decision in the case of Bangladesh Biman vs Rabia Bashri Irene reported in 55 DLR (AD) 132 in support of the claim of the petitioners that their service is liable to be regularized or made permanent by the Biman authority. In that decision it was held, inter alia, in paragraph 10:



"10.....

It is not disputed that the employees of batch Nos. 1-27 of the writ-petitioner's category although were employed on contract, but on satisfactory completion of initial period of employment, they have been absorbed permanently in the service of the Corporation. But in the case of the writ-petitioners, that has not been followed, rather on completion of the initial period of employment instead of renewal of their agreement of employment, they were given fresh employment. Since some employees of the Corporation inter se standing in the similar situation have not been treated in the similar manner or, in other words, have been treated differently from others, the contention of the writ-petitioners that they have been discriminated against has rightly been found genuine by the High Court Division."

44. Reverting to the case in hand, we have already found that not a single contractual employee sanding on the same footing with the petitioners has been absorbed and the service of Biman permanently at any point of time. So in that view of the and matter, the facts and circumstances of the instant case are quite distinguishable from those of the case reported in 55 DLR (AD) 132. Consequently, the reference to that case does not appear to be of any avail to Dr. M Zahir.

45. Having regard to the facts and circumstances of the instant case, the decision in the case of Sheikh Abdus Sabur vs Returning Officer, District Education Officer-in-Charge, Gopalganj reported in 41 DLR (AD) 30 adverted to by Dr M Zahir does not seem to be of any help to him.

46. With regard to the other decisions relied on by Dr M Zahir, it transpires that those decisions have dealt with either temporary or casual or ad hoc employees/appointees. The present

writ-petitioners being contractual employees cannot be bracketed with them in any case. Besides, the decision of the Indian Supreme Court in the case of the Secretary. State of Karnataka vs Umadevi (3) reported in (2006) 4 SSC 1 has already clinched the matter on this point. In that decision, paragraphs 47 and 48 are as follows :

"47. When a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment the post could be made only by following a proper procedure for selection and in cases concerned, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post.

48. There is no fundamental right in those who have been employed on daily wages or temporarily or on contractual basis, to claim that they have a right to be absorbed in service. As has been held by this Court, they cannot be said to be holders of a post, since, a regular appointment could be made only by making appointments consistent with the requirements of Articles 14 and 16 of the Constitution. The right to be treated equally with the other employees employed on

daily wages, cannot be extended to a claim for equal treatment with those who were regularly employed. That would be treating unequals as equals. It cannot also be relied on to claim a right to be absorbed in service even though they have never been selected in terms of the relevant requirement rules. The arguments based on Articles 14 and 16 of the Constitution are therefore overruled."

47. In the said decision, paragraph 52 runs as under :

"52. Normally, what is sought for by such temporary employees when they approach the Court, is the issue of a Writ of Mandamus directing the employer, the State or its instrumentalities, to absorb them in permanent service or to allow them to continue. In this context, the question arises whether a Mandamus could be issued in favour of such persons. At this juncture, it will be proper to refer to the decision of constitution Bench of this Court in Rai Shivendra Bahadur vs Governing Body of the Nalanda College (AIR 1962 SC 1210). That case arose out of a refusal to promote the writ petitioner therein as the Principal of a college. This Court held that in order that a Mandamus may issue to compel the authorities to do something, it must be shown that the statute imposes a legal duty on the authority and the aggrieved party had a legal right under the statute or rule to enforce it. This classical position continues and a Mandamus could not be issued in favour of the employ directing the Government to make them permanent since the employees can not show that they have an enforceable legal right to be permanently absorbed or that the State has a legal duty to make them permanent."

48. In the decision in the case of the Chief Commissioner of Income Tax vs Susheela Prasad (Smt) reported in (2007) 12 SCC 402, the Indian Supreme Court referred to said Umadevi's case and quoted with approval paragraph 33 of that case which is

in the following terms :

"33. It is not necessary to notice all the decisions of this Court on this aspect. By and large, what emerges is that regular recruitment should be insisted upon, only in a contingency can an ad hoc appointment be made in a permanent vacancy, but the same should soon be followed by a regular recruitment and that appointments to non-available posts should not be taken note of for regularization. The cases directing regularization have mainly proceeded on the basis that having permitted the employee to work for some period, he would be absorbed, without really laying down any law to that effect, after discussing the constitutional scheme for public employment."

49. From the above observations and findings of the Supreme Court of India and in the light of the facts and circumstances of the present case, we do not find any substance in the argument of Dr M Zahir that the "doctrine of continuous officiation" should be invoked for absorption/regularization of the petitioners in the service of Biman.

50. Article 27 of our Constitution provides that all citizens are equal before the law and are entitled to the equal protection of law. Sir Ivor Jennings in his "The Law and the Constitution" stated:

"Equality before the law means that among equals, the law should be equal and should be equally administered, that like should be treated alike."

51. AV Dicey in his "Law of the Constitution" mentioned:

"Equality before the law does not mean absolute equality of men which is a physical impossibility, but the denial of any special privileges by reason of birth, creed or the like in favour of any individual and also the equal subjection of all individuals

and classes to the ordinary law of the land administered by the ordinary law Courts,"

52. In the "Limitations of Government Power" by Rotundy and others, the phrase "equal protection of the law" was described in the following manner :

"The equal protection clause guarantees that similar individual will be dealt with in a similar manner by the Government. It does not reject the Government's ability to classify persons or draw lines in creation and application of laws, but it does guarantee that those classifications will not be based upon impermissible criteria or be arbitrarily used to burden a group of individuals. Such a classification does not violate the guarantee when it distinguishes persons as 'dissimilar' upon some permissible basis in order to advance the legitimate interest of society."

53. In the case of Southern Rly Co vs Greane, 216 US 400, Day-J observed:

"Equal protection of the law means subjection to equal laws, applying alike to all in the same situation."

54. Chandrachud J, in the case of Indira Gandhi vs Raj Narayan, AIR 1975 SC 2279 described his idea of equality in the following words

"All who are equal are equal in the eye of law, meaning thereby that it will not accord favoured treatment to persons within the same class."

55. On consideration of the views expressed by these distinguished Judges and Authors as to the meaning of the phrase "equality before law and equal protection of the law", we do not think that we will be able to define this term in a better way. "Equality before law" is not to be interpreted in its absolute sense to hold that all persons are equal in all respects disregarding different conditions and

circumstances in which they are place or special qualities and characteristics which some of them may possess but which are lacking in others. The term "equal protection of law" is used to mean that all persons or things are not equal in all cases and that persons similarly situated should be treated alike. Equal protection is the guarantee that similar people will be dealt with in a similar way and that people of different circumstances will not be treated as if they were the same. It has already been held that the petitioners and the permanent employees of Biman working in BFCC are not similarly situated. As they are not likes, they cannot be treated alike in any view of the matter. That is the point.

56. A promise made in the shape of a statement of policy or a procedure regularly adopted by the authority may give rise to what is called "legitimate expectation", that is, expectation of a kind which the Court now enforces. Legitimate expectation gives the application sufficient "locus standi" for judicial review and in most cases, the legitimate expectation is confined to the right of a fair hearing before a decision which results in negating a promise or withdrawing an undertaking is taken. The doctrine operates in the domain of public law and in an appropriate case constitutes substantive as well as procedural rights. The statement or practice giving rise to the legitimate expectation must be sufficiently clear and unambiguous, and expressed or carried out in such a way as to show that it was intended to be binding.

57. So it is our considered view that the legitimate expectation must stem from a promise in the shape of a statement of policy or a procedure regularly adopted by the authority. We have already discussed that no a single contractual employee standing on a par with the petitioners was ever absorbed in the service of Biman. In that view of the matter, the question of legitimate expectation as advanced on



behalf of the petitioners stands negative.

58. Of course, it is undisputed that various inquiry committees made repeated recommendations for absorption of the petitioners in the service of Biman as permanent employees. It is also on record that the Ministry of Civil Aviation and Tourism asked the Biman authority to supply the relevant information about their background to that Ministry for doing the needful; but the Ministry did not receive any response there from in that regard. There is no dispute that those recommendations cannot be enforced through the Writ Jurisdiction of the High Court Division under Article 102 of the Constitution in that they do not create any legal right in favour of the petitioners.

59. The second part of clause (2)(a)(i) of Article 102 of the Constitution confers power on the High Court Division to issue writs in the nature of Mandamus to compel a person performing functions in connection with the affairs of the Republic or a local authority to do something that he is required by law to do. Such person must hold office of a public nature, that is, an office under the Constitution or a law relating to the affairs of the Republic or of a local authority. The Writ of Mandamus will be issued only when that public functionary has a public duty under a law and he refuses to perform his legal duty; the duty may be judicial, quasi-judicial or purely administrative. The duty sought to be enforced must be a duty of a public nature, that is, a duty created by the provisions of the Constitution or a statute or some other rule of common law or some rules or orders or notifications having the force of law. The public duty need not, however, be always a statutory duty. No Writ of Mandamus will be issued to compel the Government to implement its policy nor will it be issued merely on consideration of equity.

60. In the case of Yunus Mia vs The

Secretary, Ministry of Public Works and Urban Development reported in 45 DLR 498 relied on by Mr Abdur Razzaq, it has been held that the High Court Division under Article 102 of the Constitution can not issue any prerogative writ directing the Government to implement its policy.

61. In the case of Talekhal Progressive Fishermen Co-operative Society Limited vs Bangladesh reported in 1981 BLD (AD) 103 referred to by Mr Abdur Razzaq, it has been held that in order to entitle a person to ask for performance of a public duty by Mandamus, it is necessary to show that he has a legal right for claiming such performance, apart from the fact that he is interested in the performance of the duty.

62. In the case of Hazerullah vs Assistant Commissioner, Board of Management of Abandoned Property reported in 55 DLR (AD) 15 adverted to by Mr Abdur Razzaq, it has been decided that one could only avail oneself of the forum by way of Mandamus for enforcement of any legal right or to redress the violation thereof.

63. In the case of the Queen vs Guardian of the Lewisham Union reported in (1897) 1 QB 498, it was held :

"This Court would be far exceeding its proper functions if it were to assume jurisdiction to enforce performance by public bodies of all their statutory duties without requiring clear evidence that a person who sought its interference had a legal right to insist upon its performance."

64. From the above discussions, it leaves no room for doubt that in order to invoke the prerogative Writ of Mandamus, the petitioners must have a legal right to be enforced and the Biman authority must have a legal duty to be performed. In the facts and circumstances of the case, we have no hesitation in holding that the petitioners have no legal right for enforcement and the Biman authority has no legal duty for



performance. Such being the legal position, our definite conclusion is that the petitioners cannot enforce their claimed absorption or regularization in the service of Biman through issuance of a Writ of Mandamus.

65. There is no denying the fact that the petitioners being contractual employees have been provided with most of the service benefits/facilities of the permanent employees of Biman. Even as per Annexure-'Z-5' dated 19-2-2009 to the Supplementary Affidavit filed to-day on behalf of the petitioners, the service of the contractual employees in terminable on completion of 57 years of age just like the terminal point of the service of the permanent employees of Biman. It is true that the petitioners have rendered many years of service as contractual employees in

BFCC. Admittedly the Biman authority has made a material departure from the instruments of contracts giving some additional benefits/ facilities to them in phases. According to Mr Abdur Razzaq, those benefits/ facilities have been awarded to them on compassionate grounds. Anyway, as we see it, with the passage of time, the petitioners have acquired the status of quasi-permanency in their jobs. But nevertheless as they are bound by the terms and conditions of their contracts, they cannot be absorbed permanently in the service of Biman unless and until they are recruited thereto in accordance with law. If we give the reliefs sought for in the present Writ Petition, that will be tantamount to re-writing the terms and conditions of their contracts. But that is not permissible in law. In our opinion, both the contractual and

**HIGH COURT DIVISION**  
(Special Original Jurisdiction)  
Writ Petition No. 2429 of 2005

**Mirza Hussain Haider J**  
**Mamnoon Rahman J**

Christian Service Society (CSS) ..... Petitioner  
vs  
First Labour Court, Chittagong and others ..... Respondent  
January 6th, 2008

**Judgment**

**Mamnoon Rahman J :** In an application under Article 102 of the Constitution of the People's Republic of Bangladesh, the petitioner has challenged the impugned judgment and order dated 30-11-2004 passed by the Chairman First Labour Court, Chittagong in Complaint Case No. 66 of 2003 under section 25(1) (b) of the Employment of Labour (Standing

Orders) Act, 1965.

2. Facts leading to the issuance of this Rule are that; the petitioner is functioning as Non-Government Organization having registration under the provision of the Foreign Donation (Voluntary Activities) Regulation Ordinance of 1978, (Ordinance 46 of 1978) and, as such,, the petitioner is a voluntary

non-profit making charitable organization. Furthermore, the petitioner is also registered with the Department of Social Welfare, Government of Bangladesh. The respondent No. 1 is the Chairman of the Chittagong Labour Court while the respondent No. 2 was the former employee of the petitioner. The respondent No. 2 was appointed on 1-2-1998 and worked in different projects undertaken by the petitioner. Subsequently the Executive Director of the petitioner organization on 30-9-2003 dismissed the respondent No. 2. The respondent No. 2 submitted grievance petition as per the provision of section 25(A) of Employment of Labour (Standing Orders) Act 1965. The petitioner failed to reply the same and finding no other alternative remedy the respondent No. 2 filed the Complaint Case before the Labour Court, Chittagong. The petitioner contested the same by filing written statement denying all the material allegations and stated that the petitioner is not a Commercial Establishment or Industries as per provision of the Employment of Labour (Standing Orders) Act 1965 and Industrial Relation Ordinance 1969. The Labour Court after taking evidence both oral and documentary and considering the facts and circumstance vide the impugned order allowed the Complaint Case and directed the petitioner to re-instate the respondent No. 2. Being aggrieved the petitioner moved this application before this Court and obtained the present Rule.

3. The respondent contested the Rule by filing affidavit in opposition. The case of the respondent No. 2 is that admittedly, the petitioner is an industry/establishment as per the definition of the Industrial Relation Ordinance 1969 and, as such, the Labour Court has the jurisdiction to try and dispose of any petition filed by the respondent No. 2 as per worker. It has further stated that the petitioner miserably failed to prove its case

and the respondent No. 2 by oral and documentary evidence proved the case and, as such, the Labour Court committed no illegality in allowing the complaint case and, as such, Labour Court committed no illegality in allowing the complaint case and, as such, the writ petition is liable to be discharged with cost.

4. Mr. Mahmudul Huq, the learned Advocate appearing on behalf of the petitioner submits that the petitioner is a voluntary organization which is non profit one and registered under special law and, as such, cannot come within the definition of establishment/industry as described in the Industrial Relation Ordinance 1969. He submits that the Labour Court failed to appreciate the legal position and status of the petitioner as well as failed to consider that the Labour Court has no jurisdiction to hear and dispose of such application. He further submits that the petitioner in its written statement categorically stated the legal character of the petitioner, but the Labour Court by some Hypothetical assumption rejected the contention of the petitioner and allowed the complaint case. The learned Advocate in support of his contention referred the decisions reported in 57 DLR 741, 28 DLR 473, 54 DLR (AD) 36 and 12 MLR 401.

5. Mr. Mahbubul Huq, the learned Advocates appearing on behalf of the respondent No. 2 placed the affidavit in opposition and annexure before us. He submits that the Labour Court committed no illegality in allowing the complaint case vide the impugned order which requires no interference by this Court. He submits that the Labour Court after considering the evidence oral and documentary as well as the pleading of the parties in a well-reasoned decision allowed the complaint case. He submits that admittedly the petitioner is running different business, which clearly comes within the purview of

definition of establishment/industry as incorporated in section 2 of the Industrial Relation Ordinance, 1969. He submits that the petitioner miserably failed to establish its claim of non-profit voluntary organization by any evidence either oral or documentary. Furthermore, he submits the High Court Division cannot sit as a Court of Appeal in the instant case as the impugned judgment of the Labour Court based upon question of fact. In the instant case the question of law is co-related with the questions of fact and in such circumstances, the writ petition is liable to be charged with cost. In support of his contention he referred the several decisions reported in 7 BLC (AD) 119, 49 DLR (AD) 177, 49 DLR (AD) 161, 32 DLR (AD) 68, 2 BLC (HC) 341, 40 DLR (AD) 45 and 2 unreported decision in WP 346 of 1995 and WP No. 959 of 1977.

6. We have heard the learned Advocates, perused the writ petition, affidavit-in-opposition, the supplementary affidavit, provisions of law and the decisions referred to. On perusal of the same it appears that the respondent No. 2 being aggrieved by an order of dismissal made by the Executive Director of the petitioner submitted a grievance petition under section 25(a) of the Employment of Labour (Standing orders) Act 1965. As the petitioner failed to reply, the instant complaint case was failed before the Labour Court and the Labour Court after hearing allowed the same.

7. The petitioner questions raised by the petitioner in the instant case is that the Labour Court has no jurisdiction in dealing with case in hand as the petitioner organization does not come within the purview of industry/establishment as per the Industrial Relation Ordinance of 1969. It appears from the written statement filed by the petitioner that in the said written statement the petitioner claimed itself not as an industry or establishment as

per the Labour Law through no documents in support has been filed there on. But on perusal of the affidavit in opposition it appears that the respondent No. 2 has annexed different papers, which shows that the petitioner is also involved in business, and trade, which was not denied by the petitioner in this writ petition or in the submission. But the petitioner's contention is that the petitioner is engaged in that trade solely for the purpose of charitable activities which does not include profit making. In such circumstances, the petitioner establishment does not come within the purview of industry or establishment. In the instant case the pertinent question as mentioned above that whether the Labour Court has the jurisdiction to deal with a case where the parties are not included in the definition of the Labour Law. It appears that admittedly the petitioner raised this question before the Labour Court but did not adduce any evidence either oral or documentary.

8. In the case of Chittagong City Corporation, represented by its Mayor reported in 57 DLR 741 the High Court Division held:

"The Petitioner Corporation raised various objections in its written statement, filed of 1-10-2002 but did not raised the objection with regard to the jurisdiction of the Labour Court in disposing of the said IRO case although it is a settled principal that the objection with regard to jurisdiction of a Court has to be taken at the very outset. This objection was, however, taken in this writ petition. Since the question of jurisdiction of the Court is a question of law we would consider the said point first as to whether the respondent No. 2 is a worker and whether the case under section 34 of the IRO before the Labour Court was are all maintainable."

In the instant case, it appears that the petitioner raised this question before the



Labour Court but not in an appropriate manner and the said case reported in 12 MLR 401 the High Court Division observed:

"The contention as to the jurisdiction of the Labour Court was raised for the first time at the time of argument before us. It is true that the question of law can be raised at any stage but the age-old golden principal is that the question of jurisdiction must be raised at the earliest opportunity."

9. The High Court Division further observed;

"This is no doubt a very peculiar legal position. Br that as it may, we cannot presume or confer a jurisdiction upon the Labour Court which it does not possess under the law, through it was so established at a very belated stage, still the judgment and order passed in IRO case without jurisdiction."

10. So, it appears that a writ petition under Article 102 relates to questions of law is maintainable at any stage.

11. In this writ petition the point is whether the respondent No. 2 is a worker and whether the petitioner comes within the ambit of labour laws namely the Industrial relations Ordinance 1969 (the IRO) in short) or the Employment of Labour (Standing Orders) Act 1965, the words "workers" and "workmen" are defined in clause XXVIII of the IRO and the relevant portion which runs as follows:

"(xxviii) 'worker' and 'workman' means any person including an apprentice not falling within the definition of employer who is employed in an establishment or industry for hire or reward either directly or through a contractor to do any skilled, unskilled, manual, technical or clerical work whether the terms of employment be expressed or implied and for the purposes of any proceeding under this Ordinance in relation to on industrial dispute includes a

person who has been dismissed, discharged, retrenched, laid off or otherwise removed from employment in connection with or as a consequence of that dispute or whose dismissal discharged, retrenched, lay-off or removal has to that dispute, but does not include a person-

(a) Employed as a member of the watch and ward or security staff on confidential assistant cipher assistant of any establishment.

(b) Employed in a managerial or administrative capacity:

The definition of the word worker refers to his employment in an establishment or an industry. Those terms are also defined in section 2 of the IRO 1969 namely-

ix. "Establishment" means any office, firm, industrial unit...

xiv. "Industry" means any business trade...

12. The contention of the learned advocate for the respondent No. 2 that industry means any business trade, manufacturer and employer etc. and, as such, the petitioner which is engaged in different business activities as evident in the annexures of the affidavit in opposition and, as such, the petitioner is an industry and the respondent No. 2 is an employee in the said industry. The correspondence definition is described in section 2(d) and (j) of the Employment Labour (Standing Orders) Act 1965 which runs as follows:

(a)..... (b)..... (c).....

(d) 'Commercial establishment' means an establishment in which the business of advertising commission or forwarding is conducted, or which is a commercial agency, an includes a clerical department of a factory or of any industrial of commercial undertaking, the office establishment of a person who for the

purpose fulfilling a contract with the owner of any commercial establishment or industrial establishment employs workers, a unit of a joint-stock company, an insurance company, a banking company or a banker's, a office or stock exchange a club, a hotel or a restaurant or an eating house, cinema or theatre, of such other establishment or class thereof as the Government may, by notification in the official Gazette, declare to be a commercial establishment for the purpose of this Act;

(e)..... (f)..... (g)..... (h).....  
(i).....

(j) 'Industrial establishment' means any workshop or other establishment in which articles are produced, adapted or manufactured or where the work of making, altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance, with a view to their use, transport, sale, delivery or disposal, is carried on or such other class of establishment including water transport vessels or any class thereof which the Government may, by notification in the official Gazette, declare to be an industrial establishment for the purpose of this Act, and includes-

- (i) Any motor omnibus service, any dock, wharf or jetty,
- (ii) Any mine, quarry, gas-field or oil-field,
- (iii) Any plantation, or (iv) a factory as defined in the Factories Act, 1965.

13. Mr Mahbubul Hoq, the learned Advocate for the respondent No.2 by development his arguments submits that the petitioner organization is an industry and the respondent No.2 being an employee in the industry and not employed in any managerial or supervisory capacity is a worker.

14. In a case reported in 57 DLR 741 the High Court Division has agreed with

the decision of the Indian Jurisdiction and observed that it is the duty of the Court of law to see the very purpose before deciding the nature of any organization. In the said case High Court Division held;

"The whole purpose for establishing a Municipal or a City Corporation is to render services, in various forms, to the city dwellers. Only section 139 empowers the Corporation to undertake commercial or business enterprise but even those functions are in connection with the development functions of the Corporation appearing in Chapter xii as such is merely ancillary to its main service oriented functions.

Also in the case of Cholera Research Laboratory vs Karmachari Union 43 DLR 655 the High Court Division held;

"The analysis as made above has brought into sharp focus that a relationship has been created by the law itself by amending the definition of the word "industry" and the corresponding definition of the word "establishment". The word are to be understood in the light the setting wherein they have been placed. When dominant question will be whether there is any economic activity behind the venture, the obiter of Hadayetullah, CJ that if a hospital is run as business in commercial way there may be found element of industry was noticed by AIR 1975 (SC) 2032 and the principal reiterated that it must be economic activity in the nature of trade or business so as to make it an industry.....In this view of the matter, it cannot be said that is an industry nor the idea that since it is manufacturing insulin and other syrups which are necessary for the eradications of cholera would bring it within the meaning of "industry". Such attempt must be scoffed at as the dominant purpose of Cholera Research Laboratory is research and training and the same cannot be maintained without maintaining beds in hospital. The



existence of such two hospitals would not make it an "industry".

Further their Lordships in the case reported in 57 DLR 741 observed:

"We have examined the definition of the words 'commercial establishment' and the 'industrial establishment' given in section 2 of the Act as quoted above. On a plain reading it is obviously that Chittagong City Corporation does not answer to the description of either the commercial establishment or industrial establishment as given in the said Act. As such the employees of the Corporation are not workers. Reliance in this respect can be made in the decision in the case of Chairman, DIT vs Chairman Labour Court 34 DLR (AD) 37.

15. In the case of Chairman DIT, the respondent No.2 filed an application under section 34 of the IRO, claiming subsistence allowance and full wages. The Labour Court allowed his prayer holding that the Dhaka Improvement Trust (the DIT in short) in a commercial establishment and the respondent No. 2 was a worker within the meaning of the Act. The question before the Appellate Division of the Supreme Court was as to whether the DIT is a Commercial establishment or industrial establishment and whether the respondent No. 2 was a worker. On consideration of the relevant provisions of the Act, Badrul Haider Chowdhury, I (as his Lordships then was) at para 8;

"It is obviously that the Dhaka Improvement Trust does not answer the description either of a commercial establishment or industrial establishment as given in the Employment of Labour (Standing Orders) Act, 1965. DIT does not deal in any business of advertising nor it is a commercial agency no it can be termed as a clerical department of factory nor it can be brought within the ambit of Joint Stock Company or anything of the like. It has not

been shown either that Dhaka Improvement Trust is an establishment in which articles are produced or manufactured with a view to their disposal by way of sale etc. Hence the petitioner who is can an employee of the DIT cannot be termed as a worker of either any "commercial establishment or industrial establishment." His Lordship further held-

".....The DIT not being a commercial" establishment or industrial establishment the respondent does not come within the meaning of 'worker' given in this definition. Since he cannot invoke the provisions of section 25 of the Standing Orders Act the remedy under section 34 of the Industrial Relation Ordinance, 1969 is not available. Such employee therefore cannot seek any of the privileges conferred on the workers under specific law namely, Standing Orders Act. The sum total of the discussion is that the employees respondent cannot be termed as a worker under the Standing Orders Act. He is employee of the Dhaka Improvement Trust and his terms and conditions of service are regulated by the Act itself and the rules framed thereunder."

So also is the legal status of the employees of the City Corporation of Chittagong.

16. So from the above decisions as well as the decisions referred in 12 MLR 401 it appears that engagement of any trade or business does not necessarily mean that the same is within the purview of definition 2 of Industrial relation Ordinance 1969 as well as the Employment of Labour (Standing Orders) Act 1965. It is to be examined after determining the very purpose and nature of organization before deciding its nature and character.

17. The Foreign Donation (voluntary activities) Regulation Ordinance 1978 namely ordinance No. 46 of 1978 promulgated in the year 1978. This is a special law regarding the foreign donation

to different Organizations involved in voluntary activities. In section 3 of the said Ordinance it has been stipulated that notwithstanding anything contained in any other law for the time being in force, no person Organization shall save as provide in this Ordinance, under take or carry on any voluntary activity without prior approval of the government nor shall any person or organization receive or operate, except with prior permission of the Government, any foreign donation for the purpose of undertaking or carrying on any voluntary activity.

18. So it appears that any Organization who is running voluntary activities with the foreign aid cannot operate without express permission from the Government by way or license. On perusal of Annexure-A it appears that the petitioner is authorised by the Government as per section 3( 1) under the Ordinance 1978 which clearly shows that the petitioner is the Organization working and engaged in voluntary activities as per definition described in the Ordinance 1978 namely section 2(b) and (d). On perusal of the Annexure A(l) it further appears that the social welfare department has also issued a letter to the petitioner informing about its registration under the social welfare department. On perusal of the writ petition, affidavit-in-opposition and Annexure it appears that admittedly the petitioner is a social welfare voluntary organization registered under a special law namely Ordinance 46 of 1978 as well as under the social welfare department under the Government.

19. The subsequent questions before us it whether the engagement of the petitioner in some trade and business as referred by the respondent No. 2 include the petitioner within the definition of commercial/establishment under the Employment of Labour (Standing Orders)

Act 1965 or under the Industrial Relation Ordinance 1969. There is no dispute that the petitioner is engaged in some activities, which relates to business and trade. But it appears that the whole purpose of establishment of the petitioner is to render voluntary service to various type of poor community and in poverty alleviation and admittedly the petitioner is engaged with some business and trade but on consideration of the nature and character of the Petitioner as well as the provision laid down in Ordinance 46 of 1978 we of the view that the petitioner undertake the commercial trade business etc, which are in connection with the development activities of the petitioner which are very much essential in proper functioning of the petitioner. The petitioner a voluntary Organization requires some for its continuing service to the society and for poverty alleviation and for such activities. In the case in hand, the petitioner engaged in some trades and the profits thereon are used for the exclusive purpose of voluntary and social service.

20. In the case of BRA C vs Professor Mozaffar Ahmed reported in 54 DLR (AD) 36, the learned Chief Justice (minority view) held :

"A Social Welfare Organization has gone for commercial activities with the donation receive from the foreign Government or Organization which is beyond voluntary activities as mentioned of Ordinance 1978 by engaged full fledge commercial activities the said Organization as certainly given go by this nonprofit activities and in place for purely can activities to the Lordships observed that;

"On behalf of the appellants it has been argued that respondent No. 1 has no focus standi to invoke the writ jurisdiction challenging registration of the BRAC Bank by the Registrar of Joint Stock Companies and the no objection certificate issued by the



Bangladesh Bank for commencing of the business since he is not aggrieved in any respect by the action or of the Registrar, Joint Stock Companies incorporating the Bangladesh Bank. It also been argued that certificate of incorporation as given by the Registrar of Joint Stock Companies the Bangladesh Bank as Public Limited Company and that issuance of no objection certificate by the Bangladesh Bank to the BRAC Bank for registration and Commencing its business as in no way affects the public in general or a particular group of respondent No. 1, he has no right to come with the writ petition in the nature of public interest litigation. It is seen from the materials on record that the Registrar of Joint Stock Companies and the Bangladesh Bank in the performance of their duties as to issuance of certificate of incorporating and issuance of no objection certificate for registration failed to perform their duties, i.e. to see whether the BRAC Bank has a separate entity from the BRAC which they were require to do under the law or, in other words, the said two organization issued certificate without compliance of the provision of law in that a charitable organization registered under the Act is not in law authorised to undertake totally commercial activity upon deviation from its primary objects. This being the position, in my view, the respondent No. 1 was quite competent to move the High Court Division seeking relief by way of declaration that the actions the Registrar of Joint Stock Companies and the Bangladesh Bank were without lawful authority and were of no legal effect. It has been submitted on behalf of the appellants that in the Act there is no provision prohibiting the charitable and voluntary society registered thereunder for undertaking activities for the purpose of augmenting its income to make the charitable activities broad-based. Apparently, it would appear from the provisions of the Act there is no embargo on

the Societies or Organisations as are mentioned in section 20 of the Act in going for profit earning undertaking (s) for the purpose of augmenting its income or, in other words, to go for the activities for profit. But on a close scrutiny of the provisions of the Act, particularly kind of society or organization mentioned in section 20 of the Act, society or organization that can be registered under the Act is required to confine itself to either voluntary activities or charitable activities primarily. The society or organization may go for incidental activities related to or connected with charitable or welfare activities but in no way can go for investing the society's fund with the presence of risk factor of loss and engaged itself in activities in no way related to social welfare activity. If the society registered under the Act goes for any other activities in any form different from the purpose for which it has been registered it would certainly be found in the Act that these said kind of activities are not permissible. The BRAC has been registered under the Act with the sole object of charitable purpose and to be engaged in social welfare activities on the non-profit basis under the Act."

21. So it appears that the organization involved voluntary activities may engaged in some trade to business for income and earning profit just to keep the Voluntary activities containing one. In the instant case it appears that the petitioner being a organization registered under the Ordinance 46 of 1978 involved in business but the same cannot be determined as a profit making one as because the very purpose of the petitioner is to render Voluntary service more specifically poverty alleviation and for such activities the petitioner is to engaged in some trade and business. Also in the case of Kumudini Hospital vs Kumudini Hospital Karmachari Union reported in 43 DLR 655 the High Court Division affirmed the Contention. So



but the said decisions are not applicable in the Present case as the petitioner raises purely question of law. In the instant case, only question is to be considered which a pertinent question of law is. Admittedly, at any stage this Court can examine and consider the jurisdiction of Court of law has been raised.

22. In view of the decisions as referred to, facts and circumstances, discussion made herein above we are of the view that the petitioner being a pure voluntary social welfare organization

registered under special law does not include within the definition of commercial establishment/Industry within the definition of both Employment Labour (Standing Orders) Act 1965 and Industrial Relations Ordinance 1969 and, as such, the respondent No.1 committed illegality in deciding the case beyond its jurisdiction.

Accordingly, the Rule is made absolute without any order as to cost.

Ed

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**HIGH COURT DIVISION**  
(Special Original Jurisdiction)

Writ Petition No. 1234 of 2004.

Md. Imman Ali J

Obaidul Hassan J

Ain-o- Salish Kendra (ASK) and Another ..... Petitioners

vs

Bangladesh represented by the Secretary, Ministry of Labour and Manpower and others ..... Respondents

September 5th, 2010

Md. Imman Ali J. There are 25,000 child workers aged between 4 to 14 years in the 'bidi' factories situated in Haragacha, Rangpur and they work under unhealthy and unhygienic environment risking their lives. This was stated in a report published in the Daily Ittefaq on 05-10-2003. A similar report was published in the Daily Jugantar on 15-1-2004 reporting that 15,000 child workers are carrying on work within the 'bidi' factories of Haragacha in Rangpur under inhuman conditions. The children are between the ages of 8-16 years. An editorial in the Daily Protham Alo Dated 04-10-2003

also speaks of 10,000 children working in the 'bidi' factories in Haragacha who have lost their childhood. In view of such stories regarding children toiling in the 'bidi' factories in Rangpur the petitioners. Ain-o-Salish Kendra (ASK) and Aparajeyo Bangladesh filed the instant writ petition seeking an order from this Court declaring the continuous failure of the respondents to ensure healthy, hygienic and safe work place, for the workers within the 'bidi' factories of respondents No.3 to 5 in accordance with the provisions of the Factories Act, 1965 and why such activity should not be declared as illegal and



unconstitutional, being in violation of the fundamental rights guaranteed under Articles 27 and 31 of the Constitution and why they should not be directed to discharge their legal duties to ensure compliance with the aforesaid provisions of law. It was further prayed that the respondents No.3, 4 and 5 be directed to provide cost of medical treatment to the workers within those 'bidi' factories including the children, who are suffering from diseases due to their work in those establishments.

2. Further details appear on the petition highlighting the unhealthy and unhygienic conditions under which workers, including children, do their daily work within the 'bidi' factories inhaling air polluted by tobacco dust and how large quantity of nicotine has been detected on their blood system. It also describes how many of the workers fall prey to various chronic diseases such as Asthma, TB, Jaundice, Bronchitis, Kidney infection and skin and eye diseases. The scenario of appalling exploitation of labour described in the petition portrays the fact that the workers within the 'bidi' factories earn a meagre 13.50 taka (about US\$ 0.19) for preparing one thousand bidi-sticks. The petition describes also the fact that the doctors at Rangpur Medical College Hospital and Rangpur Chest Hospital have given opinions that those who work for long periods in the 'bidi' factories are exposed to various chronic diseases like TB, Bronchitis etc. and that about 30 workers died in the last five years suffering from TB and Bronchitis among whom seven were children.

3. In Bangladesh a 'bidi' refers to a hand rolled 'cigarette', i.e tobacco rolled in paper, usually in an almost conical shape. In the past the word 'bidi' referred to tobacco rolled in tendu leaf and was and still is the common 'cigarette' in rural India,

the sale of which outstrips the sale of normal cigarettes by 8:1.

4. Dr. Naim Ahmed, learned advocate appearing on behalf of the petitioners submitted that the provisions regarding the conditions of work within the factories were at the relevant time found in sections 12 to 20 of the Factories Act, 1965. The law was repealed by the labour Act 2006. The petitioners, by filing a supplementary affidavit dated 11-7-2010, have furnished a report of an inquiry under taken by ASK which tends to show that the modus operandi of the 'bidi' factory has now changed to a certain extent, inasmuch as the work is now handed by the factory owners to middlemen, who supply the necessary paper and tobacco for rolling the 'bidi' sticks to the 'bidi' rollers, who do the work within their homes. It is reported that once the raw materials are taken to the homes the whole family, including adults and young children are engaged in rolling 'bidi' throughout the day. It is opined out that the 'bidi' rollers should receive 63 taka per thousand, but in fact they receive about half of that, leaving the remainder in the hands of the middleman. At the same time the report also confirms that the 'bidi' factories are still engaging children within their factories where the working condition is unhygienic and inhuman. Children interviewed alleged that they suffered from headaches and cough that some even faint within the factories. On the other hand, the Managers of the 'bidi' factories deny engaging any children within their factories and their registers do not disclose any children being engaged by them for work within the factories. Dr. Naim submitted that the factories Act, 1965 was abolished by the Labour Act, 2006, but all the relevant provisions have been re-enacted in sections 51 to 60 of the current law. With regard to the age of workers, section 2(ka) of the Factories Act described as "adolescent"



someone between the age of 16 to 18 years and an "adult" as someone who has completed the age of 18 years and a "Child" as anyone who has not completed the age of 16 years. A "young person" is one who is a child or an adolescent. He pointed out that section 66 of child or the Factories Act, 1965 prohibited the employment of any child who had not completed 14 years of age and section 67(Ka) provided that nonadult workers between the age of 14 to 18 years would not be allowed to work unless a certificate of fitness was granted for the purpose under section 68 of the Act. The learned advocate points out that the reports quite clearly show that the provisions of law were not being followed.

5. Dr. Naim Ahmed mentioned also that the problems of child labour is not confined to the 'bidi' industry and extends the length and breadth of the country where children are employed in many other hazardous labour, including the small metal industries, welding, hand looms, carpet industry, balloon making, fishing industry etc. He submits that in all these cases the children are engaged in work detrimental to their health only for the additional income needed by the family for their survival.

6. Respondent no.2, the Chief Inspector of Factories entered appearance by filing affidavit-in opposition. In his affidavit-in-opposition dated 20-7-2010 he has admitted that upon inspection of the 'bidi' factories the management of the factory was advised to rectify and implement the provisions of labour laws and also some of the factories have been prosecuted for failing to enforce the law. It is also admitted that there are a small number of child workers working in the factorises, but most of them work in disguise, it is their parents who are enlisted as workers. It is further stated that most of the workers now take delivery of 'bidi' materials and take them to their houses,

where they roll the 'bidi' It is further admitted they 23 factories, including response dents No.3 to 5 were prosecuted under section 284 of the Labour Act, 2006 for engaging children and also there were prosecutions for violation of sections 14,15,16 and 17of the Factories Act, 1965. It is admitted that in the premises of Maya Bidi Factory, on the ground floor of the five storied building and in another tin shed, a large number of workers, including child workers were working, but when the inspection team visits the factories the management hide the children and show only the adult workers. The children found present are shown only as the couriers of food and other materials for their parents. They are seen as helping hands. Respondent No.2 admits in his affidavit-in-opposition that the facts regarding Aziz Bidi Factory, respondent No.4 are correct as stated in the petition and due to the fact that they are engaging child workers the management have been prosecuted as well as for poor working conditions. It is also stated that respondent No.5, Minhaz Bidi Factory always hide their exact picture or record with regard to child labour, and when the inspection team visits, the management hide the child labourers and according to them there is no record of any child being registered as a labourer in the factory. The respondent No.2, although admitting that the factories are in violation of the law in engaging child labour and also making their workers work in unhygienic and inhuman conditions, admits only to the fact that no more than 5% of the workers engaged in the 'bidi' factories are children. On the other hand, the claim of the petitioners so that 70% of the workers are children. Respondent no.2 bemoans the fact that the number of inspectors in correlation to the number of factories and shops and other establishments, which they are required to inspect, is totally inadequate and the enforcement machinery is not capable of doing the work of inspection properly and



adequately. By a further affidavit-in-opposition dated 02-8-2010, respondent No.2 has brought to our notice the formation of the National Council for Industrial Health and Safety. Which comprises of the Honorable Minister of the Ministry of manpower and Expatriates Welfare and Foreign Employment and also includes 21 other members from various ministries as well as factory owners. This Committee was formed by way of gazette notification of the Labour and Manpower Ministry dated 03-12-2009. By a further Affidavit dated 09-8-2010 respondent No.2 also brought to the notice of this Court the proposed ' Bangladesh national Occupational Safety and Health Policy' issued by the Ministry of labour and Manpower. However, no date appears on this document.

7. Mr.Md. Jahangir Alam, Learned Assistant Attorney-General submitted in support of the affidavits-in-opposition filed by respondent No.2 stating that in spite of the inadequacy of the inspectorate, work is constantly being done by the inspectors and prosecution is on-going in respect of a number of the factories. However, he pointed out that the sanctions provided by the laws are inadequate and ineffective, inasmuch as it is more beneficial to the factory owners to pay the fine rather than to comply with the law.

8. It appears to us that the gravity of the problems of child labour spreads throughout the country and across multifarious industries and work types where children are engaged in earning for the types where children are engaged in earning for the family due to dire food insecurity. We, therefore, felt the urge to leave the confines of the facts of the instant case in order to deal with the wider problem of child labour. It indeed appears to be a national problem and deserves more than just a cursory glance from the state machinery.

9. In view of the gravity of the allegations highlighted in the petition, particularly bearing in mind that lives of children are at risk, we requested Dr. Naim Ahmed to assist us by providing certain materials regarding child labour as it is being dealt with in other countries. From the statistics that are available, we find that according to data published by UNDP Human Report, 2007-2008 there are 5.05 million working children between the age of 5 to 14 years, the total number of children being 25.06 million in that age group. It is as well to mention here the provisions of International Labour Organization (ILO) Convention No. 182, which Bangladesh ratified on 12-3-2001. Article 3(d) of the said convention includes in the definition of hazardous child labour as " work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children." An ILO study on hazardous child labour in Bangladesh found that more than 40 types of economic activities carried out by children were hazardous to them. The survey also reveals that except for light work, child labour usually had harmful consequences on the mental and physical development of children.

10. Other data shows that in 1995 before BGMEA/ILO/UNICEF project in Bangladesh started , nearly 43% of the garment factories employed children. By 2003 this figure had been reduced to around 1%. This we may add was the result of the Harkin Bill, also known as the child Labour Deterrence Act. 1993, by which the USA effectively prohibited import of any goods from any country which employed child labour in the production of those goods.

11. According to a survey carried out by Bangladesh Bureau of Statistics (BBS) in 2002-2003 it was found that there were 4.9 million working children 14.2 percent out of a total 35.06 million children in the age group of 5-14 years. The total working child population between 5 and 17 years

was estimated at 7.9 million. Other surveys found that children were engaged as child labour within light industrial sectors, including welding, automobiles, battery re-charging and transport.

12. Dr. Naim referred us to the conditions of 'bidi' workers in India where a similar situation exists and workers there also are working in unhygienic condition rolling bidis. There also, entire families, including babies and small children, of the home-based 'bidi' workers are exposed to harmful tobacco dust. In a report entitled 'Bidi Monograph from the internet, it is stated that 'bidi' rolling is hazardous employment and involves child labour, but the laws are rarely enforced nor are the welfare measures to protect 'bidi' workers. It is suggested in that report that major efforts should be initiated to assist poor 'bidi' workers to find alternative means of making a living at higher wages with safer working conditions. Dr. Naim pointed out that Article 1 of ILO Convention 182-Convention on the worst Forms of child labour, 1999 provides that " Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. " He also pointed out that the labour laws in place are also geared towards prohibiting children from working in hazardous conditions. But the detection of the breaches and implementation of the provision of law are not adequate.

13 Finally, Dr. Naim, drew our attention to the fact that Bangladesh is a poor country and in many instances the working children are the means of livelihood of the families and perhaps no drastic and hasty action should be taken in order to entirely stop the employment of children in various factories. He also pointed out that the Harkin Bill had the very negative effect of suddenly making

many children destitute as they were not allowed to continue to work in the garments industries, as a result of which they. become prey to other harmful elements and had to take recourse to other more harmful and hazardous employment. Dr. Naim also drew our attention to the fact that not only is there hazardous conditions of work in the 'bidi' industry, but there are many other industries on our country which engage child labour which are equally, if not more, hazardous, including in the leather industry, the hand looms. the fishing and fish processing industry, the metal manufacturing industry etc. He also points out that children are handed over to certain employers on payment of lump sum of money and the children are expected to work for those employers until that money is considered repaid, which is locally known as " dadon". He submitted, however, that these are situations which are the result of our poor economy and lack of provisions by the state in order to alleviate poverty.

#### **Causes of Child Labour Education etc:**

14. The sum and substance of the reports which have been placed before us lead us to the conclusion that child labour is a phenomenon created by poverty. It is also noteworthy that poverty generates more poverty due to lack of education and properly man aged resources. A Bangladesh report for the year, 2006 (Review of Child Labour , Education and Poverty Agenda) produced by the Global March against child Labour highlights the following issues:

" The issue of child labour cuts across policy boundaries and is cause and consequence of poverty, displacements, illiteracy and adult unemployment. Extreme forms of poverty play a crucial role in encouraging child labour.

Among factors contributing to child labour are rapid population growth, adult unemployment, bad working conditions,

lack of minimum wages, exploitation of workers, low standard of living, low quality of education, lack of legal provisions and enforcement, low capacity of institutions, gender discrimination, conceptual thinking about childhood etc. One or more of the above contribute to the large numbers of children working under exploitative or hazardous conditions..

#### **Laws Regulation child labour:**

15. Since the time of British rule there have been many laws protecting children from the harsh world of hazardous labour. The Employment of Children Act, 1938 (repealed by the Labour Act 2006) provided as follows:

"3(3) No child who has not completed his twelfth year shall be employed, or permitted to work, in any workshop where in any of the processes set forth in the Schedule is carried on:

#### **THE SCHEDULE**

List of Process:

1. Bidi-making
2. Carpet -weaving
3. Cement manufacture, including bagging of cement
4. cloth-printing, and weaving
5. Manufacture of matches, explosives and fire-works
6. Mica-cutting and splitting
7. Shellac manufacture
8. Soap manufacture
9. Tanning
10. Wool cleaning."

16. Clearly the above processes were recognised as hazardous preoccupations for children of tender years, and yet thousands of children of this countrs are engaged in

such hazardous labour, in spite of laws providing sanction for violation of the laws. Unfortunately the sanction for violation as provided in section 4 of the above mentioned Act was a fine which could extend to five hundred taka. With the introduction of new law, namely the Labour Act 2006 the penalty has been increased to a fine of five thousand taka as provided by section 284. It may be noted that the Employment of Children Act, 1938 was replaced in India by the child Labour (Prohibition and Regulation) Act, 1986 Section 14 of the Act has provided for punishment up to 1 year imprisonment (minimum being 3 months) or with fine up Rs,20,000 (minimum being ten ten thousand) or with both to one who employs or permits any child to work in contravention of provisions in section 3. It is no wonder that the employers of child labour in this country choose to pay the fine in the rare event of being prosecuted.

#### **The Constitution:**

*Article 14. Emancipation of peasants and workers.*

It shall be a fundamental responsibility of the State to emancipate the toiling masses the peasants and workers and backward sections of the people from all forms and exploitation.

*Article 15. Provision of basic necessities.*

It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens-

- (a) the provision of the basic necessities of life, including food, clothing, shelter, education and medical care;
- (b) the right to work, that is the right to

guaranteed employment at a reasonable wage having regard to the quantity and quality of work;

- (c) the right to reasonable rest, recreation and leisure; and the right to social security, that is to say to public assistance in cases -of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases. Article 17. Free and compulsory education..

The State shall adopt effective measures for the purpose of-

- (a) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law;
- (b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; removing illiteracy within such time as may be determined by law.

*Article 19. Equality of opportunity.*

(1) The State shall endeavour to ensure equality of opportunity to all citizens.

(2) The State shall adopt effective measures to remove social and economic inequality between man and man and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic.

*Article 20. Work as a right and duty.*

(1) Work is a right, a duty and a matter of honour for every citizen who is capable of working, and everyone shall be

paid for his work on the basis of the principle "from each according to his abilities to each according to his work".

(2) The State shall endeavour to create conditions in which, as a general principle, Persons shall not be able to enjoy unearned incomes, and in which human labour in every form, intellectual and physical, shall become a fuller expression of creative endeavour and of the human personality.

*Article 28. Discrimination on grounds of religion etc.*

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

(2) Women shall have equal rights with men in all spheres of the State and of public life. -

(3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability. restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.

(4) Nothing in this article shall prevent the State from making special

provision in favour of women or children or for the advancement of any backward section of citizens.

*Article 34. Prohibition of forced labour.*

(1) All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall apply to compulsory labour.

(a) by persons undergoing lawful punishment for a criminal offence; or

required by any law for public purpose.

**Labour Act. 2006**

Section 2(viii): 'adolescent' means a person has completed fourteen years but has not completed eighteen years of age;

Section 2(xxxvi): 'adult' means a person who has completed eighteen years of age;

Section 2(Lxiii): 'child' means a person who has completed his fourteen years of age;

Section 34: Prohibition on employment of children and adolescents:  
(1) No child shall be employed or permitted to work in any occupation or establishment

(2) No adolescent shall be employed or permitted to work in any occupation or establishment unless.-

(a) a certificate of fitness in the prescribed form and granted to him by a registered medical practitioner in the custody of the employer ; and

(b) he carries, while at work, a token giving a reference to such certificate.

(3)Nothing in sub-section (2) shall apply to the employment of any adolescent in any occupation or establishment either as an apprentice or for the purpose or receiving vocational training therein:

(4) The Government may, where it is of opinion that an emergency has arisen and the public interest so requires, by notification in the official Gazette, shall suspend the provision of sub-section (2) for such period as may be specified in the notification.

35. Prohibition of certain agreement in respect of children: Subject to the provisions of this Chapter, no person being

the parent or guardian of a child shall make an agreement consenting to the child being engaged in any employment.

Explanation: In this section, 'guardian includes any person having legal custody of or control over a child.

36. Disputes as to age: (1) If any question arises as to whether any person is a child or an adolescent, the question shall, in the absence of a certificate as to the age of such person granted by a registered medical practitioner, be referred by the Inspector for decision to a registered medical practitioner.

(2) A certificate as to age of a person granted by a registered medical practitioner as mentioned in sub-section (1) shall be conclusive evidence as to age of the person to whom it relates.

37. Certificate of fitness: (1) A registered medical practitioner shall, on the application of any adolescent or his parent or guardian or by the employer whether the concerned adolescent is fit to work in any occupation or establishment, examine such person and shall give his decision as to his fitness:

Provided that when such application is made by the adolescent or his parent or guardian, the application shall be accompanied by a document signed by the employer in whose establishment the adolescent is an applicant, stating that such person will be employed if certified to be fit for work.

(2) Any certificate of fitness granted under this section shall remain valid for a period of twelve months from the date on which it was issued;

(3) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the adolescent or his parents or guardian.



38. Power to require medical examination: Where an Inspector is of opinion-

(a) that any person working in an establishment is an adolescent, but he has no certificate of fitness, or

(b) that an adolescent working in an establishment with a certificate of fitness is no longer fit to work in the capacity stated therein, he may serve on the employer a notice requiring that such adolescent shall be examined by a registered medical practitioner and may direct that such adolescent shall not, be allowed to work until he has been so examined and has been granted a certificate of fitness or has been certified by the registered medical practitioner not to be an adolescent.

39. Restriction of employment of adolescent in certain work: No adolescent shall be allowed in any establishment to clean, lubricate or adjust any part of machinery while that part is in motion or to work between moving parts or between fixed and moving parts, of any machinery which is in motion.

40. Employment of adolescent on dangerous machines: (1) No adolescent shall work at any machine unless-

(a) He has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and -

(b) has received sufficient training in work at the machine, or is under adequate supervision by a person who has thorough knowledge and experience of the machine.

2) This provision shall apply to such machines as may be notified by the Government to be of such a dangerous character that an adolescent ought not to

work at them unless the requirements of sub-section (1) are complied with.

(3) The Government may from time to time publish in the official gazette the list such of hazardous works where, no adolescent shall be employed.

41. Working hours for adolescent: (1) No adolescent shall be required or allowed to work in any factory or mine, for more than five hours in any day and thirty hours in any week;

(2) No adolescent shall be required or allowed to work in any other establishment, for more than seven hours in any day and forty -two hours in any week.

(3) No adolescent shall be required or allowed to work in any establishment between the hours of 7-00 PM and 7-00 AM

(4) If an adolescent works overtime, the total number of hours worked, including overtime, shall not exceed-

(a) in any factory or mine, thirty six hours in any week;

(b) in any other establishment , forty eight hours in any week.

(5) The period of work of an adolescent employed in an establishment shall be limited to two shifts which shall not overlap or spread over more than seven and a half hours each.

(6) An adolescent shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Inspector, be changed more frequently than once in a period of thirty days.

(7) The provisions of weekly holiday shall apply also to adolescent workers and no exemption from the provision of that



section shall be granted in respect of any adolescent.

(8) No adolescent shall be required or allowed to work in more than one establishment in any day.

42. Prohibition of employment of adolescent in underground and under-water work: No adolescent shall be employed in any underground or underwater work.

43. Notice of periods of work for adolescent: (1) In every establishment in which adolescent are employed, there shall be displayed in the manner prescribed by rules, a notice of specified periods of work for adolescent.

(2) The periods shown in the notice under subsection (1) shall be fixed beforehand in the manner laid down for adult workers and shall be such that adolescent working on those periods would not be working in contravention of this Act.

(3) The relevant provisions laid down for adult workers in the occupation or establishment shall also apply to the notice under sub-section (1)

(4) The Government may make rules to prescribe the form of such notice and the manner in which it shall be maintained.

44. Exception in certain cases of employment of children:

(1) Notwithstanding anything contained in this Chapter, a child who has completed twelve years of age may be employed in such light work as not to endanger his health and development or interfere with his education. Provided that the hours of work of such child, where he is school-going, shall be so arranged that they do not interfere with his school attendance.

(2) All Provisions applicable to an adolescent workers under this Chapter

shall mutatis-mutandis apply to such child workers.

51. Cleanliness: Every establishment shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and in particular-

(a) accumulation of dirt and. refuse shall be removed daily by sweeping or by any other effective method from the floors and benches of work-room and from staircases and passages and disposed of in a suitable manner;

(b) the floor of every work-room shall be cleaned at least once in every week by washing, using disinfectant where necessary or by some other effective method;

(c) where the floor is liable to become wet in the course of any manufacturing process to such extent as is capable of being drained, effective means of drainage shall be provided and maintained;

(d) all inside walls and partitions, all ceilings, or tops of rooms, and walls, side and tops or passages and staircases shall-

(i) where they are painted or varnished, be repainted or re-varnished at least once in every three years,

(ii) where they are painted or varnished and have smooth imperious surface, be cleaned at least once in every fourteenth months, by such methods as may be prescribed,

(iii) in any other case, be kept white-washed or colour-washed and the white-washing or colour-washing shall be carried out at least once in every fourteen months; and

(e) the date on which the processes required by clause (d) are carried out shall be entered in the prescribed register.

52. Ventilation and temperature: (1) Effective and suitable provisions shall be made in every establishment for securing and maintaining in every work-room adequate ventilation by the circulation of fresh air;

(2) such temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

(3) The walls and roofs, as required by sub-section (2) shall be of such material and so designed that such temperature shall not be exceeded but kept as low as practicable;

(4) Where the nature of the work carried on in the establishment involves, or is likely to involve, the production of excessively high temperature, such adequate measures as are practicable, shall be taken to protect the workers there from by separating the process which produces such temperature from the work-room by insulating the hot parts or by other effective means.

(5) If it appears to the Government that in any establishment or class or description of establishments excessively high temperature can be reduced by such methods as white-washing, spraying or insulating and screening outside walls or roofs or windows or by raising the level of the roof, or by insulating the roof either by an air space and double roof or by the use of insulating roof materials or by other methods, it may prescribe such of those or other methods to be adopted in the establishment..

53. Dust and fume: (1) In every establishment in which, by reason of any manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein,

effective measures shall be taken to prevent its accumulation in any work-room and its inhalation by workers, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

(2) In any establishment no stationary internal combustion engine shall be operated unless the exhaust is conducted into open air, and no internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes there from as are likely to be injurious to the workers employed in the work-room.

54. Disposal of wastes and effluents: Effective arrangements shall be made in every establishment for disposal of wastes and effluents due to the manufacturing process carried on therein.

55 . Artificial humidification: (1) In any establishment in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply, or other source of drinking water, or shall be effectively purified before it is so used.

(2) If it appears to an Inspector that the water used in an establishment for increasing humidity which is required to be effectively purified under sub-section (1) is not effectively purified, he may serve on the employer of the establishment an order in writing, specifying the measures which, in his opinion, should be adopted, and requiring them to be carried out before a specified date.

56. Overcrowding: (I) No work-room in any establishment shall be overcrowded to an extent injurious to the health of the workers employed therein.



(2) Without prejudice to the generality of the provisions of sub-section (1) there shall be provide for every worker employed in a work-room at least 9.5 cubic meter of space in the establishment.

Explanation. For the purpose of this sub-section no account shall be taken of a space which is more than 4.25 metre above the level of the floor of the room.

(3) If the Chief Inspector by order in writing so requires, there shall be posted in each work-room of an establishment a notice specifying the maximum number of workers who may, in compliance with the provisions of this section, be employed in the room.

(4) The Chief Inspector may, by order in writing, exempt, subject to such conditions as he may think fit to impose, any work-room from the provision of this section if he is satisfied that compliance therewith in respect of such room is not necessary for the purpose of health of the workers employed therein.

**57. Lighting:** (1) In every part of an establishment where workers are working or passing, there shall be provide and maintained sufficient and suitable lighting, natural or artificial, or both.

(2) In every establishment all glazed windows and skylights used for the lighting of the work-room shall be kept clean on both the outer and inner surface and free from obstruction as far as possible.

(3) In every establishment effective provisions shall, so far as is practicable, be made for the prevention of—

- (a) glare either directly from any surface of light or by reflection from or polished surface, and
- (b) the formation of shadows to such an extent as to cause eye strain or risk of

accident to any worker.

**58. Drinking water:** (1) In every establishment effective arrangement shall be made to provide and maintain at a suitable point conveniently situated all workers employed therein, a sufficient supply of wholesome drinking water.

(2) All such points where water is supplied shall be legibly marked 'Drinking Water' in Bangla.

(3) In every establishment wherein two hundred fifty or more workers are ordinarily employed, provision shall be made for cooling the drinking water during the hot weather by effective means and for distribution thereof.

(4) Where dehydration occurs in the body of workers due to work near machineries creating excessive heat, there workers shall be provided with oral re-hydration therapy.

**59. Latrines and urinals:** In every establish ment—

- (a) sufficient latrines and urinals of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are in the establishment;
- (b) such latrines and urinals shall be provided separately for male and female workers;
- (c) such and urinals shall be adequately lighted and ventilated;
- (d) all such latrines and urinals shall be maintained in a clean and sanitary condition at all times with suitable detergents and disinfectants.

**60. Dust bean and Spittoon:** (1) In every establishment there shall be provided at convenient places, sufficient number of

dust beans and spittoon which shall be maintained in a clean and hygienic condition.

(2) No Persons shall throw any dirt or spit with in the premises of an establishment except in the dust beans and spittoon provided for the purpose.

(3) A notice containing this provision and the penalty for its violation shall be prominently displayed at suitable places in the premises.

**100. Daily hours:** No adult worker shall ordinarily be required or allowed to work in an establishment for more than eight hours in any day.

Provided that, subject to the provisions of section 108, any such worker may work in an establishment not exceeding ten hours in any day.

**101. Interval for rest or meal:** Any worker in any establishment shall not be liable to work either—

- (a) for more than six hours in any day unless he has been allowed an interval of at least one hour during that day for rest or meal;
- (b) for more than five hours in any one day unless he has been allowed an interval of at least half an hour during that day for rest or meal ; or
- (c) for more than eight hours unless he has had an interval under clause (a) or two such intervals under clause (b) during that day for rest or meal.

**102. Weekly hours:** (1) No adult worker shall ordinarily be required or allowed to work in an establishment for more than forty-eight hours in any week.

(2) Subject to the provisions of section 108,

an adult worker may work for more than forty-eight hours in a week.

Provided that the total hours of work of an adult worker shall not exceed sixty hours in any week and on the average fifty-six hours per week in any year.

Provided further that in the case of a worker employed in an establishment which is a road transport service, the total hours or overtime work in any year shall not exceed one hundred and fifty hours.

Provided further that the Government, if satisfied that in public interest or in the interest of economic development such exemption or relaxation is necessary, in certain industries, by order in writing under specific terms and conditions, may relax the provision of this section or exempt, for a maximum period of six months, from the provision of this section at a time.

**103. Weekly holiday:** An adult worker employed in an establishment —

- (a) Which is a shop or commercial establishment, or industrial establishment, shall be allowed in each week one and half days holiday and in factory and establishment one day in a week;
- (b) Which is a road transport service, shall be allowed in each week one day's holiday of twenty four consecutive hours, and no deduction on account of such holidays shall be made from the wages of any such worker.

#### **ADMINISTRATION, INSPECTION, ETC.**

**317. Director of Labour, etc.:** (1) The Government may, by notification in the official Gazette, appoint a Director of Labour of labour and such number of Additional Director of Labour, Joint



Directors of Labour, Deputy Directors of Labour and Assistant Directors of Labour as it thinks fit for the purposes of this Act.

(2) Where Additional Directors, Joint Directors, Deputy Directors or Assistant Directors are appointed, the Government shall specify in the notification the area within which each one of them shall exercise powers and perform functions under this Act.

(3) The Director of Labour shall have powers of supervision and control over all Additional Director of Labour, Joint Directors of Labour, Deputy Directors of Labour and Assistant Directors of Labour.

(4) The following shall be the powers and functions of the Directors of Labour—

- (a) to register trade unions under Chapter XIII and maintain a register for this purpose;
- (b) to lodge complaints with the Labour Courts for action against any offence or any unfair labour practice or violation of any provisions of Chapter XIII;
- (c) to determine the question as to which one of the trade unions in an establishment or group of establishments is entitled to be certified as the collective bargaining agent in relation to that establishment group of establishment
- (d) to supervise the election of trade unions executives and the holding of any secret ballot;
- (e) to act as conciliator in any industrial dispute;
- (f) to supervise the functioning of participation committees; and
- (g) such other powers and

functions as are conferred by this Act or Rules.

(5) The Director of Labour may, by general or special order in writing, direct that all or any of his powers and functions, be also exercisable by the Additional Director of Labour, Joint Director of Labour, Deputy Director of Labour or Assistant Director of Labour.

318. Chief Inspector. etc: (1) The Government may, by notification in the official Gazette, appoint a Chief Inspector and requisite number or Deputy Chief Inspectors, Assistant Chief Inspectors or Inspectors as it thinks fit for the purpose of this Act.

(2) Where Deputy Chief Inspectors, Assistant Chief Inspectors are appointed, the Government shall specify in the notification the area within which and the class of establishments in respect of which each one of them shall exercise power and perform functions.

(3) The Chief Inspector shall, in addition to the powers conferred on him under this Act, have the powers of an Inspector throughout the country.

(4) The Chief Inspector shall also have powers of supervision and control over Deputy Chief Inspectors, Assistant Chief Inspectors and Inspectors.

(5) The Chief Inspector may, by general or special order in writing, direct that all or any of his powers and functions may, be also exercisable by any Deputy Chief Inspector, Assistant Chief Inspector and Inspector.

(6) All Principal Officers of the Mercantile Marine Department shall be Inspectors ex-officio for the purpose of regulations made under Chapter VI within the limit of their charge.

**319. Powers of Chief Inspector, etc.:**



(1) For carrying out the purposes of this Act, the Chief Inspector, a Deputy Chief Inspector, an Assistant Chief Inspector or Inspector, shall have the following powers and responsibilities within the area for which he is appointed—

(a) with such assistants, if any as he thinks fit, enter, inspect and examine any place, premises, vessel or vehicle, at any reasonable time, which is, or which he has reason to believe to be, an establishment or used for an establishment;

(b) require the production of the registers, records, certificates, notices and other documents kept or maintained in pursuance of this Act or the rules, regulations, orders or schemes and seize, inspect, examine and copy any of them;

(c) make such examination and enquiry as may be necessary to ascertain whether the provisions of this Act or the rules, regulations, orders or schemes in respect of any establishment or any worker employed therein are complied with;

(d) examine, in respect of matters pertaining to this Act or the rules, regulations, orders or schemes any person whom he finds in any establishment or whom he has reason to believe to be or to have been within the preceding two months employed in any establishment;

(e) require every person so examined to sign the record of such examination by way of verification;

(f) require such explanation from the employer or any person employed by him in respect of any registers, record, certificates, notices or other documents kept or maintained by him as he deems necessary;

(g) exercise such other powers and functions as are conferred by this Act or may be prepared.

(2) The employer of every establishment shall furnish such means as

may be required by an Inspector for entry, inspection, examination, enquiry otherwise for the exercise of the powers under this Act, and the rules, regulations, orders or schemes.

(3) Every employer shall produce for inspection by an Inspector all records, registers and other documents required to be kept or maintained for the purpose of this Act and the rules, regulations and schemes, and shall furnish any other information in connection therewith as may be required by such Inspector.

(4) An Inspector shall have the power to call for or to seize, any record, register or other document of any employer relevant to the enforcement for the provisions of this Act or the rules, regulations or schemes as he may consider necessary for the purpose of carrying out his functions under this Act and the rules, regulations or schemes.

(5) The Chief Inspector or, if authorized by him in this behalf, any other officer subordinate to him, may lodge complaint with the Labour Courts for action against any person for any offence or violation or any provisions of this Act or of any rules, regulations or schemes.

**323. National Council for Industrial Health and Safety:** (1) The Government may, by notification in the official Gazette, constitute a Council, to be called the National Council for Industrial Health and Safety.

(2) The Council shall consist of the following members, namely:

(a) the Minister for Labour and manpower, ex-officio, who shall ex-officio also be its Chairman;

(b) Secretary, Ministry of Labour and Manpower, ex-officio;



- (c) Secretary, Ministry of Industries, ex-officio;
- (d) Secretary, Ministry of Health, ex-officio;
- (e) Secretary, Ministry of Jute and Textile, ex-officio;
- (f) Secretary, Ministry of Shipping ex-officio;
- (g) Secretary, Ministry of Communications, ex-officio;
- (h) seven members representing industries, to be nominated by the Government in consultation with such employers' organizations as it may deem fit;
- (i) seven members representing workers, to be nominated by the Government in consultation with such trade union organizations as it may deem fit; and

Provided that at least one Female representative shall be included in the members representing workers, as well as employers.

- (j) Chief Inspector, ex-officio, who shall also be its Secretary.
- (3) The nominated members shall hold office for a term of three years.
- (4) The Council shall follow its own rules of procedure.
- (5) The Council shall—
- (a) prepare national policy for ensuring safety in industrial establishment and maintaining healthy and hygienic conditions of work and atmosphere therein;
  - (b) frame guidelines for implementation of its policy.
- (6) Every establishment shall take steps necessary for implementation of the policy prepared by the Council following

the guidelines framed by it.

#### PENALTY AND PROCEDURE

283. Penalty for non-compliance of Labour Courts order section-33: whoever refuses or fails to comply, with an order passed by the Labour Court under section -33 shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to five thousand Taka, or with both.

284. Penalty for employment of child and adolescent: Whoever employs any child or adolescent permits any child or adolescent to work in contravention of any provision of this act; shall be punishable with fine which may extend to five thousand Taka.

285. Penalty for making agreement in respect of a child in contravention of section -35: Whoever, being the parent or guardian of a child, makes an agreement in respect of such child in contravention of section 35, shall be punishable with fine which may extend to one thousand Tk. Convention on the Rights of the Child (CRC)

Article 18.2— For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their childrearing responsibilities and shall ensure the development of instructions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 27.1. — States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.



(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 31.1 —States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### Article 32

1. States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular—

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the

hours and conditions of employment;

- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 36.—State Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

ILO Convention C182 Worst Forms of Child Labour Convention 1999.

#### Article I

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency

#### Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

#### Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

- (a) prevent the engagement of children in the worst forms of child labour;
- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
- (d) identify and reach out to children at special risk; and
- (e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

17. It is by now well established that the provisions of international instruments, of which Bangladesh is a signatory are to be implemented in our domestic laws. There is an obligation, which we should not ignore, as was held in *Hussain Md Ershad vs Bangladesh*, 21 BLD (AD) 69 and *State vs Metropolitan Police Commissioner* 60 DLR 660.

#### **Lack of Education:**

The lack of education could be termed as the most obvious catalyst in the unending poverty cycle. In Bangladesh much improvement has been made in an attempt to achieving the Millennium Development Goal on increasing school attendance. In part-fulfilment of the mandate of Article 17 of the Constitution, the Government enacted, the Compulsory Primary Education Act (CPA) in 1990, which provided for free, universal and compulsory primary education to all children. The whole country was brought under CPA programme in 1993. In addition there is free education for girls up to grade eight; free books for all children at primary level and scholarship for girls reading in rural secondary schools including financial incentives to the schools themselves; there is a Food for Education (FFE) Programme that provides food ration to about 20 percent of poor primary school children in rural areas, the project was replaced by Primary Education Stipend Programme (PESP), popularly known as Upabritti, in July 2002. The main aim of PESP was to target 40 percent children enrolled in schools from the poor families, throughout rural Bangladesh [information taken from the Bangladesh Report] however, the question arises as to whether the compulsory free education is either 'free' or 'compulsory'. In reality is the education accessible? The Report goes on to say — Contrary to the belief that primary education is "free in Bangladesh as projected by the government, the Education Watch report 2001, indicates per student expenditure for nine months was BD '1k. 736 (US\$ 12) for primary level."

Thus, realistically the poverty-stricken parents could not afford to send their children to school due to other ancillary costs, such as school uniform, stationary and, sometimes travel costs. Moreover, it makes economic sense to send a child to earn whatever little he can rather than spend money on schooling for which

the return is uncertain.

What was most alarming in the report was the age composition of children engaged in labour— “According to the BBS, 2002-03 census, about 360,000 working children were in 5-9 age groups, while 4.63 million children were in 10- 14 age group and the rest 2.91 million children were in 15-17 age group.”

Thus, apparently significant numbers of boys and girls child workers are even below 10 years of age when they ought to be enjoying their childhood and all that goes with it, including education, love and affection from the family and a carefree atmosphere in which to develop mentally, psychologically, spiritually and intellectually. But this is denied, especially when children are sent, for example, to work as domestic labour hundreds of miles away from their loved ones or into bonded labour in the fishing industry, literally out to sea, not to return until the bond-debt is worked off. The psychological trauma caused by such separation is beyond imagination.

18. There have been efforts by the government to increase the numbers of school-going children, particularly by introducing various incentives for girls. However, the report states as follows:

“In spite of tremendous efforts by government, United Nations and other international agencies and NGOs for universalizing primary and elementary education and removing children from work through education and other rehabilitative interventions, the results suggests that limited success was achieved as magnitude of child population did not decrease substantially. The results depicts that only education interventions without integrating poverty alleviation programmes in the policy have not yield the desired results of reducing child labour.

It appears, therefore, that the education system has to be made more attractive for the poorest citizens, at least by providing a level of income for the family which will not require the children to go to work.

19. The Report mentions the children engaged in hazardous work in welding, which takes place in Dhaka city. It is no secret that there are huge numbers of children engaged in hazardous work under our very noses, where they are working in metal workshops, handling acid and other dangerous chemicals. The ILO has engaged some NGOs to alleviate the conditions of some working children in old Dhaka through the Ahsania Mission. Children between the ages of 8 to 16 years are taken away from the workplace with the consent of the employers and are given an opportunity to attend elementary classes. Some are given vocational training. But such activities are piecemeal and sporadic. As we understand, some other NGOs have similar small- scale projects offering such teaching! training facilities. But the activities of the NGOs and International NGOs (INGO5), such as UNICEF, Save the Children, ILO etc. are not cohesive and planned. Each organisation appears to be working in their own way and thankful for the little benefits they are able to achieve. On the other hand, if there was concerted effort, organised and monitored by one central body, perhaps better results might be achieved.

20. It is interesting to note the findings of the Report with regard to working children, wherein children are also stated to be engaged in hazardous occupations (15.31% for children aged 5-17 years and 11.20 % for children aged 5-14 years). Some are also said to be victims of commercial sexual exploitation work. It is accepted by the reports that ‘each work situation has deep-rooted consequences on



their human rights, healthcare and future economic production processes.' The Report goes on to say that 'the Government of Bangladesh has ratified four ILO conventions including the ILO Convention No. 182, (concerning the worst forms of child labour). The record of prosecution and conviction of cases related to circumventing the child labour laws are very rare or even non-existent. Thus the government seems to be ineffective to book the offenders of the child labour laws.' This indeed is a damning statement of the government's lack of initiative to grasp the issue and the far reaching consequences of its inactivity upon the future of the nation. It must not be forgotten that today's children will be tomorrow's full-grown adults and those working children will undoubtedly form the disadvantaged millions, who will be a burden on the economy rather than an asset.

21. It appears to us that any efforts to minimise the root cause of poverty in any substantial way are hampered by the failure to target the root causes, including the lack of proper education facilities. The lack of education of the parents creates the situation where the parents engage their children in hazardous work in the belief that the immediate gains from their labour is more than what they would achieve if the children were to attend school. The children thus grow up to be uneducated like their parents, and the vicious circle of illiteracy and poverty goes on.

22. There is a direct co-relation between children who are working and children who are not in education. By definition those children who spend their time working during the day cannot attend the schools, or at least cannot avail formal education. This makes the provision of compulsory education in our country for children between the ages of 5 to 10 quite illusory. We note that primary education

was made compulsory by Compulsory Primary Education Act, 1990, which came into effect in 1993. Under this Act free education was provided and books were provided free to the government and registered non-government primary schools, and since 1997 non-formal schools were also getting free books. From 2004 books were available for all schools, including those set up by NGOs, i.e. non-formal schools. But the fact remains that those are not the only costs involved in sending a child to school. There are other costs, including costs for uniform, where necessary, stationary, transport costs; and the most important of all is the fact that parents expect their children to be earning for the family's upkeep, which they would not do, if they were sent to school. Hence the provision of free compulsory primary education is of no real benefit to the real poor. It transpires that in practical terms the household investment for a child attending school would be more than the State investment in providing free primary education.

23. In the year, 2002 stipend was provided for children below the poverty line, 100 taka per month for one child and 125 taka for two children. But even that is not sufficient to cover the financial requirements of the family.

24. At the level of secondary education there is a stipend programme for female students which was put in place by a circular in 1982 for girls attending from Class-VI to X. Fees are paid directly to the school and stipend ranging from taka 25 per month in Class V to taka 60 per month in Class X are provided, but no stationary or books are provided free of cost. There has been some improvement made in the year 2010 when we find that all schools will receive free books up to Class X. In our view this is still not sufficient to entice children of the poor families to attend

**DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES**

(In million)

Major occupation	2002-2003			2005 - 2006			2010 (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Professional, technical	1.32	0.40	1.72	1.74	0.49	2.23	1.89	0.52	2.41
Administrative, managerial	0.09	-	0.09	0.20	0.02	0.22	0.59	0.10	0.69
Clerical workers	1.34	0.18	1.52	0.87	0.14	1.02	0.91	0.10	1.01
Sales workers	6.26	0.29	6.55	6.48	0.23	6.71	6.87	1.29	8.16
Service workers	1.03	0.95	1.98	1.89	0.87	2.78	1.69	1.31	3.00
Agriculture, forestry & fisheries	16.99	5.77	22.76	9.68	1.81	22.93	15.19	10.51	25.70
Production & transport labourers and others	7.45	2.24	9.69	9.68	1.81	11.49	10.74	2.37	13.11
<b>Total</b>	<b>34.48</b>	<b>9.84</b>	<b>44.32</b>	<b>36.08</b>	<b>11.28</b>	<b>47.36</b>	<b>37.88</b>	<b>16.20</b>	<b>54.08</b>

Note: (\* Provisional) indicates population 15 years and above as per Labour Force Survey 2010

Source: Labour Force Survey 2002 - 03, 2005-06 and 2010; Bangladesh Bureau of Statistics.

**DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES**

(In percent of total)

Major occupation	2002-2003			2005 - 2006			2010 (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Professional, technical	3.8	4.1	3.9	4.8	4.4	4.7	4.9	3.2	4.5
Administrative, managerial	0.3	0.0	0.2	0.6	0.2	0.5	1.6	0.6	1.3
Clerical workers	3.9	1.9	3.4	2.4	1.3	2.1	2.4	0.6	1.9
Sales workers	18.2	2.9	14.8	5.2	7.7	5.8	18.1	8.0	15.1
Service workers	3.0	9.7	4.5	18.0	2.1	14.2	4.5	8.1	5.5
Agriculture, forestry & fisheries	49.3	58.6	51.4	42.2	68.3	48.4	40.1	64.8	47.5
Production & transport labourers and others	21.6	22.8	21.9	26.8	16.0	24.3	28.4	14.7	24.2
<b>Total</b>	<b>100.0</b>								

Note: (\* Provisional) indicates population 15 years and above as per Labour Force Survey 2010

Source: Labour Force Survey 2002 - 2003, 2005-06 and 2010; Bangladesh Bureau of Statistics.

## POPULATION AGED 15 YEARS AND ABOVE BY MAJOR INDUSTRY

(In million)

Major Industry	2002-2003			2005 - 2006			2010 (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Agriculture, forestry & fisheries	17.16	5.77	22.93	15.08	7.68	22.77	15.22	10.51	25.73
Mining and quarrying	0.08	0.00	0.08	0.04	0.01	0.05	0.09	0.02	0.11
Manufacturing	2.64	1.71	4.34	3.93	1.29	5.22	4.82	1.91	6.74
Electricity, Gas and water	0.09	0.01	0.09	0.07	0.00	0.07	0.11	0.01	0.10
Construction	1.45	0.09	1.54	1.42	0.10	1.53	2.39	0.23	2.62
Trade, hotel and restaurant	6.42	0.25	6.67	7.37	0.45	7.82	7.31	1.08	8.39
Transport, storage & communication	2.99	0.03	3.02	3.91	0.07	3.98	3.79	0.25	4.04
Finance & business services and real estate	0.39	0.03	0.42	0.62	0.13	0.75	0.88	0.12	1.00
Health, education, public administration & defense	2.13	0.55	2.68	1.98	0.57	2.55	1.79	0.53	2.32
Community and personal services	1.14	1.41	2.55	1.65	0.97	2.62	1.81	1.56	3.37
<b>Total</b>	<b>34.48</b>	<b>9.84</b>	<b>44.32</b>	<b>36.08</b>	<b>11.28</b>	<b>47.34</b>	<b>37.88</b>	<b>16.20</b>	<b>54.08</b>

Note: (\* Provisional) indicates population 15 years and above as per Labour Force Survey 2010

Source: Labour Force Survey 2002 - 2003, 2005-06 and 2010; Bangladesh Bureau of Statistics.

## POPULATION AGED 15 YEARS AND ABOVE BY MAJOR INDUSTRY

(In percent of total)

Major Industry	2002-2003			2005 - 2006			2010 (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Agriculture, forestry & fisheries	49.8	58.7	51.8	41.8	68.1	48.1	40.2	64.9	47.6
Mining and quarrying	0.2	0.0	0.2	0.1	0.1	0.1	0.2	0.1	0.2
Manufacturing	7.6	17.3	9.8	10.9	11.5	11.0	12.7	11.8	12.5
Electricity, Gas and water	0.3	0.1	0.2	0.2	0.0	0.2	0.3	0.1	0.2
Construction	4.2	1.0	3.5	4.0	0.9	3.2	6.3	1.4	4.8
Trade, hotel and restaurant	18.6	2.5	15.1	20.4	4.0	16.5	19.3	6.7	15.5
Transport, storage & communication	8.7	0.3	6.8	10.8	0.6	8.4	10.0	1.5	7.5
Finance & business services and real estate	1.1	0.3	0.9	1.7	1.1	1.6	2.3	0.7	1.8
Health, education, public administration & defense	6.1	5.6	6.0	5.5	5.1	5.4	4.7	3.3	4.3
Community and personal services	3.3	14.4	5.8	4.6	8.6	5.6	4.8	9.6	6.2
<b>Total</b>	<b>100.0</b>								

Note: (\* Provisional) indicates population 15 years and above as per Labour Force Survey 2010

Source: Labour Force Survey 2002 - 2003, 2005-06 and 2010; Bangladesh Bureau of Statistics.

**DISTRIBUTION OF EMPLOYED PERSON AGED 15 YEARS AND ABOVE BY EMPLOYMENT STATUS,  
RESIDENCE AND SEX**

(In million)

Employment Status	National (*)			Urban (*)			Rural (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Regular paid employee	6.44	1.44	7.88	2.88	0.88	3.76	3.56	0.56	4.12
Employer	0.09	0.03	0.12	0.02	0.00	0.02	0.07	0.03	0.10
Self-employed (agri)	9.77	2.54	12.31	0.57	0.23	0.80	9.20	2.31	11.51
Self-employed (non-agri)	8.19	1.53	9.71	2.38	0.31	2.69	5.81	1.22	7.03
Unpaid family worker	2.67	9.12	11.79	0.35	1.77	2.12	2.32	7.35	9.67
Irregular paid worker	1.19	0.30	1.49	0.55	0.16	0.72	0.64	0.13	0.77
Day labour (agri.)	5.39	0.40	5.79	0.42	0.03	0.45	4.98	0.37	5.34
Day labour (non agri.)	4.39	0.45	4.84	1.61	0.17	1.78	2.78	0.28	3.06
Servant	0.5	0.41	0.46	0.02	0.12	0.13	0.03	0.29	0.32
<b>Total</b>	<b>37.88</b>	<b>16.20</b>	<b>54.08</b>	<b>8.75</b>	<b>3.67</b>	<b>12.42</b>	<b>29.13</b>	<b>12.53</b>	<b>41.66</b>

Note: \* = Provisional

Source: Labour Force Survey 2010; Bangladesh Bureau of Statistics.

**DISTRIBUTION OF EMPLOYED PERSON AGED 15 YEARS AND ABOVE BY EMPLOYMENT STATUS,  
RESIDENCE AND SEX**

(In percent of total)

Employment Status	National (*)			Urban (*)			Rural (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Regular paid employee	17.0	8.9	14.6	32.9	24.0	30.3	12.2	4.4	9.9
Employer	0.2	0.2	0.2	0.2	0.1	0.2	0.2	0.2	0.2
Self-employed (agri)	25.8	15.7	22.8	6.5	6.2	6.4	31.6	18.5	27.6
Self-employed (non-agri)	21.6	9.4	18.0	27.2	8.4	21.6	19.9	9.7	16.9
Unpaid family worker	7.1	56.3	21.8	4.0	48.2	17.0	8.0	58.6	23.2
Irregular paid worker	3.1	1.8	2.7	6.3	4.4	5.8	2.2	1.1	1.9
Day labour (agri.)	14.2	2.5	10.7	4.8	0.9	3.6	17.1	2.9	12.8
Day labour (non agri.)	11.6	2.8	8.9	18.4	4.6	14.4	9.5	2.2	7.3
Servant	0.1	2.5	0.8	0.2	3.2	1.1	0.1	2.3	0.8
<b>Total</b>	<b>100.0</b>								

Note: \* = Provisional

Source: Labour Force Survey 2010; Bangladesh Bureau of Statistics.

**EMPLOYMENT INDICES OF INDUSTRIAL WORKERS IN SELECTED INDUSTRIES**  
(Base: 1988 - 89 = 100 )

Period	Jute		Cotton		Paper		Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees												
2002-2003	68.19	66.46	71.66	71.77	37.75	42.82	143.00	127.06	99.90	104.30	95.00	114.90	168.00	155.62
2003-2004	69.07	66.56	71.69	71.81	29.47	34.19	143.96	127.82	95.45	100.28	99.46	116.44	167.91	155.35
2004-2005	65.46	62.58	71.76	71.78	26.72	30.38	145.05	128.64	92.22	96.25	109.26	118.55	167.37	156.27
2005-2006	65.87	63.12	71.90	71.97	29.86	31.42	146.56	130.23	89.69	94.57	110.35	121.13	193.58	155.80
2006-2007	65.14	59.06	72.47	72.49	27.11	30.59	148.62	132.79	89.13	94.16	107.90	118.71	185.56	152.32
2007-2008	64.55	57.81	72.56	72.62	24.91	28.22	150.13	134.46	85.14	89.62	101.90	118.04	177.00	147.20
2008-2009	64.59	58.04	72.69	72.62	22.87	26.18	154.93	139.40	80.30	86.53	105.58	11.07	180.75	150.52
2009-2010	65.09	58.46	74.89	74.21	23.52	26.76	166.26	152.36	82.60	88.06	114.62	131.24	207.57	169.44
2010-2011 (P)	65.08	58.50	75.02	74.45	23.68	26.95	168.74	154.74	82.98	88.36	117.71	134.87	217.11	177.38
<b>2011</b>														
January	65.08	58.50	75.02	74.45	23.67	26.96	168.82	154.80	83.17	88.50	118.26	135.54	217.65	177.67
February	65.08	58.50	75.03	74.45	23.71	26.99	168.96	154.95	83.10	88.44	117.71	134.89	218.18	178.14
March	65.08	58.50	75.03	74.45	23.71	26.99	168.96	154.95	83.17	88.50	118.26	135.54	218.18	178.14
April	65.08	58.50	75.03	74.46	23.71	26.97	168.96	154.95	83.03	88.40	117.98	135.22	219.25	179.07
May	65.08	58.50	75.03	74.46	23.69	26.92	169.23	155.40	83.03	88.43	118.53	136.03	219.79	180.23
June	65.08	58.50	75.02	74.45	23.66	26.94	169.23	155.40	83.03	88.43	117.98	135.37	218.71	178.83
July	65.07	58.50	75.02	74.44	23.30	27.49	169.95	155.10	83.13	88.48	117.16	134.41	214.43	174.65
August	65.08	58.50	75.01	74.43	23.96	27.18	169.09	155.25	83.16	88.50	117.43	134.73	214.97	175.11
September	67.08	61.74	75.01	74.44	20.75	21.90	197.52	159.93	84.41	75.77	102.17	124.87	136.89	114.88
October	68.35	62.54	75.02	74.44	20.80	21.96	197.80	160.01	84.34	75.71	102.99	125.68	137.96	115.81

Note: P = Provisional

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics



**PRODUCTIVITY INDICES OF INDUSTRIAL WORKERS IN SELECTED INDUSTRIES**  
(Base: 1988 - 89 = 100 )

Period	Jute		Cotton		Paper		Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees												
2002-2003	89.79	92.13	152.48	152.25	93.54	69.93	353.00	379.13	143.00	105.76	136.00	112.00	411.00	444.00
2003-2004	80.99	84.04	201.92	201.59	114.49	98.68	362.82	408.64	144.11	137.17	132.72	113.92	473.17	511.39
2004-2005	82.55	86.35	251.28	246.96	113.10	99.47	413.94	466.74	142.62	136.64	106.99	98.63	617.39	661.24
2005-2006	76.02	79.34	287.38	287.10	107.68	95.48	435.50	490.11	134.38	127.45	115.78	105.48	577.40	717.41
2006-2007	79.32	87.48	366.28	366.18	98.56	87.34	454.46	508.63	139.13	131.70	118.96	108.03	663.40	808.86
2007-2008	89.83	100.00	400.06	399.74	112.80	99.57	469.84	524.59	116.22	110.41	113.49	97.98	672.13	808.20
2008-2009	84.66	94.22	412.46	412.88	123.56	107.80	535.18	594.61	104.99	97.38	94.63	82.16	623.40	740.45
2009-2010	91.65	101.97	411.68	414.96	95.33	83.53	503.14	549.00	88.61	83.12	104.14	90.99	684.08	837.45
2010-2011 (P)	92.68	103.10	421.00	424.67	103.57	92.64	513.76	560.25	76.35	71.72	105.89	92.41	706.56	866.47
2011														
January	92.36	102.75	421.74	424.97	83.44	73.26	513.27	559.75	134.59	126.49	121.33	105.87	705.30	864.01
February	72.91	81.11	422.12	425.41	105.31	95.52	513.33	559.63	112.03	105.27	104.35	91.06	705.46	864.03
March	87.15	96.96	422.26	425.55	123.87	108.82	513.25	559.65	116.60	109.58	111.36	97.16	706.81	865.67
April	92.50	102.91	422.70	425.93	122.71	107.79	513.26	559.66	31.65	29.73	107.69	93.96	717.49	878.48
May	96.68	107.56	423.71	426.95	121.10	106.39	514.45	560.24	34.95	32.82	115.74	100.85	717.86	875.43
June	158.81	176.68	422.40	425.64	121.25	106.49	514.56	560.35	41.65	39.12	106.00	92.38	716.58	876.39
July	101.38	112.76	421.36	424.65	228.39	201.89	513.69	559.56	51.46	48.34	87.50	76.27	700.34	859.86
August	102.21	113.70	373.34	376.15	211.22	186.20	513.82	559.62	55.50	52.15	92.67	80.77	699.67	858.94
September	97.87	107.28	376.69	379.58	292.81	277.44	439.99	543.40	65.57	73.16	103.42	118.16	111.06	1318.43
October	113.92	124.51	390.90	393.95	305.72	289.57	444.13	277.56	57.06	63.57	104.13	82.85	1099.98	1310.37

Note: P= Provisional

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

school, particularly in view of the fact that there is still a huge investment involved in buying uniform for the children as well as costs for stationary and transport, and more importantly, for private tuition which has become an universal necessity. We note the apparent discrimination between boys and girls attending the school in Class VI To X, where boys do not receive free school education.

25. The current initiative to make school compulsory up to Class VIII is laudable. However, for compulsory education to be a reality and effective for those to whom it matters most, there 'must be other financial benefits, sufficient to entice the student population to attend school and also to continue attending school. Good quality teaching in the schools must also be ensured. Absenteeism on the part of the teachers is rampant. Rather than being committed to teaching the students during school hours, it is more lucrative for them to teach the same students privately for a fee. The want of the teachers must also be satiated to prevent their engaging in other activities in order apparently to supplement their income. So, effective measures must be put in place to ensure that children, who do attend school, are given adequate stipend provided by the State, which will be sufficient incentive for their parents to send them to school and for the children also to attend regularly and have a meaningful education which will be a benefit to them in their future lives.

#### **Child Labour and Health**

26. It does not take much forensic research to establish the detrimental effect of child labour on the health of children. It goes without saying that any amount of labour or exertion in exhaustive physical work on the part of child is detrimental to his psychological, mental and physical development. In particular, the impact is serious on those children who are engaged

in hazardous occupations, including in the bidi factories, carpet industries and the handlooms, where they ingest tobacco dust and cotton and other dust; as a result of which the longevity and quality of their lives is reduced. Those children who handle chemical substances in the tanneries and printing and dyeing industries suffer physically. Those who work long distances away from their loved ones, as in the fishing industry and domestic services suffer mentally and psychologically due the pangs of separation, long hours of work, not to mention the physical abuse which they endure without anyone to give them support. Studies have shown that long hours of work, restricted interaction with family and friends, fear, and anxiety can have far-reaching negative effects on a child's moral and emotional development. The worst aspect of the suffering of these children is the fact that there is no record of their engaging in hazardous activities and abusive and sometimes violent work places. Steps must be taken to ensure that children engaged in harmful work must be registered as such and their movements must be monitored, making sure that all facilities such as education, rest and leisure are ensured. A system of registration and monitoring of domestic child workers, for example, would deter the employers from physically and sexually abusing them. Newspaper reports indicate the extent of the problems faced by the domestic child workers, including instances where they have committed suicide or were murdered.

27. In 2009 a study was carried out by Bangladesh Development Research Centre (BDRC) in Sylhet city, published under the title, "Physical and Psychological Implications of Risky Child Labour: A Study in Sylhet City, Bangladesh". The study maintains that working from an early age impedes the children's physical growth and intellectual and psychological development, which then also has negative effects on their



long-term health and earning potential. For the wellbeing of the children community there has to be a realisation of the factors by the wider community. These are matters which can only be addressed by the conscious Citizens: parents, employers and other professionals and organizations, who deal with children. Until and unless the nation realises that the children are the future of this nation, there will not be any improvement in the situation for our children.

28. From the beginning of time the human race, just as any other living thing, has been driven by the urge to survive. That driving force will continue till the last day. What concerns us is the quality of our existence and that of our fellow men; in particular, we are concerned with the wellbeing of the children of this nation who will become future citizens. It is an undeniable fact that the children of the rich and wealthy will be properly educated in the best schools at huge expense and they will leave the country for better pastures abroad. It is the children of the poor who will remain. If proper education is not provided for them, then we shall have an uneducated working population. If they are allowed to continue to work in the hazardous conditions in which they do work, then they will make up a very unhealthy population which will itself be a burden on the State.

29. The Indian Supreme Court in *MC Mehta vs State of TN*, (1996) 6 Supreme Court Cases 756 effectively ordered the prohibition of children in hazardous work. His Lordship Hansaria, J. quoted from a poem called 'Child's Appeal' by Mamie Gene Cole, which, with all due respect, I wish to reproduce:

"I am the child.  
All the world waits for my coming.  
All the earth watches with interest to see

what I shall become.

Civilization hangs in the balance,

For what I am, the world of tomorrow  
will be.

I am the child.

You hold in your hand my destiny.

You determine, largely, whether I shall  
succeed or fail,

Give me, I pray you, these things that  
make for happiness.

Train me, I beg you, that I may be a  
blessing to the world."

We may also recollect two lines of a  
Bengali poem:

“ মায়ের তনয় শুধু মায়ের তো নয় ;

স্বদেশ জননী তার মুখ চেয়ে রয় ।”

Roughly translated, it means that children are not the assets of their mothers alone; rather they are assets of the nation. So, our motherland expects from them as much a mother expects from her child. Hence, just like a mother, a nation is duty bound to provide all facilities for the child to grow in a healthy atmosphere, to flourish in education, and to better the lives of their families as well as the interest of the nation. Knowing full well that the children of today will be the future flag-bearers of this nation, we do great injustice by not providing proper facilities for them.

30. We must also mention one other aspect which has come to our notice. Children share the benefits of State provisions with others: their interests are served by the Ministry of Women and Children Affairs, Ministry of Social Affairs, the system of dispensation of justice etc. But being the weaker part, and having no real voice, they do not get their due share of the service provided by those agencies. In all these spheres mentioned above, the child population gets the least attention. The Ministry of Women and Children Affairs



caters mostly for the womenfolk; the Ministry of Social Welfare is consumed in dealing welfare to all citizens, such that the children are relegated to lesser priority; in the Courts, children's cases are dealt with last and given least priority in spite of the Children Rules 1976 mandating early disposal of cases concerning children. Rule 3 of the Children Rules provides that hearing of children's cases should take place at least once a week and more often if necessary. But the reality is that these cases are fixed for hearing after gaps of three to six months. In *State vs Secretary, Ministry of Law Justice and Parliamentary Affairs*, 30 BLD 369, it was recommended that there should be at least one Court in every district dedicated to hear children's cases on a priority basis. It was further suggested in that case that, in consonance with promises made by Bangladesh to the Committee of the CRC, a Children's Ombudsman/Children's Commissioner/ National Juvenile Justice Forum be set up under the Constitution under the Chairmanship of a senior Judge of the Supreme Court with power to issue directions and guidelines on matters pertaining to children. Such an independent institution would be exclusively dedicated to oversee all matters concerning children and could also be entrusted to manage and monitor work done in the children arena by all NGOs, INGOs and other agencies dealing with children in all aspects of their lives. We would go so far as to suggest that, additionally, there ought to be a separate Ministry for Children's Affairs or at the very least a separate, autonomous Department, to ensure a real voice for those of our mute citizens, i.e. children, who are not vocal and depend on adults to make their voices heard. Lest we forget, children comprise more than forty percent of our population.

31. Undoubtedly the INGOs and NGOs are doing much for the alleviation of the poor segment of our citizenry. Their

aims, efforts and achievements are certainly commendable, but the benefits achieved are far from our expectation. It is felt that the benefits from their endeavours would be far greater if their working methods could be streamlined by an independent body concentrating all the resources in a concerted manner and targeting the funds and efforts in a comprehensively planned way. The INGOs have vast experience of good practices in other countries, which should be utilised. For example, UNICEF has a programme in Malawi for financing and monitoring what may be termed a 'food for education'. It is reported that the programme has been successful in uplifting the standard of education for poor children and accomplished a lower drop-out figure. Efforts by Save The Children Sweden and Denmark with the help of local NGOs in Mymensingh have assisted in reducing the number of children sent from that district to the capital as domestic workers. The project is also encouraging education from a pre-school age, which in turn helps to reduce child labour. What is required is targeting areas where poverty is wide spread. for example Monga and disaster prone areas of the country.

32. In view our above discussion, we would wish to make the following observations, recommendations and directions:

1. We are appalled by the revelation that in this day and age there is bonded labour or servitude practised in the coastal fishing areas of the country and young children are the victims. We have no hesitation in directing the Ministry of Labour to take all necessary steps to put an end to such practice immediately and with the help of the law enforcing agencies to bring the perpetrators of such practice to justice. At the same time there must be a concerted effort on the part of the relevant Ministries and government departments to



ensure full time education and necessary financial assistance to the parents/guardians of these children to enable them to desist from such illegal and harmful practices and to encourage them to educate their children.

2. In the light of our observations in the body of this judgment, we are of the view that the Ministry of Education must take the initiative to ensure that compulsory education provided by statute enacted under the mandate of Article 17 of the Constitution for all the children of Bangladesh becomes a realistic concept and not just lip-service. To that end steps must be taken to ensure that children can attend school without jeopardising the family's food security. In other words, there must be financial provision for the family such that the child's attendance at school should not result in the reduction of the family's income earning capacity. To put it more plainly, the head of the family must be given the equivalent amount of benefit (cash or kind), which the child would have earned if he was not compelled to attend school. Moreover, to ensure continuity of attendance, provisions must be made for necessary uniform and stationary for the child's use as well as any other costs that she or he may incur in the course of attending a school. In addition, a hot and nutritious meal provided for the child would be an added attraction for him or her as well as for the family and would ensure attendance throughout the day. Of course, such financial and other benefits would have to be closely monitored to ensure that attendance in the school is not a mere paper transaction, giving benefit only to the unscrupulous teachers and other officials.

3. The Ministry of Education must also ensure quality education for the children by providing good quality teachers who are dedicated and committed to providing curricular and extracurricular activities within the school premises for all-round

development of the children, gearing them up for a meaningful and productive future. The teachers' wants must also be properly catered for to ensure their unfaltering and missionary-like dedication and commitment.

4. It appears to us that children share all their facilities with others and end up deprived of due benefits. We would suggest that a separate Ministry or Department be set up to cater for the needs of the children of this country. In addition, we strongly recommend setting up of an independent constitutional body to oversee the workings of all the agencies and government machinery engaged in serving the needs of the children community.

5. In the light of the matters raised by the instant writ petition, Respondent No. 1 is hereby directed to ensure that all employers, particularly those engaging children as labourers, abide by the law and do not engage those under the legal age stipulated by statute, and provide all necessary facilities and equipment to ensure a healthy working atmosphere in their establishments for those who may be lawfully engaged in remunerated work. Needless to say prompt action must be taken against those who violate the provisions of law thereby creating unhygienic, cramped and unhealthy workplaces.

6. Respondent No.1 is directed to take appropriate measures against respondents No.3 to 5 to ensure that the working conditions within those establishments conform in every respect to the requirements of the law.

7. Bearing in mind the inherent health hazards of the tobacco industry, the manufactures must be compelled to provide adequate medical facilities and medical insurance for all employees.

8. In view of the inherent dangers to the health of children within the home, including the unborn and newborn and



those who may be forced by their parents to join in the family 'avocation' of 'bidi' rolling, respondent No.1 is hereby directed to take immediate steps to phase out within a period of one year further 'home bidi rolling' by directing the 'bidi' factory owners not to allow working from home.

9. Respondent No.2 is directed to ensure that all factories and manufacturing establishments abide by the law in respect of maintaining a safe, healthy and hazard free working condition in accordance with the provisions of the Labour Act.

10. The existing sanctions provided by the law against the manufacturers are patently inadequate. We, therefore, direct respondent No.1 to take steps to ensure amendment of the law to include adequately deterrent punishment so that the perpetrators will heed the need to conform to the legal requirements. Steps must also be taken to make the prosecution effective.

11. The law must also be amended to set a reasonable remuneration to the workers engaged in the 'bidi' factories.

12. The government must take all necessary steps to gear up capacity building of the families by providing necessary financial assistance with a view to poverty eradication.

33. Finally, we are heartened to see that there is a National Child Labour Elimination Policy, 2010, which was not alluded to by the respondents. This paper came into being in March of this year and provides very many beneficial provisions and is geared towards elimination of child labour. However, we note that the policy does not advert to any steps to be taken to identify the types of work in which children are engaged. We feel that in order to eliminate child labour it is absolutely essential to identify where the children are engaged in hazardous child labour and then

to target such places and institutions so that the children may be warded away from there while providing them with alternative solutions. We can only hope that the provisions of this Policy will materialize as is the mandate of Article 17 of the Constitution.

34. We may point out that in the Mehta case, cited above, their lordships suggested that the Rs.20,000 which any employer is liable to pay for the violation of the law may be put in a fund to be known as Child Labour Rehabilitation-cum-Welfare Fund, created for any district or area, and the fund so generated shall form a corpus whose income would be used for the child concerned. Their lordships further suggested that the State should see that an adult member of the family, whose child is in employment in a factory or a mine or in other hazardous work, gets a job anywhere, in lieu of the child. They went on to say that in those cases where it would not be possible to provide such a job, the appropriate Government would, as its contribution! grant, deposit in the aforesaid Fund a sum of Rs.5,000 for each child employed in a factory or mine or in any other hazardous employment. In consideration of the job for the adult member of the family or the payment of an alternative income, the child would be required not to work. What we have suggested is that those of our children who are compelled to work due to food insecurity and poverty should be provided a free meal and all necessary expenses for attending school as well as an income to be paid to the parents equivalent to the income likely to be earned by the child had s/he not attended school. In all earnest we suggest that those parents who, due to their financial condition, are compelled to send their children to work must be targeted, identified and assisted as mandated by the Constitution and the CRC. The funds provided by the INGOs and NGOs may be



## AVERAGE DAILY WAGE RATES OF CONSTRUCTION LABOUR IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2005 - 06	2006 - 07	2007 - 08	2008-09	2011		
						June	July	August
Mason (Skilled)	Chittagong	210.00	221.50	240.75	270.83	400.00	410.00	415.00
	Dhaka	210.83	228.00	250.92	286.33	350.00	360.00	375.00
	Khulna	175.00	188.00	206.42	254.00	320.00	345.00	350.00
	Narayanganj	209.16	225.00	247.08	250.00	350.00	350.00	350.00
	Rajshahi	170.00	184.50	204.92	230.58	250.00	250.00	250.00
	Rangpur	175.00	192.08	248.18	250.00	290.00	300.00	350.00
	Sylhet	185.00	200.00	-	300.00	350.00	350.00	350.00
Helper to Mason	Chittagong	106.00	118.00	136.57	216.67	250.00	250.00	240.00
	Dhaka	112.25	131.00	150.00	200.00	250.00	250.00	250.00
	Khulna	90.00	98.67	116.57	180.00	250.00	250.00	275.00
	Narayanganj	112.10	121.25	151.66	190.83	280.00	280.00	300.00
	Rajshahi	90.00	96.83	109.17	186.25	200.00	200.00	200.00
	Rangpur	85.00	98.18	104.55	180.00	220.00	220.00	220.00
	Sylhet	127.27	150.00	-	182.50	300.00	300.00	300.00
Carpenter (Skilled)	Chittagong	226.00	280.00	280.00	310.83	360.00	360.00	360.00
	Dhaka	200.00	250.00	287.00	300.00	400.00	400.00	400.00
	Khulna	150.00	150.00	117.50	226.92	285.00	285.00	250.00
	Narayanganj	200.00	250.00	265.83	300.00	400.00	400.00	400.00
	Rajshahi	128.00	143.33	165.83	209.58	250.00	250.00	250.00
	Rangpur	152.00	153.33	170.00	210.00	300.00	300.00	300.00
	Sylhet	185.45	200.00	-	220.83	295.00	295.00	300.00
Plumber (Sanitary fitter)	Chittagong	250.00	250.00	262.50	310.42	400.00	420.00	420.00
	Dhaka	200.00	258.33	250.00	333.33	350.00	500.00	300.00
	Khulna	151.00	154.58	195.25	243.33	325.00	325.00	345.00
	Narayanganj	200.00	250.00	275.00	296.67	400.00	400.00	400.00
	Rajshahi	200.00	200.00	175.00	211.67	300.00	300.00	300.00
	Rangpur	177.00	178.75	238.18	250.10	350.00	350.00	300.00
	Sylhet	185.45	200.00	-	300.00	-	-	300.00
Painter	Chittagong	209.00	217.50	255.83	307.08	360.00	360.00	360.00
	Dhaka	200.00	218.33	267.00	310.42	350.00	350.00	400.00
	Khulna	149.00	157.08	183.33	220.67	300.00	300.00	300.00
	Narayanganj	200.00	227.00	234.17	256.67	350.00	350.00	350.00
	Rajshahi	127.00	150.00	172.50	210.00	200.00	200.00	200.00
	Rangpur	176.00	160.91	195.00	248.33	300.00	300.00	350.00
	Sylhet	185.45	200.00	-	300.00	-	-	300.00
Electrician	Chittagong	250.00	250.00	300.00	325.00	400.00	400.00	400.00
	Dhaka	200.00	258.33	272.00	333.33	400.00	400.00	400.00
	Khulna	149.00	152.50	181.67	234.17	325.00	370.00	370.00
	Narayanganj	200.00	250.00	304.00	392.50	400.00	500.00	500.00
	Rajshahi	127.00	200.00	187.50	221.67	275.00	300.00	300.00
	Rangpur	181.00	182.28	213.18	248.33	340.00	350.00	350.00
	Sylhet	185.45	200.00	-	300.00	-	-	300.00
Brick Breaking 1" size khua per 100 cft	Chittagong	875.00	775.00	720.83	837.50	400.00	400.00	400.00
	Dhaka	983.33	800.00	1020.00	1066.67	1000.00	1200.00	1200.00
	Khulna	622.00	617.25	579.17	670.83	675.00	675.00	700.00
	Narayanganj	953.33	800.00	1000.00	920.83	900.00	900.00	900.00
	Rajshahi	490.00	733.33	820.83	991.67	-	1500.00	1500.00
	Rangpur	670.00	714.55	758.18	1000.00	1000.00	2000.00	2100.00
	Sylhet	120.00	800.00	-	800.00	-	-	800.00
Situ Mosaic per sft. (fitting charge)	Dhaka	18.83	25.82	25.00	25.83	25.00	30.00	30.00
Glazed Tile per sft (fitting charge)	Dhaka	18.00	20.17	25.00	25.83	25.00	30.00	30.00
Floor Tile Per sft (fitting charge)	Dhaka	18.00	20.17	25.00	25.83	25.00	30.00	30.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

**AVERAGE WAGE RATES FOR INDUSTRIAL WORKERS IN BANGLADESH**  
(Nominal wages in Taka)

Industry	Types of Labour	2004-05	2005 - 06	2006 - 07	2007 - 08	2008-09	2011		
							June	July	August
<b>Medium &amp; Large Scale Industry</b>									
(i) Cotton Textile	Skilled	129.67	129.67	129.67	164.89	228.25	273.00	273.00	273.00
	Unskilled	109.94	109.94	109.94	120.53	156.46	218.00	218.00	218.00
(ii) Jute Textile	Skilled	129.67	129.67	129.67	163.55	224.08	253.00	258.00	258.00
	Unskilled	109.94	109.94	109.94	-	141.85	173.00	173.00	174.00
(iii) Match	Skilled	129.67	129.67	129.67	158.98	210.83	237.00	244.00	244.00
	Unskilled	109.94	109.94	109.94	117.81	142.31	165.00	168.00	168.00
(iv) Engineering (fitter)	Skilled	245.17	262.38	280.06	304.96	329.44	351.00	351.00	358.00
	Unskilled	142.71	146.00	164.67	192.46	216.90	237.00	239.00	239.00
(v) Edible Oils	Skilled	123.56	126.50	163.34	145.69	226.13	249.00	255.00	255.00
	Unskilled	104.48	107.67	120.29	185.91	172.50	188.00	194.00	194.00
(vi) Small & Cottage Industry (weaver)	Skilled	139.44	152.61	169.54	185.02	204.71	-	-	-
	Unskilled	-	-	-	-	-	-	-	-
(vii) Construction	Skilled	177.63	191.49	205.50	225.75	265.04	330.03	345.00	348.00
	Unskilled	99.50	99.56	111.12	128.13	163.25	232.00	240.00	245.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

## WAGE RATE INDICES BY MAJOR SECTORS IN BANGLADESH

(Base: 1969 – 70 = 100)

	3111.00	2582.00	2775.00	3764.00	2669.00
	3293.00	2719.00	2957.00	4015.00	2758.00
	3906.00	2925.00	3133.00	4293.00	2889.00
	3779.00	3151.00	3332.00	4636.00	3135.00
	4227.00	3524.00	3669.00	5197.00	3549.00
	5025.65	4273.71	4236.49	6128.36	4311.31
	5459.66	4832.49	4741.95	6536.03	4683.91
	5781.64	5325.63	5086.67	6778.06	4983.36
	5738.57	5253.54	4977.60	6774.27	4913.18
	5809.08	5384.58	4977.60	6817.01	4965.53
	5895.14	5511.40	5162.58	6850.82	5100.90
	5947.74	5594.06	5235.84	6864.97	5178.85
	5999.79	5676.39	5909.52	6884.22	5250.57
	6056.06	5753.22	5361.37	6910.79	5344.11
	6101.70	5828.99	5400.29	6936.66	5405.90
	6141.83	5841.49	4813.73	7032.03	5989.88
	6201.48	5856.67	4831.25	7063.56	6192.33
	6259.82	5907.76	4877.58	7074.97	6363.82

Note: P = Provisional

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

## CONSUMER PRICE INDEX: NATIONAL

(Base: 1995 – 96 = 100)

Period	General	Food, Beverage & Tobacco	Non-food	Clothing & Foot-wear	Gross rent fuel & lighting	Furniture House hold Equip	Medical care & health expense	Transport	Recreation Education	Misc goods & services
2007-08	193.54	206.79	176.26	164.53	174.70	178.56	185.66	211.01	174.86	166.69
2008-09	206.43	221.64	186.67	173.10	184.46	194.75	189.25	222.12	181.44	188.84
2009-10	221.53	240.55	196.84	181.29	191.49	215.04	199.22	234.09	192.44	208.40
2010-11	241.02	267.83	205.01	191.92	197.92	231.75	203.67	244.16	198.44	218.58
2011-12	266.61	295.86	227.87	225.68	218.26	259.12	215.64	276.34	202.93	248.19
<b>2011-12</b>										
July	254.72	285.31	213.61	205.21	201.36	243.34	208.52	263.88	200.67	236.78
August	259.66	290.13	219.11	219.58	206.42	248.67	209.66	266.33	201.47	239.63
September	264.85	298.29	220.04	220.01	207.34	250.04	210.10	269.21	201.60	240.03
October	265.94	299.15	221.41	222.07	207.90	253.56	210.78	273.63	201.79	242.10
November	266.55	298.29	224.16	224.95	212.24	255.40	211.45	274.64	202.19	244.37
December	266.34	296.08	226.89	226.97	216.27	258.37	213.39	276.66	202.71	246.54
January	270.59	299.91	231.84	229.36	224.92	262.74	216.29	278.54	203.01	250.11
February	269.76	296.89	234.13	231.33	227.31	266.05	219.32	281.65	203.77	252.18
March	270.81	297.77	235.50	232.09	228.35	267.68	221.58	282.68	204.35	256.38
April	270.68	297.36	235.77	232.13	228.92	267.73	221.61	282.81	204.43	256.43
May	268.93	294.39	235.85	232.15	228.96	267.84	221.65	282.88	204.52	256.76
June	270.43	296.74	236.16	232.33	229.17	267.98	223.32	283.14	204.71	256.93

Source: Bangladesh Bureau of Statistics



CONSUMER PRICE INDEX: ALL RURAL

(Base: 1995 – 96 = 100)

Period	General	Food, Beverage & Tobacco	Non-food	Clothing & Foot-wear	Gross rent fuel & lighting	Furniture House hold Equip	Medical care & health expense	Transport	Recreation Education	Misc goods & services
2007-08	195.14	203.93	180.19	162.08	185.85	174.31	191.72	211.49	178.03	164.03
2008-09	208.46	218.38	191.59	169.68	199.33	189.12	194.47	219.63	184.66	184.85
2009-10	223.39	235.76	202.36	177.40	207.47	207.48	203.27	232.19	197.23	204.47
2010-11	244.38	264.13	210.81	188.10	215.54	217.50	206.66	241.18	204.29	213.67
2011-12	269.31	289.82	234.47	222.33	239.96	235.89	216.75	267.95	209.47	241.99
<b>2011-12</b>										
July	257.49	280.07	219.10	201.35	219.70	224.45	210.39	257.43	206.63	231.97
August	262.34	284.11	225.35	216.11	226.48	228.93	211.74	258.56	207.72	233.93
September	267.74	292.22	226.15	216.59	227.73	229.74	211.84	259.98	207.84	234.20
October	268.84	293.14	227.53	218.32	228.49	230.26	212.10	265.74	208.04	236.34
November	269.86	292.18	230.87	221.42	234.31	231.96	212.63	266.29	208.55	238.29
December	269.33	290.28	233.70	223.55	238.52	234.14	214.32	268.56	209.20	240.69
January	273.23	293.66	238.51	226.00	247.35	238.70	216.44	269.61	209.57	243.09
February	272.28	290.75	240.89	228.19	249.94	241.41	219.79	272.72	210.49	244.69
March	273.46	291.63	242.59	229.02	251.34	242.70	222.34	273.91	211.27	249.92
April	273.22	291.12	242.78	229.07	251.74	242.75	222.36	274.08	211.34	249.96
May	271.19	287.86	242.87	229.10	251.79	242.79	222.39	274.13	211.44	250.36
June	272.77	290.14	243.24	229.24	252.08	242.47	224.66	274.38	211.60	250.48

Source : Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX: ALL URBAN

(Base: 1995 – 96 = 100)

Period	General	Food, Beverage & Tobacco	Non-food	Clothing & Foot-wear	Gross rent fuel & lighting	Furniture House hold Equip	Medical care & health expense	Transport	Recreation Education	Misc goods & services
2007-08	189.65	213.73	166.69	170.51	147.54	188.92	170.90	209.84	167.16	173.16
2008-09	201.49	229.60	174.69	181.42	148.24	208.46	176.54	228.18	173.59	198.58
2009-10	216.98	252.21	183.40	190.76	152.58	233.48	189.38	238.37	180.85	217.99
2010-11	232.81	276.82	190.87	201.22	155.01	266.43	196.40	251.43	184.21	230.56
2011-12	260.01	310.58	211.82	233.84	165.44	315.68	212.93	296.77	187.01	263.27
<b>2011-12</b>										
July	247.98	298.08	200.24	214.60	156.71	289.35	203.98	279.60	186.17	248.50
August	253.14	304.79	203.91	228.03	157.57	296.74	204.58	285.26	186.26	253.50
September	257.82	313.06	205.17	228.35	157.70	299.49	205.85	291.70	186.39	254.23
October	258.87	313.80	206.52	231.20	157.76	310.31	207.55	292.84	186.58	253.14
November	258.49	311.66	207.82	233.54	158.51	312.47	208.57	294.97	186.70	259.18
December	259.07	310.21	210.32	235.29	162.10	317.38	211.13	296.39	186.89	260.78
January	264.17	315.13	215.60	237.55	170.29	321.30	215.91	300.30	187.03	267.20
February	263.62	311.83	217.67	238.97	172.21	326.07	218.19	303.39	187.39	270.42
March	264.35	312.72	218.24	239.57	172.37	328.50	219.74	304.03	187.51	272.10
April	264.50	312.55	218.70	239.59	173.34	328.55	219.80	304.08	187.61	272.18
May	263.42	310.28	218.75	239.59	173.35	328.85	219.84	304.18	187.67	272.36
June	264.73	312.81	218.91	239.85	173.37	329.14	220.05	304.46	187.92	272.65