Annual Report-2005

Mr. Syed Manzur Elahi, President, addressing the Annual General Meeting of the Federation on the 31st July 2006.

A delegation of the Federation led by the President, Mr. Syed Manzur Elahi called on the Minister of State for Labour and Employment Mr. Aman Ullah Aman, M.P., at his office on the 22nd August, 2005.

Annual Report-2005

Mr. Syed Manzur Elahi, President, BEF speaking at the Training Workshop on "Productivity and Enterprise Competitiveness" jointly organized by the Federation and International Labour Organization on the 1st September, 2005. Sitting on his right, Dr. Rajen Mehrotra, Senior Specialist on Employers' Activities, for South Asia, ILO-Sub-Regional Office, New Delhi and on his left, Mr. C.K. Hyder, Secretary-General, BEF.

Annual Report-2005

Mr. Kamran T. Rahman, Vice-President (now former), BEF speaking at the discussion meeting on "Elimination of Worst form of Child Labour" jointly organized by the Federation and International Labour Organisation on the 23rd February, 2005. On his left Mr. C.K. Hyder, Secretary-General, BEF is also seen

A partial view of the Training Workshop on "Improving Enterprise Competitiveness – Learning Through Management Game" jointly organized by the Federation and International Labour Organization on the 16th June, 2005. Dr. Rajen Mehrotra, Senior Specialist on Employers' Activities, for South Asia, ILO-Sub-Regional Office, New Delhi, the key resource person of the Workshop is seen in the picture.

TABLE OF CONTENTS

STATISTICS : **Page**

COMMITTEE AND OFFICE-BEARERS

(As on 31st December' 2005)

PRESIDENT

Mr. Syed Manzur Elahi
Chairman, Apex Footwear Limited

VICE-PRESIDENT

Mr. Obaidur Rahman Khan
Executive Director, Bangladesh Lamps Ltd

COMMITTEE MEMBERS

Mr. Jahangir Alamin
Vice-Chairman
Bangladesh Textile Mills Association

Mr. Waliur Rahman Bhuiyan
Managing Director
BOC Bangladesh Limited

Mr. Anjan Chowdhury
Managing Director
Square Toiletries Limited

Mr. Md. Fazlul Hoque
President
Bangladesh Knitwear Manufacturer & Exporters Association

Mr. A.K.M. Rafiqul Islam, FCA
Managing Director
Pragati Insurance Limited

Mr. Mirza Ali Behrouze Ispahani
Chairman
Bangladesh Jute Mills Association

Mr. Md. Nurul Islam
Regional Vice-President &
General Manager, Bangladesh
American Life Insurance Co.

Mrs. Sabrina Islam
Vice-President
Women Entrepreneurs' Association, Bangladesh

Mr. Ardashir Kabir
Committee Member
Bangladesiyo Cha Sangsad

Mr. Syed S. Kaiser Kabir
Managing Director
Renata Limited

Mr. A.S.M. Mainuddin Monem
Director, Finance & Admin and
CEO K. Rahman and Co.

Mrs. Rokeya Quader
Chairman
Desh Garments Ltd.

Mr. Faisal Samad
Vice-President (Finance)
Bangladesh Garment Manufacturers & Exporters Association

Dr. Toufiq M. Seraj
Managing Director
Seltech (Pvt) Limited

Mr. Shabbir Yusuf
Chairman
Bangladesh Jute Spinners Association

SECRETARY-GENERAL

Mr. C.K. Hyder

PROCEEDINGS
OF
THE EIGHTH ANNUAL GENERAL MEETING
OF
BANGLADESH EMPLOYERS' FEDERATION

held in the Conference Hall of the "Chamber Building", 122-124, Motijheel C.A., Dhaka, on Monday, the 31st July, 2006, at 12:00 noon.

Mr. Syed Manzur Elahi, 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
1.	Abdul Monem Limited	Mr. A. S. M. Mainuddin Monem Deputy Managing Director
2.	Abdul Monem Sugar Refinery Limited	Mr. A. S. M. Mainuddin Monem Deputy Managing Director
3.	Advanced Chemical Industries Limited	Mr. M. Anis Ud Dowla Chairman
4.	ACI Formulations Limited	Mr. M. Anis Ud Dowla Managing Director
5.	ACI Trading Limited	Mr. M. Anis Ud Dowla Managing Director
6.	American Life Insurance Co.	Mr. Md. Nurul Islam Regional Senior Vice President Middle East, Africa & South Asia-East
7.	Apex Footwear Ltd.	Mr. Syed Manzur Elahi Chairman Mr. S. M. Shahjahan Company Secretary
8.	Apex Tannery Ltd.	Mr. Syed Manzur Elahi Chairman

9.	Aventis Ltd.	Mr. Iftekharul Islam Managing Director
10.	Bangladesh Lamps Ltd.	Mr. Obaidur Rahman Khan Director
11.	Bangladesh Garment Manufacturers & Exporters Association	Mr. Faisal Samad Director
12.	Bangladesh Jute Mills Association	Mr. Kamran T. Rahman Chairman
13	Bangladeshiyo Cha Sangsad	Mr. Ardashir Kabir Committee Member
14	Berger Paints Bangladesh Ltd.	Mrs. Humaira Fatema Hamim Manager – Human Resources
15	British American Tobacco Bangladesh Company Limited	Mr. Golam Mainuddin Deputy Managing Director
16	Dohatec New Media	Ms. Luna Shamsuddoha Chairman
17.	Essential Drugs Company Limited	Mr. Sankar Ranjan Shaha, FCA Finance Director
18.	Fisons (Bangladesh) Ltd.	Mr. Iftekharul Islam Managing Director
19.	Igloo Dairy Limited	Mr. A. S. M. Mainuddin Monem Deputy Managing Director
20.	Knit Asia Ltd.	Mr. A. Matin Chowdhury Managing Director
21.	K. Rahman & Company	Mr. A. S. M. Mainuddin Monem Deputy Managing Director
22.	Malek Spinning Mills Ltd.	Mr. A. Matin Chowdhury Managing Director
23.	Maritime Services Limited	Mr. Md. Jahangir Hossain Controller of Accounts
24.	Micro Industries Development Assistance & Services (MIDAS)	Mr. Abdul Karim Managing Director
25.	Newage Garments Limited	Mr. A. S. M. Quasem Chairman
26.	Novartis (Bangladesh) Ltd.	Mr. Ashfaque ur Rahman Managing Director

27.	Pragati Insurance Ltd.	Mr. A.K.M. Rafiqul Islam, FCA Managing Director
28.	Pubali Jute Mills Ltd.	Mr. Kamran T. Rahman Deputy Managing Director
29.	Rahimafrooz Batteries Ltd.	Mr. M. A. Ibrahim Group HR Manager
30.	Renata Limited	Mr. Syed S. Kaiser Kabir Managing Director
31.	Singer Bangladesh Limited	Mr. Mukhlesur Rahman Director
32.	Square Pharmaceuticals Ltd.	Mr. Samson H. Chowdhury Chairman
33.	Square Textiles Ltd.	Mr. Samson H. Chowdhury Chairman
34.	Square Toiletries Ltd.	Mr. Samson H. Chowdhury Chairman
35.	Transcom Ltd.	Mr. Latifur Rahman Managing Director
36.	United Insurance Company Ltd.	Mr. Rafiqul Islam General Manager
37.	Women Entrepreneurs' Association, Bangladesh	Mrs. Sabrina Islam Vice-President

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

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

The Chairman then said that the Annual Report circulated with the notice for the meeting contained the report of activities of the Federation during the year ended on the 31st December, 2005. Some of the important developments and activities which took place

during the period, January-July, 2006, should be mentioned briefly before taking up the agenda for the meeting, he said.

The first issue which the Chairman mentioned was about the Federation's relentless efforts to convince the Government on declaration of national minimum wages that would not be helpful to the economy, employment creation and dispersal of economic activities in the least developed areas of the country. The Government apparently agreed to the Federation's views but had the obligation under the agreement concluded with the Sramik Karmachari Oikya Parishad (SKOP) of undertaking declaration of national minimum wages. The Chairman mentioned that the Federation's concerted efforts did not go in vain and the Government changed its position with regard to national minimum wages by referring the garment sector's minimum wages case to the Minimum Wages Board.

The Chairman making a reference to the Minimum Wages Board deliberations to recommend minimum wages for garments sector informed that the Government wanted the Board to complete its recommendation within 3 months. Accordingly, the final meeting of the Minimum Wages Board would be held on the 3rd August 2006. He said that in close consultation with the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), the Federation was doing its best to firm up a wage recommendation, which would be acceptable, both to the garments owners and workers. He stated that the workers demanded a gross salary of Tk.4,000/- against which BGMEA offered a gross of Tk.1,300/-. There existed a difference of Tk.2,700. However, the difference between the BGMEA's offer and the demands of the workers being still huge, it might be necessary for the Federation's Representative to give a note of dissent.

The Chairman then stated that a series of meetings were held to consider the amendment proposals of the workers for the proposed Labour Code. Since 2005, there were 29 tripartite meetings held to consider the workers' recommendations and suggest amendments. The Chairman said "I am happy to inform you that due to the painstaking efforts of Mr. M. Anis Ud Dowla a former President and two representatives from the Secretariat – the Secretary-General and the Labour Adviser – except one or two minor

proposals of the workers, other proposals numbering 253 were not accepted". The Chairman continued by saying that as a result, the key amendment proposals of the workers, such as, (i) inclusion of outsiders at the establishment level trade unions (ii) declaration of national minimum wages and (iii) the criteria for forming national level trade union federations, were rejected.

The Chairman, on behalf of the Federation, recorded a note of appreciation for Mr. M. Anis Ud Dowla for having successfully led the Federation's team to the negotiations.

The Labour Code had been finalised and it was due to be submitted shortly to the Cabinet for consideration, he said.

The Chairman mentioned that the Federation had held several meetings with the Government to explain the implications of non-application of ILO Conventions No. 87 and 98 (considered to be core Conventions of the ILO) in the Export Processing Zones (EPZ) ignoring the fact that these two Conventions were ratified by Bangladesh and duly implemented through the Industrial Relations Ordinance, 1969. The Chairman mention that the Federation repeatedly approached the Government that it should amend its investment incentive guidelines for the EPZs and apply the relevant provisions of the Industrial Relations Ordinance, 1969 to the EPZ establishments. However, the Government promulgated a law permitting formation of workers' associations in EPZ establishments that also with effect from November 2006. This was one of the factors, for which a section of workers in one or two EPZs indulged into violent agitations at the instigation of outsiders, stated by the Chairman.

The Chairman informed the house that the Federation had two meetings with the national level trade union federations on the over-all labour relations situation in the country. Although the discussions were held in cordial atmosphere, there could not be any agreement on the fundamental issues, for which it was felt that it would not be worthwhile to continue the meetings.

The Chairman assured the Federation's efforts would continue to protect the genuine interests of the employers in the country's seven Labour Courts.

The Chairman stated that the Federation continued to maintain close relationship with International Labour Organisation (ILO), International Organisation of Employers (IOE), and Confederation of Asia-Pacific Employers (CAPE). The Chairman appreciated the Federation's effort and preparation in all these meetings, which contributed to the discussions on sensitive issues like trade and linkages of global standards with trade facilitation, protection of rights and privileges of migrant workers, etc.

The Chairman highlighted on the Federation's taking part in meetings relating to Poverty Reduction Strategy Paper (PRSP), labour market reforms, etc.

The Chairman emphasized the need for keeping labour and industrial relations out of politicisation of trade unions. In doing so, he stated that politicisation of trade unions was standing in the way of privatisation of state owned enterprises (SOEs), introduction of checks and balances for ensuring financial accountability of the SOEs and even the welfare of the workers on account of declining productivity. It became essential to have tripartite discussions on these issues at the earliest, he said. The Chairman requested and reminded fellow members that all employers should comply with the law in matters like issue of appointment letter, observing working hours, granting of weekly holiday, allowing trade union rights, etc. Without recognizing such fundamental rights of the workers, it would be impossible to develop a fair and equitable relationship. At the same time, wages must be linked to productivity, outsiders must be resisted and right to hire and fire must be enforced, the Chairman said.

With these words, the Chairman took up the agenda and moved Resolution No. 1:

"That the Report of the proceedings of the Federation's Committee for the period from the 1st January to 31st December 2005 be and is hereby passed and accepted."

Mr. Kamran T. Rahman, Chairman, Bangladesh Jute Mills Association, seconded the proposal, which was passed unanimously.

The Chairman then moved Resolution No. 2:

"That the Income and Expenditure Accounts for the year ended on the 31st December 2005 and the Balance-Sheet as at that date, as audited and certified by the Federation's Auditors, be received and passed."

Mr. A. Matin Chowdhury, Managing Director, Malek Spinning Mills Ltd., seconded the proposal, which was passed unanimously.

At the request of the Chairman, Md. Nurul Islam, Chairman of the Federation's Finance and Membership Sub-Committee proposed the Resolution No. 3 as under:

"That Messrs. A. Qasem and Co., Chartered Accountants, be and are hereby appointed as the Federation's Auditors for the year 2006 at the remuneration of Tk.15000.00/-."

Mr. A.S.M. Mainuddin Monem, Director, Finance & Administration of Abdul Monem Ltd., and CEO, K. Rahman & Company, seconded the proposal, which was passed and adopted without any dissent.

The Chairman then took up Agenda No. 4 relating to filling up of vacant seats and announced that there were 2(two) valid candidates against 4(four) vacant seats representing Ordinary members. There was no valid candidate against 3(three) vacant seats representing Group members. As such, election was not necessary.

The Election Board declared the following persons ipso facto elected to the Committee for the term, 2006-2008, subject to approval of the election at the 8th AGM:

Ordinary members

(1) Mr. Masih Ul Karim
Managing Director

Berger Paints Bangladesh Ltd.

(2)
Ms. Luna Shamsuddoha
Chairman

Dohatec New Media

The Chairman mentioned that the Committee would consider filling up the vacancies by co-options as per the relevant provisions of the Federation's Constitution.

The Chairman thanked Mrs. Laila Rahman Kabir, Mr. Abdul Hafiz Chowdhury, FCA and Mr. A. S. M. Quasem, the Chairman and Members of the Election Board and Mr. Mahbubur Rahman, Mr. Mahbub Jamil and Mr. M. Shamsul Alam, the Chairman and Members of the Appeal Board for the time they spared for conducting the election process as laid down in the Election Rules.

The Chairman mentioned that since the President, Vice-President and Committee members were elected for 2-year term, the composition of the Committee would continue to remain unchanged except inclusion of the two newly elected members. He announced the composition of the full Committee as under:

PRESIDENT

Mr. Syed Manzur Elahi	Chairman Apex Footwear Limited

VICE-PRESIDENT

Mr. Obaidur Rahman Khan	Executive Director Bangladesh Lamps Limited

MEMBERS OF THE COMMITTEE

Ordinary Members

1.	Mr. Anjan Chowdhury	Managing Director Square Toiletries Limited
2.	Mr. Md. Nurul Islam	Regional Senior Vice President, Middle East, Africa & South Asia-East, American Life Insurance Company.
3.	Mr. Syed S. Kaiser Kabir	Managing Director Renata Limited

4.	Mr. Masih Ul Karim	Managing Director Berger Paints Bangladesh Ltd.
5.	Mr. A.S.M. Mainuddin Monem	Director, Finance & Administration & CEO K. Rahman & Company
6.	Mrs. Rokeya Quader	Chairman Desh Garments Limited
7.	Dr. Toufiq M. Seraj	Managing Director Seltech (Pvt.) Limited
8.	Ms. Luna Shamsuddoha	Chairman Dohatec New Media

Group Members

1.	Mr. Jahangir Alamin	Vice-Chairman Bangladesh Textile Mills Association
2.	Mrs. Sabrina Islam	Vice President Women Entreprenueurs' Association
3.	Mr. Ardashir Kabir	Committee Member, Bangladeshiyo Cha Sangsad.
4.	Mr. Faisal Samad	Former Vice-President (Finance) Bangladesh Garment Manufacturers and Exporters Association
5.	Mr. Shabbir Yusuf	Chairman Bangladesh Jute Spinners' Association

Before concluding, the Chairman thanked the Vice-President and other members of the Committee for their unstinted support and valuable inputs for the Federation's cause.

The Vice-President, Mr. Obaidur Rahman Khan, on behalf of the all members of the Federation proposed a vote of thanks to the President, Mr. Syed Manzur Elahi for his untiring efforts for the quality leadership he had given to the Federation. He appreciated his (Mr. Elahi's) leadership to the Federation during the recent problems in some of the industrial units in Dhaka EPZ, Savar. The Vice-President mentioned that despite busy schedule, the President had always made himself available to represent the Federation and protect the interests of the Federation.

The Vice-President also proposed a vote of thanks for the Secretariat and mentioned how its service and commitment helped the Federation.

The Chairman thanked all present and then closed the meeting at 12.45 p.m.

Sd/-	Sd/-
(Syed Manzur Elahi)	(C.K. Hyder)
CHAIRMAN OF THE MEETING	SECRETARY-GENERAL

BANGLADESH EMPLOYERS' FEDERATION (BEF)
ANNUAL REPORT – 2005
(January - December, 2005)

The Committee of Bangladesh Employers' Federation has the pleasure of submitting to its members the following Annual Report for the year 2005.

During the year, the Federation continued its efforts to uphold the interests of the employers at all levels. In doing so, the Federation held meetings with the Prime Minister and some other Ministers of the Government on different issues. At the same time, it continued to maintain touch with the country's trade union federations and succeeded in having cordial relationship with them. In these meetings, the Federation highlighted the need for promulgation of the labour code – The Labour Code, 1994, the justification for fixing minimum wages at sectoral levels, dangers of wages increase in the loss-making state-owned enterprises (SOEs), indifference to productivity linked wages, etc.

On the international front, the Federation held meetings with International Labour Organisation and the International Organisation of Employers and the newly formed Confederation of Asia-Pacific Employers (CAPE). In these meetings, the Federation highlighted the need for international support for preferential market access of the products of LDCs in the developed countries. The Federation pointed out the adverse impact of increasing requirements of compliance and indicated how efforts were being made to link trade with trade union rights without proportionate increase in product prices. Besides, the benefits of globalisation in areas like employment creation, etc. had been uneven, the poorer countries being the losers in this process.

MEETINGS WITH MINISTERS

The Federation arranged a number of meetings with several Ministers on (i) national minimum wages, (ii) the proposed Labour Code, (iii) exclusion of outsiders from plant level trade union activities, and (iv) withdrawal of the ban on night work by women.

The Federation met the Prime Minister and subsequently other senior Ministers including the Minister of State for Labour and

Employment several times to submit in detail the reasons for which the Labour Code should be promulgated without further delay. The Federation also expressed its concern about bomb blast incidents and suggested the Government to take appropriate preventive measures. While considering the workers' benefit, the Federation suggested to modify "The Companies Profits (Workers Participation) Act 1968 to make all workers eligible to get benefits instead of a very handful of workers at present due to wages/salary ceiling. Besides, the Federation placed suggestion to the Minister of State for Labour and Employment to consider the upgradation of Vocational Training Institutes/Centres in the country formulating time-bound programme for the skill development.

The Federation's representatives attended the tripartite meetings of the Labour Code Review Committee, which was appointed by the Ministry of Labour and Employment to review the Code in the light of the 253 proposals submitted by the workers' federations. In all, 25 meetings were held till December 2005 to review the proposed amendments. After protracted negotiation, most of the provisions of the Labour Code were retained unchanged.

The Federation's representative on the Industrial Workers' Wages Commission and then at the Wages and Productivity Commission, highlighted the Federation's view-point on the issues covered in the terms of reference of the two Commissions.

The Federation's representative, while supporting 53% pay increase for the 1.53 million public sector officials and employees, suggested that the pay increase should be implemented by phases so as to help control inflation. He also stressed on reduction of the size of Government administration.

The Federation's representative on the National Wages and Productivity Commission (NWPC) pointed out that 104.5% wages increase for unskilled workers and 99.6% increase for the skilled workers would have serious adverse effect unless a means was found to link wages with productivity and there was the ability of the enterprises to pay.

The Federation continued to oppose national minimum wages. The Federation highlighted and advocated for continuation of sectoral minimum wages, as in the neighbouring countries.

I. MEMBERSHIP:

New Members:

During the period, the following organisations joined the Federation as new members (Ordinary):

Abdul Monem Limited
Abdul Monem Sugar Refinery Limited
Bangladesh Sugar & Food Industries Corporation
BRAC Bank Limited
Dohatech New Media
Igloo Dairy Limited

Successor member: Change of Name

Successor member	**Previous Name**
Unilever Bangladesh Limited	Lever Brothers Bangladesh Limited

II. MANAGING COMMITTEE

At the commencement of the year, i.e. on the 1st January, 2005, the managing Committee of the Federation comprised of the following members (in alphabetical order):

1.	Mr. M. Anis Ud Dowla	President	Chairman & Managing Director Advanced Chemical Industries Limited
2.	Mr. Kamran T. Rahman	Vice-President	Deputy Managing Director Pubali Jute Mills Limited
3.	Mr. M. A. Awal	Member	Chairman Bangladesh Textile Mills Association
4.	Mr. Waliur Rahman Bhuiyan	"	Managing Director BOC Bangladesh Limited
5.	Mr. A. Q. I. Chowdhury	"	Chief Executive - Bangladesh James Finlay Limited
6.	Mr. A. Matin Chowdhury	"	Managing Director Malek Spinning Mills Limited

7.	Mr. Md. Fazlul Hoque	Member	President Bangladesh Knitwear Manufacturers & Exporters Association
8.	Mrs. Simeen Hossain	"	Executive Director Transcom Limited
9.	Mr. A.K.M. Rafiqul Islam, FCA	"	Managing Director Pragati Insurance Limited
10.	Mr. Mirza Ali Behrouze Ispahani	"	Chairman Bangladesh Jute Mills Association
11.	Mr. Mahbub Jamil	"	Chairman & Managing Director Singer Bangladesh Limited
12.	Mr. Golam Mainuddin	"	Deputy Managing Director British American Tobacco Bangladesh Company Ltd.
13.	Mr. Niaz Rahim	"	Director Rahimafrooz Batteries Limited
14.	Mrs. Rokia A. Rahman	"	President Women Entrepreneurs' Association, Bangladesh
15.	Mr. Ashfaque ur Rahman	"	Managing Director Novartis (Bangladesh) Limited
16.	Mr. Alamgir Rahman	"	Director Bangladesh Garment Manufacturers & Exporters Association
17.	Mr. Sakif Ariff Tabani	"	Director Mirpur Ceramic Works Ltd.

The Managing Committee comprising of the above members remained in the office up to the Seventh Annual General Meeting (A.G.M) of the Federation held on the 31st July 2005.

At the Seventh A.G.M (held on the 31st July, 2005), there were 10 (ten) vacant seats of the Committee representing Ordinary members and there were 8 (eight) valid candidates against those

10 (ten) seats to fill up. Besides, there were 5 (five) valid candidates against 6 (six) vacant seats of the Group members. As such, election was not necessary. The Election Board declared the following persons (in alphabetical order) ipso facto elected to the Federation's Committee for the term, 2005-2007.

Ordinary members

(1) Mr. Anjan Chowdhury	Managing Director Square Toiletries Limited
(2) Mr. Syed Manzur Elahi	Chairman Apex Footwear Limited
(3) Mr. Md. Nurul Islam	Regional Vice President & General Manager, Bangladesh American Life Insurance Co.
(4) Mr. Syed S. Kaiser Kabir	Managing Director Renata Limited
(5) Mr. Obaidur Rahman Khan	Executive Director Bangladesh Lamps Ltd.
(6) Mr. A.S.M. Mainuddin Monem	Director, Finance & Admin and CEO K. Rahman and Co.
(7) Mrs. Rokeya Quader	Chairman Desh Garments Limited
(8) Dr. Toufiq M. Seraj	Managing Director Seltech (Pvt) Limited

Group members

(1) Mr. Jahangir Alamin	Vice-Chairman Bangladesh Textile Mills Association
(2) Mrs. Sabrina Islam	Vice-President Women Entrepreneurs' Association, Bangladesh
(3) Mr. Ardashir Kabir	Committee Member Bangladesiyo Cha Sangsad

(4)	Mr. Faisal Samad	Vice President (Finance) Bangladesh Garment Manufacturers and Exporters Association
(5)	Mr. Shabbir Yusuf	Chairman Bangladesh Jute Spinners Association

The following 4 (four) members remained on the Committee as they were elected last year (in the term 2004 – 2006):

(1)	Mr. Waliur Rahman Bhuiyan	Managing Director BOC Bangladesh Ltd.
(2)	Mr. A.K.M. Rafiqul Islam, FCA	Managing Director Pragati Insurance Ltd.
(3)	Mr. Md. Fazlul Hoque	President Bangladesh Knitwear Manufacturers & Exporters Association
(4)	Mr. Mirza Ali Behrouze Ispahani	Chairman Bangladesh Jute Mills Association

The Managing Committee as on the 31st December, 2005 was as follows (in alphabetical order) :

1.	Mr. Syed Manzur Elahi	President	Chairman Apex Footwear Limited
2.	Mr. Obaidur Rahman Khan	Vice-President	Executive Director Bangladesh Lamps Ltd.
3.	Mr. Jahangir Alamin	Member	Vice-Chairman Bangladesh Textile Mills Association
4.	Mr. Waliur Rahman Bhuiyan	Member	Managing Director BOC, Bangladesh Ltd.
5.	Mr. Anjan Chowdhury	"	Managing Director Square Toiletries Ltd.

6.	Mr. Md. Fazlul Hoque	"	President Bangladesh Knitwear Manufacturers and Exporters Association
7.	Mr. A.K.M. Rafiqul Islam, FCA	"	Managing Director Pragati Insurance Ltd.
8.	Mr. Mirza Ali Behrouze Ispahani	"	Chairman Bangladesh Jute Mills Association
9.	Mr. Md. Nurul Islam	"	Regional Vice President and General Manager Bangladesh American Life Insurance Co.
10.	Mrs. Sabrina Islam	"	Vice-President Women Entrepreneurs' Association, Bangladesh
11.	Mr. Ardashir Kabir	"	Committee Member Bangladesiyo Cha Sangsad
12.	Mr. Syed S. Kaiser Kabir	"	Managing Director Renata Limited
13.	Mr. A.S.M. Mainuddin Monem	"	Director, Finance & Admin and CEO K. Rahman and Co.
14.	Mrs. Rokeya Quader	"	Chairman Desh Garments Ltd.
15.	Mr. Faisal Samad	"	Vice-President (Finance) Bangladesh Garment Manufacturers & Exporters Association
16.	Dr. Toufiq M. Seraj	"	Managing Director Seltech (Pvt) Limited
17.	Mr. Shabbir Yusuf	"	Chairman Bangladesh Jute Spinners Association

III. **SUB- COMMITTEES:**

As constituted by the Managing Committee, the following 13 (thirteen) Sub-Committees functioned during the term 2005 – 2006:

1. FINANCE & MEMBERSHIP SUB-COMMITTEE

1.	Mr. Md. Nurul Islam (Chairman)	American Life Insurance Co.
2.	Mr. Kutubuddin Ahmed	Envoy Garments Ltd.
3.	Mr. M. A. Awal	Bangladesh Textile Mills Association
4.	Mr. Waliur Rahman Bhuiyan	BOC Bangladesh Limited
5.	Mr. A. Q. I. Chowdhury, OBE	James Finlay Limited
6.	Mr. Mirza Ali Behrouze Ispahani	Bangladesh Jute Mills Association
7.	Mr. Mahbub Jamil	Singer Bangladesh Limited
8.	Mr. Faisal Samad	Bangladesh Garment Manufacturers & Exporters Association

2. LABOUR RELATIONS SUB-COMMITTEE

1.	Mr. Syed Manzur Elahi (Chairman)	Apex Footwear Limited
2.	Mr. M. Anis Ud Dowla	Advanced Chemical Industries Ltd.
3.	Mr. M. A. Awal	Bangladesh Textile Mills Association.
4.	Mr. Samson H. Chowdhury	Bangladesh Aushad Shilpa Samity
5.	Mr. Annisul Huq	Bangladesh Garment Manufacturers & Exporters Association
6.	Mrs. Laila Rahman Kabir	Bangladeshiyo Cha Sangsad
7.	Mr. Obaidur Rahman Khan	Bangladesh Lamps Limited
8.	Mr. Shabbir Yusuf	Bangladesh Jute Spinners Association

3. LABOUR LAW SUB-COMMITTEE

1.	Mr. Waliur Rahman Bhuiyan (Chairman)	BOC Bangladesh Limited
2.	Mr. Masih Ul Karim	Berger Paints Bangladesh Limited
3.	Mr. Golam Mainuddin	British American Tobacco Bangladesh Company Limited
4.	Mr. Ashfaque ur Rahman	Novartis (Bangladesh) Limited
5.	Mr. Md. Lutfor Rahman	Bangladesh Garment Manufacturers & Exporters Association
6.	Mr. Kamran T. Rahman	Pubali Jute Mills Limited

4. LABOUR COURTS SUB-COMMITTEE

1.	Mr. Obaidur Rahman Khan (Chairman)	Bangladesh Lamps Limited
2.	Mr. A. Q. I. Chowdhury, OBE	James Finlay Limited
3.	Mr. A. Matin Chowdhury	Malek Spinning Mills Limited
4.	Mr. Syed Nasim Manzur	Apex Footwear Limited
5.	Mr. Feroz Rahim	Rahimafrooz Batteries Limited
6.	Mr. Tipu Sultan	Bangladesh Finished Leather, Leathergoods and Footwear Exporters Association

5. SELECTION SUB-COMMITTEE

1.	Mr. A. K. M. Rafiqul Islam (Chairman)	Pragati Insurance Limited
2.	Mr. Anjan Chowdhury	Square Toiletries Limited
3.	Mr. Md. Nurul Islam	American Life Insurance Company

4.	Mrs. Sabrina Islam	Women Entrepreneurs' Association, Bangladesh
5.	Mr. Obaidur Rahman Khan	Bangladesh Lamps Limited
6.	Mr. A. S. M. Mainuddin Monem	K. Rahman & Company

6. SEMINAR SUB-COMMITTEE

1.	Mr. Jahangir Alamin (Chairman)	Bangladesh Textile Mills Association
2.	Mr. Anjan Chowdhury	Square Toiletries Limited
3.	Mrs. Sabrina Islam	Women Entrepreneurs' Association, Bangladesh
4.	Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
5.	Mr. Obaidur Rahman Khan	Bangladesh Lamps Limited
6.	Mr. Faisal Samad	Bangladesh Garment Manufacturers & Exporters Association
7.	Mr. Sakif Ariff Tabani	Mirpur Ceramic Works Limited

7. WAGES CONSULTATIVE SUB-COMMITTEE (DHAKA REGION)

1.	Mr.Syed S. Kaisar Kabir (Chairman)	Renata Limited
2.	Mr. Waliur Rahman Bhuiyan	BOC Bangladesh Limited
3.	Mr. Akhter Matin Chaudhury	Organon (Bangladesh) Limited
4.	Mr. Carlo Cifiello	Nestle Bangladesh Limited
5.	Mr. Mahbub Jamil	Singer Bangladesh Limited
6.	Mrs. Laila Rahman Kabir	Kedarpur Tea Company Limited
7.	Mr. Obaidur Rahman Khan	Bangladesh Lamps Limited
8.	Mr. Golam Mainuddin	British American Tobacco Bangladesh Company Limited
9.	Mr. Ashfaque ur Rahman	Novartis (Bangladesh) Limited

8. MINIMUM WAGES RELATED SUB-COMMITTEE

1.	Mr. Faisal Samad (Chairman)	Bangladesh Garment Manufacturers and Exporters Association
2.	Mr. Jahangir Alamin	Bangladesh Textile Mills Association
3.	Mr. A. Matin Chowdhury	Malek Spinning Mills Limited
4.	Mr. Md. Fazlul Hoque	Bangladesh Knitwear Manufacturers & Exporters Association
5.	Mrs. Sabrina Islam	Women Entrepreneurs' Association, Bangladesh
6.	Mr. Mirza Ali Behrouze Ispahani	Bangladesh Jute Mills Association
7.	Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
8.	Mr. Shabbir Yusuf	Bangladesh Jute Spinners Association

9. PUBLIC RELATIONS SUB-COMMITTEE

1.	Mr. Md. Fazlul Hoque (Chairman)	Bangladesh Knitwear Manufacturers & Exporters Association
2.	Mr. Waliur Rahman Bhuiyan	BOC Bangladesh Limited
3.	Mr. Samson H. Chowdhury	Bangladesh Aushad Shilpa Samity
4.	Mr. A. Q. I. Chowdhury, OBE	James Finlay Limited
5.	Mr. Mahbub Jamil	Singer Bangladesh Limited
6.	Mr. A. S. M. Quasem	Newage Garments Limited
7.	Mr. A. Matin Chowdhury	Malek Spinning Mills Limited

10. SAFETY AND WORKING CONDITIONS SUB-COMMITTEE

1.	Mr. Mirza Ali Behrouze Ispahani (Chairman)	Bangladesh Jute Mills Association
2.	Mr. A. Matin Chowdhury	Malek Spinning Mills Limited
3.	Mrs. Laila Rahman Kabir	Kedarpur Tea Company Limited
4.	Mr. Golam Mainuddin	British American Tobacco Bangladesh Company Limited
5.	Mr. Syed Nasim Manzur	Apex Footwear Limited
6.	Mr. Lutfor Rahman Matin	Bangladesh Garment Manufacturers and Exporters Association
7.	Mr. Niaz Rahim	Rahimafrooz Batteries Limited
8.	Mr. Sakif Ariff Tabani	Mirpur Ceramic Works Limited
9.	Mr. Shabbir Yusuf	Bangladesh Jute Spinners Association

11. TRAINING AND HUMAN RESOURCE DEVELOPMENT SUB-COMMITTEE

1.	Dr. Toufiq M. Seraj (Chairman)	Seltech (Pvt.) Limited
2.	Mr. Anjan Chowdhury	Square Toiletries Limited
3.	Mr. A. Matin Chowdhury	Malek Spinning Mills Limited
4.	Mr. Iftekharul Islam	Aventis Limited
5.	Mrs. Sabrina Islam	Osman Textiles Limited
6.	Mr. Salahuddin Kasem Khan	A. K. Khan & Company Limited
7.	Mr. Obaidur Rahman Khan	Bangladesh Lamps Limited
8.	Mr. Kamran T. Rahman	Pubali Jute Mills Limited

12. WOMEN IN DEVELOPMENT SUB-COMMITTEE

1.	Mrs. Sabrina Islam (Chairperson)	Women Entrepreneurs' Association, Bangladesh
2.	Mrs. Simeen Hossain	Transcom Limited
3.	Mrs. Rokeya Quader	Desh Garments Limited
4.	Mrs. Zeenat Rahim	Rahimafrooz Batteries Limited
5.	Mrs. Rokia A. Rahman	Women Entrepreneurs' Association, Bangladesh
6.	Mrs. Luna Shamsuddoha	Dohatec New Media
7.	Mrs. Nurjehan Sakif Tabani	Mirpur Ceramic Works Limited

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

1.	Mr. A. S. M. Mainuddin Monem (Chairman)	K. Rahman & Company
2.	Mr. Iftekharul Alam	Omnichem Limited
3.	Mr. Jahangir Alamin	Bangladesh Textile Mills Association
4.	Mr. Waliur Rahman Bhuiyan	BOC Bangladesh Limited
5.	Maj. Gen. Amjad Khan Chowdhury (Retd.)	Property Development Limited
6.	Mr. A. Matin Chowdhury	Malek Spinning Mills Limited
7.	Mrs. Sabrina Islam	Women Entrepreneurs' Association, Bangladesh
8.	Mr. Salahuddin Kasem Khan	A. K. Khan & Company Ltd.

9.	Mr. Golam Mainuddin	British American Tobacco Bangladesh Company Limited
10.	Mr. Ashfaque ur Rahman	Novartis (Bangladesh) Limited
11.	Mr. Alamgir M. Z. Rahman	Bangladesh Garment Manufacturers and Exporters Association

IV. SECRETARIAT:

Mr. C. K. Hyder continued to remain the Secretary-General and CEO of the Federation.

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YEARLY REPORT ON THE ACTIVITIES OF THE FEDERATION FOR THE PERIOD FROM THE 1ST JANUARY, 2005 TO 31ST DECEMBER, 2005

A. Labour relations situation

The Federation continued to review the labour relations situation in the country on a regular basis. Besides comprehensive review on monthly meetings, on a number of occasions, special attention had to be given to individual cases. In consultation with the concerned employers, the Federation moved the appropriate authorities in the Government when the workers in Savar and Narayanganj turned violent and damaged some mills and factories in October 2005. Besides, the Federation took up establishment level disputes on a number of occasions. It also gave advice to several member organisations as and when they apprehended/faced troubles from the trade unions and some non-governmental organisations.

B. 93rd Session of the ILC : BEF's Participation:

The 93rd session of the International Labour Conference (ILC) was held in Geneva from the 31st May to 16th June, 2005. The Federation President, Mr. M. Anis Ud Dowla and the Vice-President Mr. Kamran T. Rahman attended the Conference as the Delegate and Substitute Delegate cum Advisor respectively.

The Conference dealt with, among others, the following subjects:

1) Information and Reports on the application of the Conventions and Recommendations

2) Occupational Safety and Health – Development of a new Instrument establishing a promotional framework in this area

3) Work in the Fishing Sector – Standard-Setting, second discussion with a view to the adaptation of a Convention supplemented by a Recommendation

4) Promoting youth employment – general discussion based on an integrated approach

5) Global Report under the follow up to the ILO Declaration on fundamental principles and rights at work

6) Director General's Report

C. Amendment to the Constitution of the Federation:

For the greater interest of the Employers' particularly the Group Members whose representation to the Federation has a wide ranging impact, the Article 13 (3) (i) was amended through holding an Extraordinary General Meeting on the 21st April, 2005. It was necessary to delete the bar and allow the Group Members only to seek election through anyone other than the retiring nominees who having represented the Group members on the Committee for the two annual terms would be ineligible to contest in the election in the next two yearly terms. Besides, there were few other minor amendments, which were mostly editing in nature.

D. Participation in NICC / other International Organisation's Training Programmes :

The Federation nominated a number of participants from its member firms to different training programmes conducted by the Nippon-Keidanren International Cooperation Center (NICC) and other international organisations :

Sl. No.	Name of Participant	Designation & Name of Firm	Training Programme	Place & Duration
1.	Mr. M. Shabbir Ali	Manager, Plant HR, Novartis (Bangladesh) Limited	NICC's Programme on "Systems and Practices in Industrial Relations (IR) and Human Resource Management (HRM)"	Tokyo, Japan from the 7th to 19th February, 2005.

Sl. No.	Name of Participant	Designation & Name of Firm	Training Programme	Place & Duration
2.	Ms. Dilruba Sharmin Khan	Plant Human Resources Manager Aventis Limited	NICC's "Trainers' Training Course on MTP (Management Training Programme)"	Tokyo, Japan from the 16th May to 3rd June 2005.
3.	Mr. Farooq Ahmed	Secretary, Bangladesh Employers' Federation	Course on "Strategies for Local Economic Development" by International Training Centre of the ILO	Turin, Italy from the 16th to 27th May 2005.
4.	Mr. Md. Nizam Uddin	Human Resources Services Manager GlaxoSmithKline Bangladesh Limited	NICC's Programme on "Human Resource Development and Human Resource Management"	Tokyo, Japan from the 8th to 22nd June 2005.
5.	Mr. Md. Mokshedul Hasan	Senior Production Engineer Bangladesh Lamps Limited	NICC's Study Programme on "Total Quality Management (TQM) in Practice"	Tokyo, Japan from the 27th June to 13th July 2005.
6.	Mr. Akhteruddin Mahmood	Adviser, HR Development and Training, Bangladesh Employers' Federation	NICC's workshop on Strengthening Employers' Organisations for Managers of EOs"	Tokyo, Japan from the 20th to 29th July 2005.

Sl. No.	Name of Participant	Designation & Name of Firm	Training Programme	Place & Duration
7.	Mr. Md. Kamrul Hassan	General Manager Transcom Limited	NICC's Programme for Executive Development on "Total Management System"	Tokyo, Japan from the 4th to 19th October 2005.
8.	Mr. A. S. M. Mashi-ur-Rahman	General Manager Micro Industries Development Assistance and Services (MIDAS)	"International Training Program (ITP) Focus : Gender and Development (GAD) - Based Entrepreneur-ship Development in TVET"	Manila, the Philippines from the 7th November to 2nd December 2005.
9.	Mr. Mahmud Hasan	Assistant Manager, Singer Bangladesh Limited.	NICC's Programme on "Systems and Practices in Industrial Relations and Human Resource Management"	Tokyo, Japan from the 16th to 30th November 2005.

E. 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 organised by various Ministries, Organisations and

other development partners. The major events where the Federation's nominee participated were:

(I) Seminar on "Occupational Safety and Health" organised by the International Labour Organization (ILO) on the 28th April in Ichamati Hall, Hotel Agrabad, Chittagong.

(II) National Stakeholder Workshop on " Combating Child Trafficking for Labour and Sexual Exploitation" (TICSA Phase - II Bangladesh Chapter) organised by the ILO on Wednesday, the 27th April at the Conference Hall of Hotel Lake Castle, House 1/A, Rod 68/A, Gulshan Dhaka.

(III) ILO/IPEC Stakeholders Workshops: one held on the 10th May 2005 and the other one on "Match and Construction Sector" held on the 12th May 2005 at Hotel Purbani.

(IV) National Workshops on "Strategic Planning for Time Bound Programme in Bangladesh" organised by the ILO on the 06th - 07th July 2005, at the BCDM, Rajendrapur.

(V) Workshops on "ILO International Labour Standards: Obligations and Opportunities" organised by the ILO, one on the 17th - 18th July, 2005 in Dilkusha Hall, Hotel Purbani, Dhaka and another one on the 20th - 21st July, 2005, in Kakoli Hall, Hotel St. Martin, Chittagong.

(VI) Tripartite Workshops on "ILO International Labour Standards: Obligations and Opportunities" organised by the ILO, one on the 17th -18th July, 2005 in Dilkusha Hall, Hotel Purbani, Dhaka and another one on the 20th - 21st July, 2005, in Kakoli Hall, Hotel St. Martin, Chittagong.

(VII) Stakeholders Meeting on "Prevention of HIV/AIDS in the World of Work" organised by the ILO, one on the 14th August, 2005 in Dilkusha Hall, Hotel Purbani, Dhaka and another one on the 17th August, 2005, in Ichamati Hall, Hotel Agrabad, Chittagong.

(VIII) National Tripartite Meeting on "Enhancing Employment & Global Competitiveness through Decent Work: Post-MFA Challenges and Opportunities" jointly organised by the Ministry of Commerce and the ILO, on the 24th August, 2005 at Sonargaon Hotel, Dhaka.

(IX) Follow-up National workshop to the "Strategic Planning for TBP in Bangladesh" organised by the ILO, on the 26th - 27th October 2005 at BCDM, Rajendrapur.

(X) National Stakeholder's Workshop on Determining the Provisional list of Hazardous Child labour Follow-up to the ILO Regional Tripartite Workshop on "Resources and Processes for Implementing the Hazardous Child Labour provisions of C 138 and C 182" organised by the ILO on, the 22nd November 2005 at BRAC Centre, Mohakhali, Dhaka.

(XI) National Workshop on "Development of First Version of TBP" Follow-up to the "National Stakeholders' Workshop on Strategic Planning" organised by the ILO on the 23rd -24th November 2005, at the Public Administration Center (PATC), Savar.

(XII) National Stakeholder Workshop with regard to the Extended Final Evaluation of ILO/IPEC Project BGD/00/P01/NET organised by the ILO on the 20th November 2005 at the BRAC Inn, Mohakhali, Dhaka.

(XIII) Seminar on "Trade Unionism in Bangladesh : How to improve its credibility and image" organised by the ILO on the 12th December 2005 at Hotel Purbani, Dhaka.

(XIV) "Stakeholders Workshop on International Migration" organised by the ILO on the 22nd December 2005, at the BCS Administration Academy, Dhaka.

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

During the year 2005, representatives of the Federation participated in the following international seminars/workshops/ conferences :

(a) Mr. M. Fashiur Rahman, Secretary, Bangladesh Garment Manufacturers & Exporters Association (BGMEA), participated in the ILO "Regional Tripartite Workshop on resources and processes for implementing the Hazardous Child Labour

provisions of C.138 & C.182" held in Phuket, Thailand from the 22nd to 24th June 2005.

(b) Dr. Ayubur Rahman Bhuyan, Economic Adviser, Metropolitan Chamber of Commerce and Industry, Dhaka participated in the "Inter-regional Seminar on the use of National labour Force Surveys for Collecting Additional labour-related Statistics", held in Geneva, Switzerland from 24 – 26 October 2005.

(c) Mr. Alamgir M. Z. Rahman, former Vice-President, Bangladesh Garment Manufacturers & Exporters Association (BGMEA) represented the Federation in the "Tripartite Meeting on Promoting Fair Globalisation in Textiles and Clothing in a Post-MFA Environment" held in Geneva, Switzerland from the 24th to 26th October, 2005.

(d) Mr. Kazi Saifuddin Ahmed, Labour Adviser, Bangladesh Employers' Federation, and Mr. Abdul Hamid, Factory Manager, ACI Formulations Ltd. participated in the NICC's Joint Study Workshop on "The use of Occupational Safety and Health Management Systems and Best Practices at Company Level : For Strengthening Corporate Global Competitiveness" held in Phuket, Thailand from the 23rd to 25th November 2005.

(e) Mr. Badiur Rahman, Deputy Secretary, Bangladesh Employers' Federation participated in the (1) "ILO Regional Workshop on Legal Frameworks and Law Enforcement Capacity in Combating Child Trafficking for Labour and Sexual Exploitations in Asia"held on the 22nd -23rd November 2005 and (2) "ILO Regional Workshop on Child-friendly Standards and Guidelines for the Recovery and Reintegration of the Survivors of Child Trafficking " held on the 24th November 2005 in Bangkok, Thailand.

(f) Mrs. Sabrina Islam, Member of the Committee, Mr. Farooq Ahmed, Secretary, Mr. Santosh Kumar Dutta, Joint Secretary, and Mr. Akhteruddin Mahmood, Adviser, Training, HRD, of the Bangladesh Employers' Federation participated in the ACTEMP/ IOE/EMPACT Workshop on Strengthening Employers' Organisations to reach out to SMEs held in Faridabad, India from the 6th to 8th December 2005.

(g) Mr. Santosh Kumar Dutta, Joint Secretary, Bangladesh Employers' Federation participated in the ILO "Subregional Meeting of Experts on Labour Administration and Informal Economy" held in Chennai, India from the 8th to 9th December 2005.

(h) Ms. Rubina Husain Farouq, Women Entrepreneurs Association, Bangladesh participated in the ILO "Technical workshop on GEMS Capacity Building in Asia and the Pacific (GEMS : Gender Mainstreaming Strategies) held in Bangkok, Thailand from the 13th to 15th December, 2005.

F. Representative on various Committees/Bodies:

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

1.	Executive Committee of International Organisation of Employers (IOE)	Mr. Syed Manzur Elahi President Bangladesh Employers' Federation (Substitute) Mr. C. K. Hyder Secretary-General Bangladesh Employers' Federation
2.	Governing Body of Bangladesh Institute of Management (BIM)	Mr. Syed Manzur Elahi President Bangladesh Employers' Federation
3.	Bangladesh Technical Education Board	Mr. Kazi Saifuddin Ahmed Labour Adviser Bangladesh Employers' Federation
4.	Bangladesh Minimum Wages Board	Mr. Kazi Saifuddin Ahmed Labour Adviser Bangladesh Employers' Federation

5.	Tripartite Consultative Council (TCC) on Labour Matters of the Ministry of Labour and Employment	1.	Mr. Syed Manzur Elahi President Bangladesh Employers' Federation
		2.	Mr. Obaidur Rahman Khan Vice-President Bangladesh Employers' Federation
		3.	Mr. M. Anis Ud Dowla Past President Bangladesh Employers' Federation
		4.	Mr. Md. Tipu Sultan Chairman Bangladesh Finished Leather, Leathergoods and Footwear Exporters' Association
		5.	Mrs. Laila R. Kabir Former Chairman Bangladeshiyo Cha Sangsad
		6.	Mr. Samson H. Chowdhury Member, Advisory Committee Bangladesh Aushad Shilpa Samity
		7.	Mr. Md. Fazlul Hoque President Bangladesh Knitwear Manufacturers and Exporters Association
		8.	Mr. Kamran T. Rahman Chairman Bangladesh Jute Mills Association
		9.	Mr. M. A. Awal Chairman Bangladesh Textile Mills Association
		10.	Mr. Shabbir Yousuf Chairman

11. Mr. Tipu Munshi
President
Bangladesh Garment
Manufacturers & Exporters
Association

12. Chairman
Bangladesh Jute Mills
Corporation

13. Dr. Toufiq M. Seraj
Managing Director
Sheltech (Pvt.) Limited

14. Mr. Kutubuddin Ahmed
Chairman
Envoy Garments Ltd.

15. Mr. A.K.M. Rafiqul Islam, FCA
Managing Director
Pragati Insurance Limited

16. Mrs. Rokeya Quader
Chairman
Desh Garments Limited

17. Mr. C. K. Hyder
Secretary-General
Bangladesh Employers'
Federation

18. Mr. Kazi Saifuddin Ahmed
Labour Adviser
Bangladesh Employers'
Federation

G. Bangladesh Employers' Federation - International Labour Organizations' Joint programmes : Following joint activities were undertaken with the ILO :

(i) Workshop on "Occupational Safety and Health (OSH)"

The Federation, in collaboration with the International Labour Organization (ILO), organised a two-day long workshop on "Occupational Safety and Health (OSH)", on the 30th - 31st May, 2005, under the BEF-ILO joint programme of activities. Forty six participants representing production, engineering, plant maintenance, quality assurance and compliance, factory administration and management, health safety and environment, human resource development departments and other related officials from different organisations/ factories attended the training-workshop.

The workshop covered the following issues:

- Government Laws, Rules and Policies relating to Occupational Safety and health in Bangladesh
- ILO Conventions and Recommendations Concerning Occupational Health and Safety
- Industrial Hazards and Occupational Safety Measures
- Materials Handling & Storage : House Keeping
- Personal Protective Equipment
- Occupational Health Hazards and Preventive Measures
- Safe Handling of Industrial Machinery and Equipment
- Health Hazards : Dust and other Particles
- Occupational safety : check list exercise

Mr. Kazi Saifuddin Ahmed, Labour Adviser, Bangladesh Employers' Federation, Mr. Md. Nizam Uddin, Director General, Bangladesh Institute of Management (BIM), Mr. Shah Alam, Senior Trainer, Training Division, BRAC, Dr. A. S. M. Sirajuddin, Chief Inspector of Factories and Establishment conducted different sessions of the two-day long training-workshop basing on their academic and practical experiences.

(ii) Workshop on "Negotiating Management Charter - Innovative Agreements to Improve Competitiveness"

Bangladesh Employers' Federation (BEF), in collaboration with the International Labour Organization (ILO), organised a workshop on "Negotiating Management Charter - Innovative Agreements to Improve Competitiveness", on the 15th June, 2005, under the BEF-ILO joint programme of activities. Twenty two (22) participants including two women participants, representing HR management, employee relations, personnel management, finance, general administration, plant and factory administration departments and other related officials from different organisations/industrial establishments attended the workshop.

The workshop was organised to highlight the concepts and strategies adopted by successful enterprises for innovative agreements. It was designed to discuss in detail case studies of some successful enterprises and to enable the participants to learn the process of developing and negotiating Management Charter and understand how enterprises have benefited from such agreements.

Mr. C. K. Hyder, Secretary-General, BEF, delivered the inaugural address marking the opening of the workshop discussion. Dr. Rajen Mehrotra, Senior Specialist on Employers Activities, ILO Sub Regional Office (SRO), New Delhi, delivered the introductory statement on the theme of the workshop. Mr. Gopal Bhattacharya, Director, ILO Area Office, Dhaka, also addressed the opening session.

(iii) Workshop on "Improving Enterprise Competitiveness - Learning through Management Game"

Bangladesh Employers' Federation (BEF), in collaboration with the International Labour Organization (ILO), organised a workshop on "Improving Enterprise Competitiveness - Learning through Management Game", on the 16th June, 2005, under the BEF-ILO joint programme of activities. Sixteen (16) participants including three women participants, representing quality control, IT & training, employee relations, HR management, personnel management, finance, general administration, marketing, sales, production departments and other related officials from different organisations/industrial establishments attended the workshop.

The workshop was organised to help the participant renew their knowledge on : (i.) How to assess a business situation, (ii.) How to correlate the enterprise goals with the various decisions that management must make, (iii.) How to develop strategies to achieve these goals, (iv.) How to understand competitors' strategies and adjust own strategies to improve competitive position. It was designed to enable the participants to learn these issues through the management game.

Dr. Rajen Mehrotra, Senior Specialist on Employers Activities, ILO Sub Regional Office (SRO), New Delhi, conducted and facilitated the workshop on "Improving Enterprise Competitiveness - Learning through Management Game". The management game was a simulation of real-life business scenario, where the participants get hands on experience of all the above by participating as a team and taking decisions while playing the "Management Game on Competitiveness".

(iv) Workshops on "Productivity and Enterprise Competitiveness"

Bangladesh Employers' Federation (BEF), in collaboration with the International Labour Organization (ILO), organised three workshops on "Productivity and Enterprise Competitiveness" in Chittagong, Dhaka and Khulna, under the ILO/BEF joint programme of activities.

(1) The first workshop was held at Hotel Agrabad, Agrabad Commercial Area, Chittagong on Tuesday, the 30th August 2005 and Twenty nine (29) participants attended the workshop.

(2) The second workshop was held in the Conference Hall at the "Chamber Building" (4th floor), 122-124 Motijheel C. A., Dhaka on Thursday, the 1st September 2005 and Twenty six (26) participants attended the workshop.

(3) The third workshop was held at the Royal Hotel, Khulna on Sunday, the 4th September 2005 and Thirty eight (38) participants attended the workshop.

In the first workshop held in Chittagong on the 30th August 2005, Dr. Rajen Mehrotra, Senior Specialist on Employers Activities for South Asia, ILO Sub Regional Office (SRO), New Delhi, addressed the workshop marking the opening of the programme. Mr. Md. Akbar Hassan, Managing Director & CEO, Briddhi Industrial and Marketing Consultants, Mr. T. I. M. Nurunnabi Khan, ILO Area Office, Dhaka, and Mr. Santosh Kumar Dutta, Joint Secretary, BEF, also addressed the opening session.

In the second workshop held in Dhaka on the 1st September 2005, Mr. Syed Manzur Elahi, President, BEF, delivered the inaugural address marking the opening of the workshop discussion. Dr. Rajen Mehrotra delivered the introductory statement on the theme of the workshop while Mr. C. K. Hyder, Secretary-General, BEF, delivered the concluding statement of the opening session.

In the third workshop held in Khulna on the 4th September 2005, Dr. Rajen Mehrotra addressed the workshop marking the opening of the programme. Mr. Md. Akbar Hassan and Mr. Santosh Kumar Dutta also addressed the opening session.

Participants, representing production department, finance/ accounts department, factory administration, quality control, training, employee relations, HR management, personnel management, general administration, marketing, sales, and other related officials from different organisations/industrial establishments of different sectors attended the three workshops organised in Chittagong, Dhaka and Khulna.

The objectives of the workshop programmes were to : renew the awareness of the participants on the need for enhancing enterprise productivity and competitiveness; deliberate on the various choices and their practicability in adopting policies for productivity improvement; understand competitors strategies and adjust own strategies to improve competitive position, and other related issues. The workshop also discussed better methods of productivity improvement so as to face the challenges of the competitive business environment in the world.

H. Representatives on the Labour Courts:

The following representatives are nominated by the Federation to represent in the seven Labour Courts operating in the country.

First Labour Court, Dhaka	Mr. Nurul Alam Mr. A. K. M. Feroz Alam Mr. Sheikh Abdur Razzaque Mr. Md. Monirul Islam Mr. Md. Rafiqul Islam
Second Labour Court, Dhaka	Mr. A.B.M. Yusuf Ali Khan Mr. Nurul Islam Mr. Md. Sadeque Hussain Mr. Mir Delwar Hussain
Third Labour Court Dhaka	Mr. Momtazur Rahman Mr. Md. Abdus Sattar Mr. Munshi Mokhlesur Rahman Mr. Md. Abdul Khaled Mridha
Labour Court, Rajshahi	Mr. A.K.A. Atoa-e-Rabbi Mr. Mortoza Reza Advocate Md. Motahar Hossain
Labour Court, Khulna	Mr. Rafiqul Islam Mr. Rabiul Islam Mr. Abdul Halim Mr. Oliur Rahman Bhuyian Captain (Retd.) G.K. Halder

First Labour Court, Chittagong	Mr. Shaymal Kanti Barua
	Mr. Md. Mahbubul Haque
	Mr. Md. Mohsin Chowdhury
	Mr. Md. Azizur Rashid
	Mr. A.M.M. Sajjad
Second Labour Court, Chittagong	Mr. Md. Amir Ali
	Mr. Golam Mostafa
	Mr. M. A. Jabbar Chowdhury
	Mr. Jahangir Alam
	Mr. Md. Abu Jaher

J. 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).

Sd/-	Sd/-
(Syed Manzur Elahi)	(C. K. Hyder)
PRESIDENT	SECRETARY-GENERAL

IMPORTANT COURT CASE ON LABOUR MATTERS

HIGH COURT DIVISION
(Special Original Jurisdiction)

Writ petition No. 515 of 1999.

Md Joynul Abedin J
Sheikh Rezowan Ali J

Karnaphuli Fertilizer Co Ltd ..... Petitioner
vs
Chairman, First Labour Court, and another.....Respondents

July 24th, 2002

Judgment

Md Joynul Abedin J: This Rule under Article 102 of the Constitution of the People's Republic of Bangladesh calls in question the Judgment and order dated 7-1-1999 passed by the Chairman, First Labour Court, Chittagong in Complaint Case No. 1 of 1997 under section 25(1)(b) of the Employment of Labour (Standing Orders) Act, 1965 directing the Petitioner, Karnaphuli Fertilizer Co Ltd to reinstate the respondent No, 2 to his former post in service with back wages and continuity in service and other allowances.

2. Respondent No. 2 filed the aforesaid complaint case under section 25(1)(b) of the Employment of Labour (Standing Orders) Act, 1965 in the First Labour Court, Chittagong alleging, interalia that he was appointed initially as an Apprentice Trainee in the establishment of the petitioner on 17-6-1995 and was subsequently confirmed as Operator with effect from 17-12-1995. Respondent No. 2 since his appointment had been discharging his duty with honesty and sincerity, but he was dismissed from service by letter dated 22-1-1997 in the garb of termination in colourable exercise of authority. Respondent No. 2 was, in fact, victimised for his trade union activities as he was playing active role. The active role of respondent No. 2 incurred the displeasure, dissatisfaction and grudge of the petitioner. It was resolved in a meeting held on 19-1-1979 between the representatives of the CBA and the petitioner-company that the

management of the petitioner company would pay Taka 10,000 to each worker towards profit-sharing earned by the petitioner-company. But the said resolution was not respected by the petitioner-company and instead first information report was lodged by the management of the petitioner-company against respondent Nos. 2 and 9 and other workers by alleging some violent activities against them which were false. This was done with a view to frustrating the genuine demand of the workers including respondent No. 2.

3. The petitioner-company contested the said complaint case by filing a written statement denying the material allegations contending, interalia, that the case was not maintainable in law as it was not the case of dismissal, but a case of termination simpliciter under section 19 of the Employment of Labour (Standing Orders) Act, 1965 with all termination benefits as the order of termination was without any blame or stigma. The petitioner-company, therefore, prayed for dismissal of the case.

4. The learned Labour Court (respondent No. 1) on consideration of the pleadings and papers filed by the parties passed the impugned order directing the petitioner-company to reinstate the respondent No. 2 to his former post and position with back wages and continuity of service as stated therein on the finding that it was clear from the first information report produced before it the petitioner-company victimised the respondent No. 2 for his trade union activities as he was an activist of the trade union. Consequently, the order of termination was set aside.

5. We have heard Mr Khalilur Rahman, the learned Advocate appearing with Mr Zubayer Rahman Chowdhury, for the petitioner-company and Mr Anwarul Azim Khair, Learned Advocate for the respondent No. 2.

6. In the instant case, the question that falls for consideration is whether the petitioner-company dismissed its worker i.e. the respondent No. 2, in the garb of termination simpliciter by way of victimisation for his trade union activities. In this case, it is admitted that the respondent No. 2 was a worker under the petitioner-company at the relevant time and there was also a Central Bargaining Agent (CBA) for the workers of the petitioner-company. Admittedly, no witness was examined before the Labour Court by

either parties and no evidence was led except a copy of the first information report dated 20-1-1997, a letter of termination, a letter of confirmation in service and a copy of the grievance petition were filed by the respondent No. 2, but these were not proved and marked exhibits. No other papers were produced before the Labour Court by the respondent No. 2.

7. Be that as it may, the first information report referred to above mentioned about some violent and criminal acts committed by some workers of the petitioner-company including the respondent No. 2, intimidating and coercing the management of the petitioner-company to sign an agreement of profit sharing. The relevant portion of the first information report alleging some criminal and unruly acts of the activists are set out as under:

"The actions committed and incited by the named activists, jointly and severally, were criminal offences. These criminal offences, amongst others, included unlawful assembly, attempts at physical assault, wrongful restraint, wrongful confinement, show of criminal force, criminal intimidation and extortion."

8. Whether the aforesaid activities of the respondent No. 2 and other activists as alleged in the said first information report could be termed as trade union activities, for which the petitioner-company was not competent in law to terminate the services of its workers without initiating a disciplinary action under section 18 of the Employment of Labour (Standing Orders) Act, 1965 as it would otherwise amount to a dismissal, could be determined with reference to the activities permissible as trade union activities under section 22(12) of the Industrial Relations Ordinance, 1969 which are as under.

22(12) The collective bargaining agent in relation to an establishment or group of establishments shall be entitled to-

(a) undertake collective bargaining with the employer or employers on matters connected with employment, non-employment, the terms of employment or the conditions of work.
(b) represent all or any of the workmen in any proceedings:
(c) give notice of, and declare, a strike in accordance with the provisions of this Ordinance; and

(d) nominate representatives of workmen on the Board of Trustees of any welfare institutions or Provident Fund, and of the Worker's Participation Fund established under the Companies Profits (Workers Participation) Act, 1968 (XII of 1968)."

9. Side by side unfair labour practices on the part of the workmen are also set out under section 16 of the said Ordinance which are as under:

"16. Unfair labour practices on the part of workmen;

1) No workman or trade union of workmen and no person acting on behalf of such trade union shall

(a) persuade a workman to join or refrain from joining a trade union during working hours, or

(b) intimidate any person to become, or refrain from becoming, or to continue to be or to cease to be a member or officer of a trade union; or

(c) induce any person to refrain from becoming, or cease to be a member or officer of a trade union, by conferring or offering to confer any advantage on or by procuring or offering to procure any advantage for, such person or any other person; or

(d) compel (or attempt to compel) the employer to sign a memorandum of settlement by using intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of telephone, water and power facilities and such other methods;

(e) compel or attempt to compel any workman to pay, or refrain from paying, any subscription towards a fund of any trade union by using intimidation, coercion, pressure, threat, confinement to a place, physical injury, disconnection of telephone, water and power facilities and such other methods."

10. A careful examination and comparison between the activities allegedly committed by the respondent No. 2 and other activists of the trade union as mentioned in the aforesaid first information report and the permissible trade union activities as set out under section

22(12) of the said Ordinance clearly show that the activities of the respondent No. 2 and other workers of the petitioner-company as alleged in the first information report were not the trade union activities permissible in law. Those alleged activities could rather be regarded as unfair labour practices. In any view of the matter, the termination of employment of the respondent No. 2, even if it is said to have been made on account of those activities of his as alleged in the aforesaid first information report, cannot be taken to have been made on account of his trade union activities. Therefore, the finding of the Labour Court that the termination of the respondent No. 2 was not a termination simpliciter but a dismissal in the garb of termination cannot be sustained in law. The grievance petition of the respondent No. 2 in this case under section 25(1)(b) of the Employment of Labour (Standing Orders) Act, 1965 was, therefore, not maintainable in the first place. The Labour Court had no jurisdiction to entertain such grievance petition and, as such, the impugned judgment dated 7-1-1999 passed by the Labour Court, respondent No. 1, was not only illegal but was also without jurisdiction.

11. Mr Khalilur Rahman, the learned Advocate for the petitioner-company, submits that an employer is competent to terminate the service of its worker even after the first information report is lodged against him alleging misconduct. Because it is open to the employer not to have recourse to the disciplinary action but to terminate the service of the employee with all available benefits; 25 DLR (SC) 80. If the impugned order of termination does not contain any charge or stigma, such order of termination was valid and the worker concerned shall have no grievance. The learned Advocate further argues that it is also open to the employer to terminate the service of a worker without resorting to any disciplinary proceedings even if the employee was arraigned for a criminal offence. The case of Khulna Newsprint Mills Ltd vs Khulna Newsprint Employees Union, 25 DLR (SC) 85 was referred to in this connection. The learned Advocate contends with force that any employer is always free to take recourse to a simple order of termination in order to avoid the complex disciplinary action provided the intended action is not taken with a view to victimising the worker for trade union activities. We find sufficient force in the arguments advanced by the learned Advocate for the petitioner-company. As already stated hereinbefore, the respondent No. 2 has failed to prove that even the

order of termination in his case emanated from any kind of trade union activities of the respondent No. 2. The impugned judgment and order dated 7-1-1999 passed by the First Labour Court, Chittagong in Complaint Case No. 1 of 1997 is, therefore, without any lawful authority and is of no legal effect.

12. In the circumstances, the Rule is made absolute without any order as to costs.

Let the lower court records be sent down expeditiously.

Ed.

Source: The Dhaka Law Reports (September 2004)

HIGH COURT DIVISION
(Special Original Jurisdiction)

Writ Petition No. 1344 of 2002.

Md Hamidul Haque J
Zinat Ara J

Kazi Liakat Ali and others ..... Petitioners
vs
Chairman, Civil Aviation Authority and another.....Respondents

June 21st, 2003

Judgment

Zinat Ara J : This Rule is about the legality of the two tender notices published in the Daily "Dinkal" on 2-2-2002 and 27-2-2002. By the first tender notice (Annexure-A), the Civil Aviation Authority (hereinafter referred to as the Authority) invited tender for appointment of cleaning contractor for Zia International Airport, Dhaka, and by the second tender notice, the date for submission of tender was extended from 20-2-2002 to 10-3-2002.

2.
The background of the case, in brief, is as follows:

The petitioners claim that they have been working as Cleaners and Cleaning Supervisors under the Authority for various periods ranging from 10 to 15 years since 1986. They have been paid on daily basis (Wage sheet Annexure C) with access to the subsidised canteen facilities (Annexure D) of the Authority. The petitioners further claim that the respondents verbally assured the petitioners at the time of their initial appointments that they would be permanently absorbed within a specified time. Such assurance was consistent with previous actions taken by the respondents in 1991, when a good number of workers of various categories including cleaners were permanently absorbed. But respondent No. 2 (Director of the Authority) instead of making them permanent, invited the aforesaid tenders. So, the petitioners submitted a written representation on 17-12-2002 to respondent No. 1, the Chairman of the Authority, not to engage cleaning contractors till making their job

permanent. The Chairman verbally assured the petitioners that the tender matter would not be further proceeded. But on 10-3-2002 the respondents opened the tender box and took necessary steps for appointment of private cleaning contractors. Such activities of the respondents are violative of the legal rights of the petitioners based on their legitimate expectations to be permanently absorbed in the service of the Authority as aforesaid.

3. Respondent No. 2 opposed the Rule by submitting an affidavit-in-opposition. He admits the issuance of the impugned tender notices and also the fact of engaging the petitioners as casual workers on day-to-day basis for cleaning purpose. However, he claims that the tender notices were issued in the public interest, namely, keeping the only International Airport of the country clean, tidy and up to international standard. Previous experience has shown that it is not possible for the Authority to maintain proper cleanliness by engaging daily basis workers like the petitioners and that engaging a private cleaning company for Chittagong Airport has yielded excellent result. So, the Authority decided to engage reputed cleaning contractors for a period of one year for Zia International Airport also. This is a development initiative and consistent with the privatisation policy of the Government.

4. Respondent No. 2 further claims that the petitioners were never given any assurance or promise to be appointed as permanent workers by the Authority. So, they have no legitimate expectation to be absorbed. Appointment of some daily basis workers on temporary basis in the year 1991 was just a one-time reality and was never a regular practice.

5. At the time of hearing the Rule, Mr Rokonuddin Mahmud, learned Counsel for the petitioners, forwarded threefold arguments as follows :

Firstly, the appointment of the petitioners on daily basis is not consistent with the provisions of the Ò†emvgwiK wegvb PjvPj KZ©©„c¶ Gi Kg©Pvix PvKzwi cÖweavbgvjv 1988Ó (the Regulations), particularly with regulation 2 which provides for appointment of three classes of employees— probationer, permanent and temporary.

6. Secondly, appointment of a cleaning contractor amounts to delegation of powers of the Authority to the contractors and, as such, is hit by section 8 of the Civil Aviation Authority Ordinance, 1985 (the Ordinance) which requires the Authority to frame schemes in respect of management of estates at the airport, and aerodromes by itself.

7. Thirdly, in the prevailing circumstances, the petitioners are entitled to get the protection under the principle of legitimate expectation on the ground of assurance given by the authority and the practice of the Authority, namely, appointing similar employees on temporary basis.

8. In invoking the principle of legitimate expectation,
Mr. Rokonuddin Mahmud relied on the decisions of the two cases:

1.Chairman BJMC vs Nasir Ahmed Chowdhury and others, reported in 7 BLC (AD) 144,

2.Rabia Bashri Irena and another vs Bangladesh Biman Corporation and another, reported in 52 DLR 308.

9.On the other hand, Mr Abdur Razzak, the learned Counsel for respondent No. 2, concentrated his arguments on the legitimate expectation issue. He tried to impress upon us that the said principle is not applicable in the present case, as the Authority did neither assure the petitioners for permanent appointment nor did the Authority resort to such appointment as a matter of practice except a lone case of 1991. In support of his submissions Mr. Abdur Razzak put reliance on the following decisions, namely,

(a) The North South Property Developments Limited vs Ministry of Land, Secretary and another, reported in 52 DLR 7.

(b) Mohammed Hafiziil Islam vs Government of Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Developments and others, reported in 11 BLT65.

(c) Chairman, BJMC vs Nasir Ahmed Chowdhury and others, reported in 7 BLC (AD) 144.

10. The learned Counsel also referred to two unreported decisions in Writ Petition No. 4855 of 2001 and Civil petition for leave to appeal No. 651 of 2002.

11. In the backdrop of the aforesaid circumstances, two vital questions to be decided in this Rule are : (1) the nature of the appointment of the petitioners and (2) of any legal right or legitimate expectation of the petitioners arising out of their appointment have been violated by the impugned tender notices.

12. The laws regulating the general appointment, terms and conditions of services of the officers and employees of the Authority are generally guided by the Ò†emvgwiK wegvb PjvPj KZ©©„c¶ Gi Kg©Pvix PvKzwi cÖweavbgvjv 1988Ó. According to regulation 2, there are three classes of employees of the Authority namely, "wk¶vbwem, ¯'vqx ev A¯'vqx". Schedule of the Regulations shows the post of Cleaner at serial No. 160. However, there is no post of Cleaning Supervisor in this schedule.

13. It is true that where there is a specific regulation for appointment to a post, the Authority should appoint an employee following the said Regulation. However, admittedly, the petitioners were not appointed in accordance with the Regulations. Thus, a question arises as to the legal status of their appointment.

14. So, let us examine the Civil Aviation Authority Ordinance, 1985. Sections 15 and 25 of the Ordinance are relevant. These two sections are quoted below :

"15. Recruitment of officers, etc.—The Authority may appoint such officers, employees, experts, advisers and consultants as it may consider necessary for the performance of its functions on such terms and conditions as it may determine from time to time."

"25. Power to make regulations.—(l) The Authority may, with the prior approval of the Government, make regulations, not inconsistent with the provisions of this Ordinance and rules made thereunder, to provide all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.

(2) All regulations made under this section shall be published in the Official Gazette and shall come into force on such publication."

15. The Regulations as mentioned earlier were made by the Authority in exercise of its power under section 25 of the Ordinance which is a general power to provide for all matters for which provision is necessary. So, the Regulations have not curtailed the generic power of the Authority to recruit officers or employees on such terms and conditions as it may determine under section 15 of the Ordinance. The petitioners were appointed in accordance with the provision of section 15 of the Ordinance, as daily basis casual workers or employees. The Wage sheet (Annexure-C) shows that they were paid on daily basis only on the days of their actual work.

16. The next vital point in this Rule is the claim of legitimate expectation of the petitioners to be absorbed in their respective posts so as to give them legal right to challenge the impugned tender notices.

17. Before we proceed on to examine the merit of the case of the petitioners in relation to legitimate expectation, we must mention that the principle of legitimate expectation has not been so far incorporated in any of our statutes, not to speak of the Civil Aviation Authority Ordinance, 1985. However, in deciding some cases, the Superior Courts of this country have recognised the principle and enunciated the factors to be considered in deciding the legitimate expectation. The case reported in 7 BLC (AD) 144 is one of such cases. The learned Counsel of both sides relied upon the said decision also. In this decision, their Lordships point out that such principal factors are promise, existence of regular practice which could reasonably be expected to continue, policies in certain cases, standard or fairness both substantive and procedural. However" ..... It is different from a wish. a desire or a hope .....A pious hope even leading to a moral obligation cannot amount to a legitimate expectation" (Paragraph 37 of the decision).

18. In this case, the learned Counsel for the petitioners points out that the legitimate expectation of the petitioners is based on two criteria: firstly, promise and secondly, practice.

19. The petitioners claim that they were verbally assured(promised) to be absorbed in future within a specified time (Paragraph 4 of the Writ Petition). The petitioners are silent as to who gave them such assurance or promise and the date thereof. The specified time of such absorption is not also disclosed in the Writ Petition. The petitioners next mentioned about the assurance in Paragraph 15 of the Writ Petition. But here also date and time are not mentioned. So, their claims are unspecified and vague. In the face of denial of the assurance or promise by the Authority, the issue has become a disputed question of fact which cannot be examined and determined in a writ case.

20. The above view taken by us is also supported by the observation laid down in 52 DLR 7, wherein their Lordships observed " .....that the respondents gave an assurance .....is a disputed question....."

21.the Authority (Annexure-F) on 17-2-2002 that the petitioners did not mention anything about the promise or assurance to absorb them. Similarly, the resolution of a meeting of the petitioners themselves (Annexure-G) is also silent about any such promise.

22. The petitioners have failed to make out their case that the respondents had ever promised or assured the petitioners for future absorption and such claim of the petitioners appears to be an after thought for the purpose of this litigation. So the claim based on assurance or promise factor does not help the petitioners in invoking the principle of legitimate expectation.

23. This view is supported by the unreported decision in Writ Petition No. 4855 of 2001 in which one of us was a party. The copy of the judgment filed by the respondent No. 2 in the case of Md Monjur Alam and 21 others vs Dhaka Electric Supply-Authority shows that their Lordships decided that the daily basis casual worker had no right of legitimate expectation as no assurance was given to them by Dhaka Electric Supply Authority. Civil Petition for Leave to Appeal No. 651 of 2002 was filed against the said decision and it was rejected by the Appellate Division.

24.In respect of practice of the Authority, the petitioners have filed an order of the year 1991 showing that some daily basis employees were temporarily appointed by the Authority (Annexure G). It is found from this order that Cleaner or Cleaning Supervisor were not absorbed or temporarily appointed by the Authority by the said order.

25. The learned Counsel for the petitioners also relied on the decision reported in 52 DLR 308. The said decision is relating to the legitimate expectation of some employees of Bangladesh Biman Corporation who were appointed on contract basis for five years and renewable at the discretion of Biman for successive period of 3 years. It further appears from that case that most of the employees of other batches were appointed and absorbed after satisfactory completion of 5 years of service. Moreover, the expectation of the petitioners of that case was also based on the resolution of the Board Meeting. Thus the petitioners of that case had basis for legitimate expectation of their absorption. The facts and circumstances of that case are completely different and the said decision has no manner of application in the instant case.

26. On the other hand, it is found from the decision reported in 7 BLC (AD) 144, that their Lordships relying on the Administrative Law (Eighth Edition) by David Foulkes observed that ".....where a particular practice had operated in relation to one class of the tax payers so that a legitimate expectation arose from it, the benefit of it could not be claimed by tax payers not in that class.....".

27. The petitioners could not file any paper showing that any Cleaner or Cleaning Supervisor was absorbed by the respondents. Moreover, a practice should be a regular one which could be reasonably expected to continue. But Annexure-H is an order made only once about 12 years back and that also is not relating to the class of employees to which the petitioners belong. Issuance of such a single order cannot be treated as a regular practice in order to create a legitimate expectation. So, the ground taken by the petitioners with regard to practice is not tenable.

28. Admittedly, the petitioners had been working for the last 10/15 years (with some intervals) on daily payment basis. They were not given any pay scale or festival allowance which are provided to

regular employees of the Authority. During this long period they never approached the Authority, whether in writing or verbally, for their regular absorption. They submitted their written representation only after publication of the impugned tender notices in the newspaper. This clearly indicate that the petitioners accepted and continued the job on daily wage basis and that they were aware of the no promise situation from the Authority's end.

29.
And about delegation of powers of the Authority as provided in section 8 of the Ordinance, we are of the opinion that delegation of power must be a delegation of specified powers of the Authority under the Ordinance. Engagement of private contractors to do the job of cleaning at the Airport for a certain period under the Authority is not a delegation of power, rather it is an exercise of the power by the Authority given to it under the Ordinance. Such exercise of power in the form of appointing cleaning contractor is very much within the purview of section 8 of the Ordinance.

30.
In view of the above, we are of the opinion that the petitioners have failed to make out their case based on legitimate expectation. Accordingly, we conclude that there was no illegality on the part of the Authority in issuing the impugned tender notices.

In the result, the Rule is discharged. The order of stay granted by this Court at the time of issuance of the Rule is hereby vacated. We, however, make no order as to costs.

Ed.

Source: The Dhaka Law Reports (November, 2004)

HIGH COURT DIVISION
(Special Original Jurisdiction)

Writ Petition No. 5360 of 2003

ABM Khairul Haque J
Md Miftahuddin Chy J

AKM Abdus Salam ..... Petitioner
vs
Bangladesh and others .....Respondents

February llth, 2004

Judgment

ABM Khairul Haque J : This Rule Nisi was issued at the instance of AK Md Abdus Salam, calling upon the respondents, to show cause as to why the office order Vide Memo No. ¯§viK bs 3wc (wbK) 1/2000-2001/1174 dated 9-1-2001 vide Annexure-D issued under the signature of respondent No. 6. BADC, giving promotion of respondent Nos. 9 and 10 by superseding the petitioner should not be declared to have been issued without lawful authority and is of no legal effect and why the respondent Nos. 2 to 8 should not be directed to consider the case of the petitioner for promotion.

2.
It is stated in the petition that the petitioner is holder of a Diploma in Engineering and on his appointment as a Sub-Assistant Engineer under the erstwhile East Pakistan Agricultural Development Corporation ('EPADC', in short), he joined his service on 30-10-1967. He was promoted to the post of Assistant Engineer on 24-2-1973 and thereafter promoted to the post of Executive Engineer on 15-9-1980 with effect from 1-9-1980 (Annexure-B and B(l). In due course, the authorities prepared a gradation list of the Executive Engineers and Assistant Chief Engineers in the year 2000 for promotion to the next higher post of Superintending Engineer and the petitioner's position, according to the said gradation list, was 19 and the position of the respondent No. 9 was 20 and that of the respondent No. 10 was 22 (Annexure-C). But while the petitioner has been serving as the Executive Engineer for a period of about 20 years, by an office order dated 9-1-2001 (Annexure-D), issued under the

signature of the respondent No. 7, the respondent Nos. 9 and 10 were promoted to the posts of Superintending Engineer, superseding him although they were junior to the petitioner according to the gradation list. The petitioner made representations on 17-1-2001, 19-2-2001 and 24-5-2003 but without any results, as such, he issued a notice on 26-7-2003 demanding justice, through his learned Advocate but without any response from the respondent Nos. 2 to 7. Being aggrieved the petitioner obtained the present Rule.

3. The respondent Nos. 2 to 7 opposed the Rule by filing an affidavit-in-opposition sworn on 19-1-2004. It is stated in the said affidavit-in- opposition that the promotion cannot be claimed as of right and the minimum requirement for promotion to the next higher post of Superintending Engineer, according to the Service Regulations of BADC, 1990, is the degree of B.Sc. in Engineering and since the petitioner is not a Graduate Engineer as required under the said Service Regulations of BADC, 1990, he was not eligible for promotion to the post of Superintending Engineer, as such, in due course, the respondent Nos. 9 and 10, who are Graduate Engineers, were promoted to the next higher post of Superintending Engineer.

4. A supplementary Affidavit was also sworn on behalf of the petitioner on 23-8-2003, stating that promotion of other Executive Engineers, who are holders of Diploma in Engineering, were made to the next higher post of Superintending Engineer but the matter relating to the promotion of the petitioner although was placed before the selection committee on 13-12-2000 but it was not considered only on the ground that the petitioner was not a graduate engineer but holder of a Diploma in Engineering.

5. Mr Md Badruddoza, Advocate, appears on behalf of the petitioner while Mr MA Sobhan, Advocate, appears on behalf of the respondent Nos. 2 to 7.

6. It appears that admittedly the petitioner is not a Graduate Engineer but holds a Diploma in Engineering. He was appointed as a Sub-Assistant Engineer in 1967 in the erstwhile East Pakistan Agricultural Development Corporation ('the Corporation' in short), established under the provisions of the East Pakistan Agricultural Development Corporation Ordinance. 1971 (EP Ordinance No.XXXII of 1961) ('the Ordinance' in short). In exercise of the powers conferred

under section 52 of the said Ordinance read with section 9, the East Pakistan Agricultural Development Corporation (Service) Regulations, 1968 ('the Regulations' in short) were made. The service of the petitioner was admittedly governed by the said Regulations and he was promoted to the posts of Assistant Engineer and Executive Engineer within the ambit of the said Regulations. In due course, a gradation list of all Executive Engineers and Assistant Chief Engineers were prepared in the year 2000. In the said gradation list also the position of the petitioner was higher than those of the respondent Nos. 9 and 10.

7. Mr Md Badruddoza, the learned Advocate appearing on behalf of the petitioner, submits that although promotion is not a vested right but he had already put in his service as an Executive Engineer for the last nearly 24 (twenty-four) years although the minimum service required for promotion to the next higher post of the Superintending Engineer is only 5 (five) years and he was also shown senior to the respondent Nos. 9 and 10 in the Gradation List, as such, he has a legitimate expectation that he would be promoted at least before the promotion of his junior colleagues. The learned Advocate further submits that the condition of securing a degree in Engineering, in order to be eligible for promotion, was made in the BADC Service Regulations of 1990, but long before making of this Regulations, he was already eligible for promotion.

The learned Advocate further submits that only the Service Regulations of 1990, for the first time introduced such a new criteria for promotion to the post of Superintending Engineer but the petitioner was appointed as far back as in 1967 and the Service Regulation of 1968 provided that no amendment would be made in the Service Regulations, to the derogation of the interest of a person who was already in the service at that time and since such a specific provision was spelt out in the concerned Service Regulations by which the service of the petitioner was governed, the question of varying his service conditions by a subsequent regulation cannot be made applicable to the petitioner.

8. On the other hand, Mr MA Sobhan, the learned Advocate appearing on behalf of the respondent Nos. 2 to 7, submits that it is true that the service of the petitioner was earlier governed within the ambit of the earlier Service Regulations of 1968 but since the new

Service Regulations came into force in 1990, the service of all the employees including that of the petitioner shall be governed by the provisions of the Service Regulations of 1990 and since the schedule to the Service Regulations of 1990 stipulates that for direct appointment to the post of Superintending Engineer, a Second Class Degree in Engineering with 10 (ten) years experience and in case of promotion to the said post of Superintending Engineer, a Second Class Degree in Engineering with 5 (five) years experience as the Executive Engineer, is required but in view of the provisions of the said Service Regulations, since the petitioner, although an Executive Engineer, does not possess the said Academic Qualification, he is not eligible for promotion to the next higher post of the Superintending Engineer.

9. We have heard the learned Advocates of both the sides and perused the papers annexed with the petition including the Service Regulations of 1968 and 1990. It appears that the petitioner was appointed in 1967 as a Sub-Assistant Engineer in the service of the East Pakistan Agricultural Development Corporation. In pursuance to section 52 read with section 9 of the said Ordinance, the East Pakistan Agricultural Development Corporation (Service) Regulations, 1968, was made and the terms and conditions of service of all employees used to be governed by the said Service Regulation of 1968.

Sub-section (3) of section 1 of the said Service Regulations of 1968 reads are follows :

"(3) They shall apply to all whole-time employees of the Corporation. The Corporation reserves to itself the right to modify, cancel or amend with the approval of the Government these Regulations provided that terms and conditions of service of a person already in service are not altered to his disadvantage."

10. This Service Regulations continued till the Service Regulations of 1990 was made which came into effect on 22-5-1990. In the meantime, under the terms and conditions of the Service Regulations of 1968, the petitioner was promoted twice. Apparently, he served to the satisfaction of all concerned. He also served as Executive Engineer for a period of more than 20 (twenty) years. Allegation of any kind against him was not raised before us. It also

appears that in the recent gradation list, prepared by the concerned authorities, the petitioner was placed in the higher position than those of the respondent Nos. 9 and 10. This shows that the authorities also recognise him as senior to the respondent Nos. 9 and 10. It also appears that in view of sub-section 3 of section 1 of the Service Regulations of 1968, the terms and conditions of service of the petitioner cannot be varied to his disadvantage. Apparently, under the provisions of the Service Regulations of 1968, there was no such requirement of an Engineering Degree for promotion to the post of a Superintending Engineer. This is a new requirement created under the Service Regulations of 1990.

Obviously, this requirement is in derogation to the interest the petitioner enjoyed under the Service Regulations of 1968. As such, in view of the sub-section 3 of section 1 of the said Service Regulations, the requirement of the Degree in Engineering for promotion to the next higher post, does not have any application so far the petitioner is concerned. Rather, the petitioner, in view of the reasons stated above, has got the right to be considered for promotion by the concerned authorities.

11.
It appears that by an Office Order No. 1174 dated 9-1-2001 (Annexure-D), issued by the respondent No. 7, the respondent Nos. 9 and 10 were considered for promotion but admittedly the case of the promotion of the petitioner was not considered only due to his lack of an academic degree, although he was senior to both the respondent Nos. 9 and 10.

12.
In this connection, it should be noted that merit does not mean mere academic qualifications, meritorious service is also considered as one of the ingredients of merit and should not be ignored.

13.
Under such circumstances, the respondent Nos. 1 to 8 are directed to consider the case of promotion of the petitioner along with the respondent Nos. 9 and 10 within a period of 2 (two) months from the date of receipt of this judgment and order.

In the result, the Rule is made absolute but without any order as to costs.

Ed.
Source : The Dhaka Law Reports (February 2005)

APPELLATE DIVISION
(Civil)
Civil Appeal No. 38 of 2002.

SJR Mudassir Husain CJ
Md Ruhul Amin J
Md Fazlul Karim J
MM Ruhul Amin J
Md Tafazzul Islam J
MA Aziz J
Amirul Kabir Chy J

AHM Mustain Billah & other ..... Petitioner
vs
Bangladesh represented by the Secretary,
Ministry of Establishment and others .....Respondents

May 23rd, 2004

Judgment

Md Fazlul Karim J: This appeal by leave granting in Civil Review Petition No.1 of 2001 is from the judgment and order dated 21-8-2000 passed in Civil Appeal No. 132 of 1998 dismissing the appeal.

2.
The short fact relevant for disposal of the appeal is, in brief, that the five appellants instituted the Administrative Tribunal Case against the Government represented by the Secretary, Ministry of Establishment and 60 others for declarations that the newly inserted Rule 3(g) of the BCS Seniority Rules 1983 is not applicable to them as well to respondent Nos. 2-61. They further claimed that the Government order as contained in Memo No. Sha.Ma (Bldhi-2) Gesthat-57/93/ 49(100) dated 4-4-94 is without lawful authority and of no legal effect and that the appellants are senior in service to respondent Nos 2-61. Briefly stated, the appellants' case is that the Public Service Commission issued Advertisement No. IF-H/82/290 dated 10-6-82 (Annexure-G) for holding a combined competitive examination for recruitment of 2490 persons to 25 cadre services including 8 persons to BCS (Sectt.) Cadre. After the examination the selected candidates joined their respective services during October to December 1983. In the meantime the Public Service Commission

issued another Advertisement No. IE-23/82/239 dated 22-12-82 (Annexure-B) inviting applications for recruitment to 650 posts of Magistrate in BCS (Administrative : Administrative) Cadre. In this Advertisement it was stipulated that "Selected persons after appointment to BCS (Admn: Admn) will be placed in the Cadre list after the last person already encadred." The five appellants (and others) sat for this examination which was held from February, 1983 and the final result was published in May, 1983. They were selected and in the offer of appointment it was stated that "as and when you would be considered for encadrement in BCS (Administrative: Administrative) inter-se-seniority of yours vis-a-vis those successful candidates appointed to this Cadre on the basis of BCS Examination held in October, 1982. Candidates of 1982 batch will have seniority over you as a batch." They joined service on 3-4-83, 19-6-83 and 1-9-83. It is stated in the application that after the joining as aforesaid of all successful candidates of the 1982 batch of BCS Cadres and 1982 Special batch (as the appellants came to be known) the PSC on requisition dated 7-12-83 from the Ministry of Establishment nominated out of the panel of successful candidates of 1982 batch 80 persons for recruitment of the BCS (Sectt.) cadre vide their letter dated 29-12-83 subject to the specific condition that they were to be placed in the Cadre list after the last person already nominated/ appointed. Based on the aforesaid recommendation of the PSC the Government issued offer of appointment dated 22-1-84 to respondent Nos. 2-61 with the condition you will be treated as a class junior to candidates who have been appointed in 1983 on the result of the 1982 Examination or who have been appointed or whose adhoc appointment may be regularised from the date prior to your joining." Thus respondent Nos. 2-61 were recruited in 1984 in the second phase in the BCS, (Sectt.) Cadre on the result of BCS Examination of 1982. It is the further case of the appellants that by an SRO dated 8-7-85 the BCS Seniority Rules, 1983 were amended by adding sub-rule (g) to rule 3 providing that the candidates appointed through earlier advertisement shall rank senior to those appointed through a subsequent advertisement although identical provision was already there in the General Principles of Seniority as contained in Establishment Division OM dated 31-12-70. Thereafter, a notional date of joining was contrived for the entire batch of BCS (Administrative: Administrative) 1982 Cadre who had actually joined from October to December 1983 and by a notification dated 1-3-88 they were declared to have joined nationally on 2-4-83 and the

appellants on 3-4-83. Subsequently under an SRO dated 16-3-92 the BCS (Administrative: Administrative) and BCS (Sectt.) Cadres were merged together and redesignated as BCS (Administration). After the merger the appellants being apprehensive of dislocation of their seniority submitted representations on 10-6-92 and 16-11-92 but the same were rejected on 9-2-94.

3. The case was contested by respondent No.l Government and respondent Nos. 2-61 by filing two separate written statements though substantially on similar grounds contending, inter alia, that the PSC has on the basis of the date of Advertisement assigned numerical numbers to all BCS Examinations so far held and according to this the BCS Examination held under Advertisement dated 10-6-82 has been taken as the first BCS Examination to which respondent Nos. 2-61 belong while the appellants belong to the second BCS Examination. Thus the appellants are as a batch junior to the respondents. It is stated that the appellants sat for a test of 300 marks only arranged by the PSC to recruit personnel against 650 posts of Magistrate to fill urgent vacancies created due to the introduction of the Upazilla system. This test was distinctly different from the regular BCS Examination 1982 of 1600 marks in which respondent Nos. 2-61 appeared and came out successful. The PSC's advertisement dated 22-12-82 under which the appellants were appointed clearly mentioned that their appointment was not to be considered as placement in the Cadre direct. It is further contended by the respondents that according to the general principles of seniority vide memo dated 31-12-70 the officers recruited directly through an earlier open advertisement shall rank senior to those recruited through a subsequent open advertisement. Therefore, the Government in consultation with the PSC and the Ministry of Law amended the BCS Seniority Rules by incorporating sub-rule 3(g) to protect the seniority of the officers who were appointed through an earlier advertisement and, as such, the sub-rule is neither illegal nor in contravention of the conditions laid down in the Advertisement dated 22-12-82 or the offer of the appointment of the petitioners. However, a practical problem arose because the length of service was a criterion for becoming eligible for appearing for examination for promotion to senior scale posts, etc and in order to tide over the situation a notional date of joining was fixed in consultation with the PSC for the officers recruited on the basis of the regular BCS Examination held in pursuance of advertisement dated 10-6-82

thus resolving vide notification dated 1-3-88 the question of notional seniority between the appellants batch and the regular batch of 1982. But the question of notional seniority of officers of other cadres recruited through the same examination remained unresolved. So, notional date of joining had to be worked out and notification dated 10-11-89 was issued under which all officers of all cadres appointed on the basis of the results of 1st BCS Examination, irrespective of their date of joining would as a batch rank senior to the appellants' batch. Since Examination their case was already covered in the said Notification dated 11-10-89. Even then after unification of the two cadres i.e. BCS (Admn: Admn) and BCS (Sectt), into the new cadre i.e. BCS (Admin). vide order dated 16-3-92 the appellants submitted representations for fixation of the seniority over respondent Nos.
2-61, whereupon after consultation with the PSC the matter was referred to the Ministry of Law and Justice which maintained that respondent Nos. 2-61 were obviously senior to the appellants batch and they should also be considered to have joined notionally from
2-4-83. Accordingly, the impugned memo dated 4-4-94 was issued to clarify the position and no illegality has thereby been committed. Respondent Nos. 2-61 having qualified in the examination to that 1st batch acquired a vested right to be considered as belonging to that batch and, as such. The appellants have no right to claim seniority over them.

4.The Tribunal allowed the case but the Administrative Appellate Tribunal dismissed the case. The appellants thereafter obtained leave against the judgment and order dated 27-7-1998 passed by the Administrative Appellate Tribunal in Appeal No. 74 of 1997 arising out of Appellate Tribunal Case No. 232 of 1994 of the Administrative Appellate Tribunal, Dhaka. In the said appeal leave was granted to consider whether the learned Administrative Tribunals manifestly erred in construing the provisions of Rule 3(g) of the BCS Seniority Rules, 1983 in disregard to the provision which clearly laid down that the inter se seniority would count from the date of appointment to the Cadre. There was no scope to include the concept of the date of advertisement in the said Rule prior to 8th July, 1985. The learned Administrative Tribunals manifestly erred in holding that the provision of the amended provision in Rule 3(g) of the BCS Seniority Rules, was applicable prior to 8th July 1985 as a part of the General Principles of Seniority in disregard to the provisions of Rule 4; the learned Tribunals failed to appreciate the

fact that the amended provision in Rule 3(g) was not given any retrospective effect and, as such, it was not applicable to the appellants and the respondents who were appointed earlier in 1983 and 1984 and the learned Administrative Appellate Tribunal failed to appreciate the special facts and circumstances in which the respondents were offered appointments in 1984 long after the appointments of the appellants in 1983 and the other persons selected on the basis of the advertisement dated 10th June, 1982 and, as such, the respondents were not eligible for being considered as recruited on the basis of advertisement on 10th June 1982. Upon hearing the appeal the appeal was dismissed as aforesaid. Thereafter, the appellants moved this court in review in Civil Review Petition No.1 of 2001 whereupon leave was granted as under:

"It is contended in support of the review petition that there had been misreading of the paragraph entitled placement in Annexure-D which is the advertisement published by the Public Service Commission for recruitment to 650 posts of Magistrates in BCS (Administration) of Rule 3(e) of the BCS Seniority Rules of 1983 and of a reported decision in 34 DLR 77 resulting in an error in the judgment and order under review. On going through the record we find force in the contentions and leave is accordingly granted to examine, as to whether review, as prayed for, should be granted."

5.Mr. TH Khan, the learned Counsel appearing for the appellant, submitted that the word 'placement as appearing in PSC advertisement dated 22-12-1982 which clearly provides that the appellants name would appear in cadre list after the last person already encadred and, as such, it is not correct to say that appointment of the appellants was not to be considered as placement in the cadre direct.

6.The learned Counsel has further submitted with reference to the "offer of appointment dated 22-1-1982 Annexure-H providing that "you will be treated as a Class junior to candidate who was appointed in 1983 on the result of 1982 examination or who have been appointed or whose ad-hoc appointment may be regularised from a date prior to your joining and, as such, as and when would be considered for in the Public Service Commission (Admn: Admn) inter se seniority of your vis-a-vis those successful in getting appointment to this cadre on the basis of BCS cadre examination held

in October 1982 will have seniority over you as a batch" was contrary to the provision of placement in the advertisement and the provision of rule 3(e) of the BCS Seniority Rules 1983 providing that the seniority would be considered from the date of appointment and the appellants having been appointed on 3rd of April 1982 fulfilling all requirements of encadrement pursuant to an open special advertisement dated 22-12-1982 and seniority should be counted from the date of their appointment and, as such, the aforesaid condition in the offer of appointment was not of any legal effect. The learned Counsel has further submitted that rule 3(e) of the BCS Seniority Rules 1983 together of the opinion with the Public Service Commission the "offer of appointment given to the respondent dated 11-1-1984 providing that "He would be allowed as class junior to a candidate who had been appointed in 1983 on the result of 1982 examination or who had been appointed or whose ad-hoc appointment was regularized prior to your joining determining the inter-se seniority of the appellant and respondent but the impugned order has illegally and arbitrarily determined a "notional date" making the appellants' junior under the respondents Nos. 2-61 contrary to the above provision of the rule thereby adopting a double standard resulting in mischief of discrimination retrospectively inasmuch as the retrospective operation cannot be given so as to impair the existing right. The learned Counsel has further submitted with reference to the principle of law enunciated in 34 DLR 77 by the Special Bench of the High Court Division that a law made under para 10(2) of the 4th Schedule of the Constitution may have both prospective and retrospective effect but law made under Article 133 of the Constitution will have only prospective effect since it only regulates the appointment and condition of services of persons in the service of the Republic and, as such, the seniority in service meaning actual length of service which cannot be determined by legal fiction or giving "notional date" and, as such, the amended provisions of rule 3(g) of the Bangladesh Seniority Rules 1983 and rule 4 of the said Rules can have legally no retrospective effect so as to determine the inter-se appellants as well as the respondents' seniority who have joined in service in 1983-84 respectively before coming into operation of the amended rule.

7.Mr. TH Khan lastly submitted that though a decision of this court should be reviewed with caution but in order to do complete justice in the case of 650 Magistrates recruited in BCS (Admn:Admn)

cadre who are entitled to seniority under rule 3(e) of the BCS Seniority Rules 1983 over the subsequently appointed 60 respondents belonging to different BCS (Secretariat) Cadre review is permissible under the law in order to cure the error apparent on the face of the record.

8.Mr. AJ Mohammad Ali, the learned Additional Attorney-General, has submitted that misreading of certain provision regarding placement in the advertisement published by the Bangladesh Service Commission or words 'class junior' in the offer of appointment of appellants, even there 'be any, or of rule 3(e) of the BCS service rules and of the purported decision in 34 DLR 77 is no ground for review, as out of the two explanations the Court could accept anyone of them and that the "notional date" were given long back in the notifications dated March 1, 1988 and 11-10-1989 providing "notional dates" reiterating the provision of rule 3(g) of the BCS Seniority Rules 1983 as amended in 1985 which is applicable in the instant case whereupon the question of seniority could be rearranged. The learned Additional Attorney-General has further submitted that the Establishment Division is authorised under the law to give effect to the provision of said rule 3(g) of the BCS Seniority Rules upon amalgamation of the service fixing the seniority of the respondent Nos. 2-61 upon their appointment in 1984 on the basis of prior regular advertisement dated 10-6-1982 recruited on the basis of 1600 marks as a regular batch as against a special batch recruited on the basis of 300 marks pursuant to a special advertisement dated 21-12-1982 though appointed as Magistrate on 3-4-1983 on emergency basis in order to fill in posts created to meet the exigencies consequent upon setting up of the Upazilla system. The learned Additional Attorney-General has further submitted that once a case has been disposed of on merit both on law and facts there could be no review inasmuch as there is no error of law apparent on the face of the record warranting review in the facts and circumstances of the case.

9.Mr. Amirul Islam, the learned Counsel appearing for the respondent Nos. 2-61, has submitted that the state of law regarding the seniority is very consistent since 1962 and 'general principle of seniority 1970' has dominated the field before the Bangladesh Civil Service Rules 1983 came into operation. The learned Counsel has further submitted that the 'notional' seniority is inherent in the

concept of the general principle of seniority itself as has been incorporated in rule 3(g) of the BCS Seniority Rules 1983 giving a 'notional seniority meaning thereby that though respondent Nos.
2-61 was appointed later on complying with the formalities upon their recruitment on basis of prior regular advertisement dated
10-6-1982 but the appellants were appointed earlier on the basis of examination of 300 marks as a special batch pursuant to subsequent advertisement dated 22-12-1983 in order to meet the requirement of magistracy upon introduction of Upazilla system. Accordingly, 'notional' seniority has been given initially pursuant to notification dated 1-3-1988 following the provision of rule 3(g) introduced in 1985 in the BCS Service Seniority Rules 1983 inasmuch as the 'notional' seniority is inherent in the seniority rules for proper placement in the respective cadre given to the appointees who would, however, get no financial benefit and by circular dated 11-10-1989 as amended on
15-11-1989 making the 'notional' seniority to apply universally to all other BCS cadres. The learned Counsel further submitted that the impugned circular dated 4-4-94 is reiteration of what has earlier been done by the said previous circulars in order to give effect to the rules pursuant upon unification of the Administrative Cadre with Secretariat Cadre as well by unification Order, 1992, inasmuch as the word placement in the advertisement and 'class junior' in the offer of appointment are of no importance as the same would not override the provisions of the rules.

10.Mr. TH Khan, the learned Counsel for the appellants, has referred to a clause in the advertisement for appointment of the appellants as to placement that selected persons after appointment to the Bangladesh Civil Service (Administrative: Administrative) will be placed in the Cadre list after the last person so encadred and the offer of appointment dated January 22, 1984 that the appointee would be treated as a 'class junior' to candidate who have been appointed in 1983 on the result of 1982 examination or have been appointed and whose ad-hoc appointment has been regularised from the date of the appointee's joining. The said placement as appearing in the advertisement dated 22nd December, 1982 and that the clause 'class junior' above mentioned in the offer of appointment do not in any way clash with the seniority of the candidates who have been appointed on the basis of the result of 1982 regular examination as those candidates shall have the right to be placed in the Cadre list before the appellants in the said list as the said advertisement clearly

mentioned that their appointment was not a direct placement in the Cadre and accordingly, the Government, being concerned about the position and the method of recruitment of the appellants vis-a-vis the regular appointees in the BCS Administration Cadre straightaway or BCS Secretariat Cadre straightaway, made the appellants class junior pursuant to their placement as mentioned in their advertisement for recruitment. This would be further apparent from clause 9 of the said offer of appointment as under:

(ix) Your seniority inter-se among the officers" of your batch ie those who are appointed in terms of the condition (i), will be determined on the basis of merit evaluated on the total of the following:

(a) Marks obtained in the competitive examination:
(b)" Marks obtained in the final passing out examination; and
(c) In the matter not specified in this offer of appointment your service under the Government shall be guided by the existing Rules and Orders on the subject or by rules and orders to be framed in future."

11. The impugned judgment also took note of the said placement, in that 'PSC's' special advertisement dated 22-12-1982 under which the appellants were appointed, clearly mentioned that their appointment was not to be considered as placement in the cadre direct and regarding the condition in the offer of appointment that the said condition and the subsequent amendment in BCS Seniority Rules incorporating rule 3(g) are not all contrary to the conditions therein and that the appellants could not be entitled for placement in the BCS Administration Cadre straightaway because the Government was fully aware of the special test conducted for their recruitment which was not in any way a regular BCS examination and that similarly, the word "class junior" meant consequent upon the aforesaid placement leaving no scope of any incongruous position of the appellants via-a-vis the respondents Nos. 2-61 who are admittedly recruited on regular basis pursuant upon earlier regular advertisement dated 10-6-1982.

12.The learned Counsel has further submitted with reference to rule 3(e) that the seniority inter-se of the future appointee to a service cadre where there is no provision for lateral entry at higher levels shall be in the lowest specified post in that service cadre and that the appellants thereby having been appointed prior to the respondent Nos. 2-61 to the lowest specified post in their service cadre, that is BCS (Secretariat), would be placed to the rank in lower position than that of the appellants and that position could not be disturbed by introduction of a 'notional' date of joining given to those respondents in order to make them senior inconsistent with the seniority rules 3(e) giving retrospective effect to rule 3(g). It is to be remembered that there were previously two notifications, one dated 1-8-1988 giving the notional seniority inter se between appellants and the respondents and the other dated 11-10-1988 maintaining the seniority of the BCS Administration Cadre giving the notional seniority to apply universally to all other BCS Cadres. But, according to the appellants, the respondents were not recruited at the time of recruitment of 2490 persons to 25 Cadres services including 8 persons to BCS (Secretariat) Cadre which was distinct Cadre from that of BCS (Admn: Admn) as apparent from advertisement dated 10th of June 1982 and accordingly, the appellants had no grievance even after the introduction of rule 3(g) which came into operation in 1985 applicable in determining the seniority of officers of those two batches and, as such, the question of retrospective effect of the said provision by the impugned notification does not apply inasmuch as the said provision was discriminatory and violative of fundamental right guaranteed under Articles 27, 29 and 31 of the Constitution.

13.The impugned order has discussed the issues more exhaustively while dealing with the said two provisions of the BCS Service Rules 1983 together with the General Rules of Seniority 1970 and the advertisement specifically stating that the vacancies shown are tentative and the Government preserved the right to increase and decrease the number of vacancies or to include or exclude any category of vacancies though the advertisement showed the vacant posts only eight in number in the category of BCS (Secretariat) but when the Government has decided to recruit further 60 persons in the said Cadre it could do so conforming to the general rules of seniority which is made to apply in the present rules in the absence of any specific provision covering the situation mentioned therein. The officers recruited on the basis of advertisement dated 10-6-1982

shall have seniority over the officers recruited specially on the basis of subsequent advertisement dated 22-12-1982 in order to meet the exigencies arising out of setting up of the Upazilla as a special batch of Magistrate and accordingly, those Magistrates started joining on and from 3-4-1983 but as a matter of fact, the regular batch on the basis of advertisement dated 10-6-1982 joined much later complying with the protected formalities for recruitment attached to the regular batches. Admittedly the respondent Nos. 2-61 as well were qualified in the BCS examination in 1982 though not recommended for recruitment along with the original batch of recruits but were appointed subsequently to fill in new required vacancies in the Cadre created in the BCS (Secretariat) Cadre who as a batch are surely junior to the officer appointed to the said Cadre under the original panel pursuant to advertisement dated 10-6- 1982. Accordingly, under the circumstances the notional date of joining as appearing in the notification dated 1-3-1988 and subsequently, dated 10-11-1988 was to be given to officers of other Cadre recruited through regular BCS examination in 1982 and the appointees of the special batch recruited pursuant to the subsequent special batch advertisement dated 22-12-1982 consequent upon recommendation of the Council Committee duly approved by the President of the country were placed in the seniority list vide notification dated 11-10-1989 in order to work out the seniority of the first BCS batch consistent to the seniority of the first BCS batch in accordance with the BCS Seniority Rules 1983 and the same was subsequently introduced in the rules incorporating sub-rule 3(g) which as a matter of fact is nothing new as identical provision was already there in the general principle of Seniority Rules 1970 which have been made to apply under rule 4 of the BCS Seniority Rules 1983. The impugned order has also found that rule 3(e) determines the inter-se seniority of future appointees to a service cadre where there is no provision for lateral entry is not applicable in the case of the appellants and the respondents, inasmuch as in line with the advertisement and the offer of appointment the BCS Seniority Rules 1983 was amended by incorporating rule 3(g) to protect the seniority of the officers who were appointed through earlier open advertisement. Thus, the amended provision of rule 3(g) is neither illegal nor in contravention to the conditions laid down in the advertisement or offer of appointment of the appellants and that the provision of rule 3(g) has been made to apply to resolve the dispute regarding seniority of the appellants belonging to the special batch of 1982 and officers of

regular batch of 1982 in order to determine their seniority and, as such, the question of giving retrospective effect of rule 3(g) does not apply.

14.In view of the above, the appellants had no vested right secured or guaranteed under any law as asserted by them so as to make the aforesaid rules and notification violative of Articles 27, 29 and 31 of the Constitution. Those as well have been exhaustively dealt with in the impugned judgment under review in that the effect of unifying the two services pursuant to Unification Rules, 1992 and issuance of the notification dated 4-4-1994 has in no way violated the fundamental rights of the appellants as guaranteed under the Constitution nor do they have any relevance whatsoever in the facts and circumstances of the case. The impugned order further held that the very basis of the appellants' entry in the service was not on equal footing and, as such, there was no violations of Articles 27, 29 and 31 of the Constitution.

15. Apart from what has been discussed above, the contention of the appellants regarding the retrospective operation of sub-rule 3(g) relying on the decision in the case of Joynal Abedin and another vs Government of Bangladesh reported in 34 DLR 77 though was also found to be not tenable but upon unification of the two Cadres in 1992 on the basis of Bangladesh Civil Service (Administration) and Bangladesh Civil Service (Secretariat) Unification Order, 1992 unifying both these cadres together making them belonging to one unified Administrative Cadre pursuant to the provision of section 4 of the Services (Re-organisation and Conditions) Act, 1975 a fresh notification in impugned order dated 4-4-1994 further clarified the position of the officers recruited in the BCS Administration Cadre unifying those with the BCS Secretariat Cadre appointed on the basis of regular advertisement dated 10-6-1982 vis-a-vis the recruitment on the basis of special recruitment pursuant to advertisement dated
22-12-1982 reiterating the notional seniority of the appellants and the respondent Nos. 2-61 and the said unification is not at all illegal as the same was done under the provisions of section 4 of the Services' (Organisation and Condition) Act 1975 passed in accordance with the provisions of Article 136 of the Constitution. In that view of the matter, the notional seniority was reiterated in the impugned order as contained in the notification dated 11-10-1989 pursuant to the

recommendation of the Council Committee duly approved by the President of the country.

16.It will not be out of place to mention here that the learned Counsel for the appellants thus argued at length on merit of the case in this review appeal treating the same as a regular appeal but could not point out any error apparent on the face of the record for our interference with the impugned judgment of this Division dated 31st August, 2000 inasmuch as the grounds submitted before this Court in regular appeal have also been argued before us in this review appeal more forcefully under different dimensions.

17. The Additional Attorney-General while reiterating the submissions of the learned Counsel for the respondent Nos. 2-61
Mr. Amirul Islam regarding the applicability of general principle of seniority 1970 in the instant facts and circumstances of the case to determine the seniority of the respondent Nos. 2-61 has further submitted that the 'notional dates' determining the seniority of the cadre of the appellants and the respondents were long back determined pursuant to the notification dated 1-3-1988 and
11-10-1989 providing notional dates reiterating the provision of rule 3(g) of the BCS Seniority Rules 1983 as amended which is made to apply to the question of seniority whereupon the question of seniority rearranged by the Establishment Division by issuing the impugned order which is authorised under the law in order to give effect to the provision of said rule 3(g) upon unification of the service of the respondent Nos. 2-61 with the BCS Administration basing upon their appointment on the basis of advertisement dated
10-6-1982 though, as a matter of fact, they were appointed in 1984 pursuant to the said advertisement dated 10-6-1982 as against the special batch of the appellants recruited pursuant to subsequent advertisement dated 22-12-1982 but appointed earlier to meet exigency of the time consequent upon setting up of the Upazilla system. The submission put forward by the learned Counsel for the appellants, as it appears, were answered in the impugned judgment and we do not find, as already pointed out, any such error apparent on the face of the record or any substantial reason to interfere with the impugned order and, as a matter of fact, there is no misreading as well either of any fact or provision of law and truly speaking, misreading of the word 'placement' appearing in the advertisement dated 22-12-1982 which is a term put forward in the advertisement

cannot be a ground for any review, for the simple reasons that terms could be varied, altered or deleted not being in conformity with the provision of law and that the authority reserve those rights by a penultimate clause in the advertisement itself and the same would not be a ground, even if found to be correct, for any review under the provision of review contemplated both under the Code of Civil Procedure and rule 26 of the Appellate Side Rules.

18.A decision of this Court should not be reopened on a cloak of review as thesame is never meant for rehearing of the matter closed by a judgment but could be resorted to under exceptional circumstances. Generally, a review will only be exercised consistently with the nature of review jurisdiction and with due regard to the principles that there must be an end of litigation. Law does not allow any Court to sit over an appeal against its own decision but allows its own decision to be reviewed under its very limited scope and limitation set forth in the law and rules. And the said jurisdiction should not be exercised or abused sitting over the decision as if, it is an appeal.

19. In the case of Lt. Col. Nowabzada Muhammad Amir Khan vs Controller of Estate Duty, Govt. of Pakistan, Karachi and. another reported in 14 DLR (SC) 276 it has been held that although a review could be made by this Court for doing complete justice but it sounded a caution that a decision of this Court should be reopened with greatest hesitation and on a very exceptional circumstances relying upon the decision in the case of Akbar Ali vs Iftekhar reported in PLD 1949 PC 339. Thus the jurisdiction of review can be only exercised consistently with the review jurisdiction and with due regard to the principle that there must be an end of litigation. It must be noted that a court of law could not act as its own judge to sit over an appeal against its own order and the same was not permitted under the law but could interfere with his own order in review provided the facts and circumstances and the law permit any review of judgment, although this Court is competent to consider the law previously decided in a subsequent case. In a good number of cases this Court including the case of Mazdar Hossain vs Ministry of Finance reported in 7 BLC (AD) 92 it has been held that:

"A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected. A review lies where an

error apparent on the face of the record exists. It is not a rehearing of the main appeal. Review is not intended to empower the Court to correct the mistaken view of law, if any, taken in the main judgment. It is only a clerical mistake or mistake apparent on the face of the record that can be corrected by leave but does not include the correction of any erroneous view of law taken by the Court."

20.But in the instant case the learned Counsel for the appellant argued the case as if treating the case as a regular appeal without attempting to make out a case of error in the decision apparent on the face of the record or that the judgment is liable to be reviewed for any substantial reasons or any statutory provision was unnoticed in the impugned judgment.

21. In the case reported in 43 DLR (AD) 12, it has been held that there could be no review once the case is disposed of on fact and law but a review lay if there is any error on the face of the record and/or that the attention of this Court was not drawn to any particular statutory provision of law resulting in an error crept up in the judgment. This decision quoted with approval the decision in the case of Sow Chandra Kanta and another vs Sheik Habib reported in AIR 1975 (SC) 1500 where Krishna lyer, J observed as follows:

"A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsels of old and overruled arguments, a second trip over effectually covered ground or minor mistakes of inconsequential import are obviously insufficient. The very strict need for compliance with these factors is the rationale behind the insistence of counsel's certificate which should not be a routine affair or a habitual step."

22. In the case of JM Jamuna vs Chairman, Labour Court and others reported in 53 DLR (AD) 28 it has been held that reconsideration of the point wrongly or rightly considered in any appeal without betraying apparent error on the face of the record is no ground of review.

23. Similarly, a wrong decision on a certain provision of law is no ground for review.

24. Recently in the instant case of ETV Ltd vs Dr Chowdhury Mahmood reported in 55 DLR (AD) 26 it has been held that unless there is an error apparent on the face of the record there is no scope for review.

25. An error apparent on the face of the record is not capable of any precise or exhaustive definition but must have an element of definiteness inherent in its very nature and depends on the facts and circumstances of each case. In the case of Batuk K Kyas vs Surate Borough Municipality reported in AIR 1933 Bombay 133 it has been observed by Chagla CJ that:

"..... no error could be said to be apparent on the face of the record if it was not self evident and if it required an examination or argument to establish it. This test might afford a satisfactory basis for decision in the majority of cases. But there must be cases in which even this test might break down because judicial opinions also differ and an error which might be considered by one Judge as self evident might not be considered by another. The fact is that what is an error apparent on the face of the record cannot be defined precisely or exhaustively there being an element of indefiniteness inherent in its very nature and it must be left to be determined judicially on the fact of each case."

26. Mere error of fact or law is no error on the face of the record. It is such obvious error of law which has either crept through Court's oversight or Counsel's mistake and failure to explain the legal position by the learned Counsel for the party. The error must be such which at a glance can be detected without advancing elaborate argument.

27. Though there is no hard and fast rule as to what is an error apparent on the face of the record but the same depends on the facts and circumstances of each case. But there could not be an error apparent on the face of the record merely because two possible views as to the interpretation or application of law vis-a-vis the particular facts of a case, one view accepted by the Court though may be erroneous but could not be the ground of review even if a decision or order is erroneous in law or on merits the same shall not amount to an error apparent on the face of the record.

28. In the case of Manaj Kumar Roy vs Government of Bangladesh and others reported in 7 BLC (AD) 42 it has been held that impugned decision may be wrong on the point of law but the same is no ground for review unless the decision is on a question of great public importance laying down a bad law. Similarly, failure to take into consideration of an existing decision of this Division taking a contrary view though may amount to an error but such failure in respect of a decision of the High Court Division would not amount to an error apparent on the face of the record.

29.In an extreme situation in the case of Hafazatur Rahman vs Kazi Anwar Hossain reported in 53 DLR (AD) 89 it has been held that:

"The Review petition that has been filed and the grounds taken indicate that the petitioner now intends a relating of whole matter which is not permissible under Article 105 of the Constitution. Once the matter is disposed of on merit without any new material the same cannot be reconsidered".

30. In view of the aforesaid decisions streamlining of the scope of review by this Court, we are of the view that although this Division possesses paramount power of review that can be done to do full and effective justice under the Constitution apart from the provision of law embodied in the Code of Civil Procedure and rule 34 of the Appellate Division Rules the paramount power is specially exercised in order to do the complete justice of great public importance, but in the facts and circumstances of the case there being no error apparent on the face of the record or no provision of law was left unnoticed in the impugned judgment, the impugned decision of this Division dated 21st August, 2000 passed by this Division in Civil Appeal No. 132 of 1998 warrants no interference in review.

31. The appeal is accordingly, dismissed without any order as to costs in Civil Petition for Leave to Appeal No. 826 of 1998, the petitioners seek leave to appeal against the judgment and order dated 27th July 1998 passed by the Administrative Appellate Tribunal in Appeal No. 77 of 1997 arising out of Appellate Tribunal Case 232 of 1994 of the Administrative Tribunal Dhaka.

32. The petitioners filed the case for a declaration that rule 3(g) of the BCS Seniority Rules 1983 which was promulgated on 8th July 1985 was not applicable for determination of the inter se seniority of the petitioners and the proforma respondent Nos. 2-61 and that the petitioners are senior to the respondents and the Memo dated
4-4-1994 issued by the Ministry of Establishment purporting to make the petitioners junior to the proforma respondent Nos. 2-61 was made without lawful authority and of no legal effect.

33. The Tribunal declared the petitioners to be senior in service to the said respondent Nos. 2-61 on the basis of finding that the said proforma respondents were not recruited on the basis of earlier original advertisement dated 10th of June 1982, that against the said decision proforma respondent Nos. 2-61 filed appeal in Case No. 71 of 1997 and the Government filed the appeal in Case No. 77 of 1997 before the Administrative Appellate Tribunal.

34.The Administrative Appellate Tribunal, however, allowed the appeal and reversed the judgment of the Administrative Tribunal and accordingly, dismissed the case of the petitioners by judgment and order dated 27-7-1998.

35. The petitioners, however, preferred an appeal being Civil Appeal No. 132 of 1988 against the said impugned Judgment and order dated 27-7-1998 but the same appeal having been dismissed the petitioner filed Civil Review Petition No.1 of 2002 against the impugned judgment and order dated 21-8-2000 passed in Civil Appeal No. 132 of 1998 which upon issuance of the leave become subject-matter of Civil Appeal No. 38 of 2002 and this Court by the impugned judgment dated 24-5-2004 dismissed the appeal since the petitioners filed Civil Petition for Leave to Appeal No. 826 of 1998 arising out of the self-same judgment and order dated 27th July 1998 passed in Appeal Case No. 74 of 1997 analogously heard with Case No. 77 of 1997 was dismissed by judgment and order dated 21-8-2000 out of which Civil Appeal No. 38 of 2002 arose and the said appeal was heard and dismissed on merit, the Civil Petition for Leave to Appeal No. 826 of 1998 shall also stand dismissed without any order as to costs.

Ed.
Source : The Dhaka Law Reports (April 2005)

APPELLATE DIVISION
(Civil)
Civil Petition for Leave to Appeal Nos. 394 of 2003
Md Ruhul Amin J
Syed JR Mudassir Husain J
MM Ruhul Amin J

Palli Daridra Bimochon Foundation ..... Petitioner
vs
Palli Daridra Bimochon Foundation Karmachari Union,
Bangladesh (Proposed) and others.....Respondents

January 17th, 2004

Judgment

Md Ruhul Amin J : This petition for leave to appeal by the writ petitioner is directed against the judgment and order dated March 1, 2003 of a Division Bench of the High Court Division in Writ Petition No. 2807 of 2002 discharging the Rule obtained against the judgment and order dated May 11, 2002 of the 2nd Labour Court, Dhaka in Appeal No. 13 of 2001 making direction to the Registrar of Trade Unions to register Writ respondent No. 3_Palli Daridra Bimochon Foundation Karmachari Union, Bangladesh, as per provision of section 8 of the Industrial Relations Ordinance, 1969 (IRO).

2. Facts, in short, are that the members of the respondent No. 1 herein are the employees of the petitioner herein, formed a Trade Unions and thereupon applied on 4-12-2000 to the Registrar of Trade Union seeking registration in the light of the provision of section 5 of the IRO. The application so filed was rejected by the Registrar of Trade Unions and thereupon, as per provision of section 8(3) of the IRO, the respondent No. 1 filed appeal, Appeal No. 13 of 2001, before the 2nd Labour Court and the same was allowed with the direction to the Registrar of Trade Unions to register the respondent No. 1.

3. It may be mentioned in the appeal the present petitioner was not a party. The petitioner being aggrieved by the judgment and order of the 2nd Labour Court moved the High Court Division in writ jurisdiction and obtained Rule in Writ Petition No. 2807 of 2002.

4. The petitioner is a statutory foundation established by Act XXIII of 1999.

5. The writ petition was filed primarily contending that the object of the petitioner is to help the poor people of the society and to remove poverty and the same is not a profit making organisation. It was also the contention that fund of the organisation is generated by donation from different foreign agencies and organisations as well as by the loan advance by the Government. It was the further contention since the petitioner is not an 'industry' as has been defined in section 2(XIV) of the IRO, the observation made by the Labour Court that the petitioner is an industry is erroneous.

6. The Rule was opposed by the respondent No. 1 herein by filing affidavit-in-opposition contending that petitioner cannot be said to be a non-profit making organisation, nor can it be said that the sources of the fund of the petitioner is donation from different foreign agencies and organisations and the loan advance by the Government. It has also been contended that petitioner charges high rate of interest from its loanees. It has lastly been contended that prior to absorption of the members of the Trade Union in the management of the petitioner, they were the employees of the Bangladesh Rural Development Board where they formed trade union and, as such, the workers and employees of the petitioner herein have a right to form a trade union.

7. The High Court Division as to the maintainability of the writ petition has observed since the order passed by the 2nd Labour Court affects the writ-petitioner and, as such, being an aggrieved person can very much maintain the writ petition questioning legality of the order of the 2nd Labour Court directing the Registrar of Trade Unions to register the Trade Union Writ respondent No. 3. The High Court Division has also observed that, since the writ-petitioner charges interest at the rate of 16% to 18% from its loanees, as such, the petitioner being engaged in profit earning business is an 'industry' as defined in section 2(XIV) of the IRO. The High Court Division has further observed the writ-petitioner is engaged in economic activities and earns profit and, as such, is an 'industry' as defined in section 2(XIV) of the IRO. The High Court Division has

held that the writ-petitioner is not a purely non-profitable and charitable organisation and the writ petitioner being engaged in trade or business, it has not ceased to be an 'industry' only because of its some philanthropic activities. It has also been observed by the High Court Division that the writ-petitioner instead of realising service charge is realising interest at a very high rate and, as such, the petitioner comes within the definition of industry as in section 2(X1V) of the IRO and consequent thereupon the workers and employees of the petitioner have the right to form an association. The High Court Division rejected the contention of the writ-petitioner that the Labour Court passed the order in its absence upon observing as per provision of section 8 of the IRO there was no scope for making the writ-petitioner a party in the appeal since in the appeal legality of the order of the Registrar rejecting the application for registration of the Trade Union was the question only and, as such, there was no 'wrong' in not making the writ-petitioner party in the appeal in the category of respondent. On the aforesaid observation the High Court Division discharged the Rule.

8. Petitioner Palli Daridra Bimochon Foundation (the Foundation) has been established under the provision of Palli Daridra Bimochon Foundation Act, 1999 (Act XXIII of 1999) (the Act). The activities of the Foundation has been spelled out in section 15 of the Act. In section 15(2)(Ka) and (Kha) of the Act it has been mentioned :

9. In section 16 manner of formation of the Foundation has been given and the clause Ô(P)Õ of sub-section 1 of section 16 reads as :

Ò(P) e¨emvq Ges Ab¨vb¨ Kvhµg nB‡Z cvß gbvdv Ges Avq|Ó

10. The learned Counsel appearing for the petitioner has submitted that the Foundation has been established to help economically distressed people of the society and for the purpose of poverty alleviation and, as such, is a welfare oriented Foundation and its fund is primarily organised from the donation of the foreign agencies and organisations and there is no profit making motive in helping the poor people and the people who are placed in disadvantaged situation in the society. The learned Counsel has also

held that the writ-petitioner is not a purely non-profitable and charitable submitted that the Foundation is not a profit making organisation and the same is engaged in philanthropic activities without any motive of being engaged in any economic activities.

11. In section 2(XIV) definition of 'industry' has been given and the same runs as : "Industry means any business, trade, manufacture, service, employment or occupation".

12. It was the definite case of the respondent No. 1 herein that the petitioner herein charges interest @16% to 18% from its loanees. This fact has not been disputed. If this fact is considered along with the provisions of section 15(2)(K) and (L) and section 16(1)(P) then it becomes clear that the Foundation is engaged in business as well as trade and thus is an industry in the light of the definition of industry given in section 2(XIV) of the IRO. Since the Foundation answers the definition of 'industry' as defined in section 2(XIV) of the IRO the employers of the Foundation, who answer the definition of 'worker' as defined in section 2(XXVIII) of the IRO, are very much entitled to form a Trade Union and that having had done, they had a right to get registration of the Trade Union in case of satisfying the requirement of law as in section 8 of the IRO and that the 2nd Labour Court having had found that the members of the respondent No. 1 therein satisfied the requirement of law as in section 8 of the IRO and thereupon in making direction to the Registrar of Trade Unions to register the respondent No. 1 as the Trade Union as did not commit any illegality, the High Court division in refusing to interfere with the order of the Labour Court impugned in the writ petition was not in error since the Foundation is engaged in economic activities i.e. it charges interest from its loanees at a high rate and, as such, the activities of the Foundation cannot be considered as non-profit making activities and for that matter the Foundation cannot be considered as non-profit making organisation or out and out a philanthropic organisation and consequently, as the Foundation answers the definition of 'industry' as in Section 2(XIV) of the IRO, its employees, who answer the definition of 'worker' as in section 2 (XXVIII) of the IRO, are very much competent to form a Trade Union and to get the same registered. The learned Counsel for the petitioner in support of his submission that the organisations which are organised and run without motive of profit making, formation of Trade Union has been disapproved by this Court and in support thereof has referred to the cases reported in 52 DLR 151 and 43 DLR 655. Facts of the said 2 cases are quite distinguishable

from the facts of the instant case and, as such, the same have no relevancy to and bearing on the question that calls for adjudication in the instant case.

The other contention of the learned Counsel that although High Court Division held that the petitioner is an aggrieved party since Labour Court has held the petitioner as an industry, but still then the High Court Division held that no illegality was committed by the respondent No. 1 in not making the petitioner herein a party in the appeal before the Labour Court. Suffice it to say that before the Labour Court the question of impleading the petitioner herein in the appeal does in no way come since there the respondent No. 1 herein challenged legality of the order of the Registrar of Trade Unions rejecting the Respondent No. 1's petition seeking registration of the Trade Union. In the matter of registration of the Trade Union as per provision of section 8(1) of the IRO, the question of giving registration or refusing registration is the exclusive jurisdiction of the Registrar of Trade Unions and in the performance of the said act Registrar of Trade Unions alone is required to take decisions at his level. The satisfaction of the Registrar of Trade Unions or while issuing a registration certificate is exclusive and similarly, refusal of certificate of registration. In the aforesaid context, in the appeal filed in case of refusal of registration it is the Registrar alone to support his action and presence of no other party is contemplated by law. This being the position, the High Court Division was quite correct in observing that in non-impleading the petitioner is the appeal before the 2nd Labour Court, no illegality was committed by the respondent No. 1. As it appears as to maintainability of the writ petition challenging legality of the order of the 2nd Labour Court making direction to the Registrar of Trade Unions to register the respondent No. 1 as the Trade Union of the Foundation the High Court Division has observed that the writ petition so filed is maintainable since registration of the respondent No. 1 as the Trade Union in the Foundation, is likely to affect the same and also treating the petitioner as an industry.

13.In view of the discussions made hereinabove we find no substance in the petition.

Accordingly, the petition is dismissed.

Source : The Dhaka Law Report (September 2005)

DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Sl. No.	Economic Category	1995 – 96			1999 – 2000			2002 – 03(♦)		
		Male	Female	Total	Male	Female	Total	Male		
01	**National:**									
	Population aged 10 years and above	44.3	42.1	86.4	47.6	44.0	91.6	41.17	39.67	80.84
	Economic Participation:									
	Civilian Labour Force	34.7	21.3	56.0	37.5	22.8	60.3	35.98	10.35	46.33
	- Employed	33.8	20.8	54.6	36.2	21.9	58.1	34.48	9.84	44.32
	- Unemployed	0.9	0.5	1.4	1.4	0.8	2.2	1.5	0.50	2.00
	Not in Labour Force	-	-	-	-	-	-	5.19	29.33	34.52
	- Household work	0.1	11.9	12.0	0.2	12.8	13.0	0.53	24.44	24.97
	- Student	-	-	-	-	-	-	3.43	2.94	6.36
	- Others (disabled, income recipient)	9.5	8.9	18.4	9.9	8.5	18.4	1.24	1.94	3.18

Continued.....

DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Sl. No.	Economic Category	1995 – 96			1999 – 2000			2002 – 03(♦)		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
02.	**Rural:**									
	Population aged 10 years and above	34.0	32.2	66.3	37.1	34.0	71.1	31.05	29.92	60.98
	Economic Participation:									
	Civilian Labour Force	27.3	18.5	45.8	29.6	19.5	49.1	27.36	7.68	35.04
	- Employed	26.7	18.2	44.9	28.7	18.8	47.5	26.26	7.34	33.60
	- Unemployed	0.6	0.4	1.0	0.9	0.6	1.6	1.10	0.34	1.44
	Not in Labour Force	-	-	-	-	-	-	3.69	22.25	25.94
	- Household work	-	7.6	7.6	0.2	8.4	8.6	0.43	18.80	19.23
	- Student	-	-	-	-	-	-	2.32	1.93	4.25
	- Others (disabled, income recipient)	6.7	6.2	12.9	7.3	6.1	13.4	0.94	1.51	2.45

DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Sl. No.	Economic Category	1995 – 96			1999 – 2000			2002 – 03(♦)		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
03.	**Urban:**									
	Population aged 10 years and above	10.3	9.8	20.1	10.5	10.0	20.5	10.12	9.75	19.87
Economic Participation:										
	Civilian Labour Force	7.4	2.8	10.2	7.8	3.4	11.2	8.62	2.67	11.29
	- Employed	7.0	2.7	9.8	7.4	3.2	10.6	8.22	2.50	10.72
	- Unemployed	0.3	0.1	0.4	0.4	0.2	0.6	0.39	0.17	0.56
	Not in Labour Force							1.50	7.08	8.58
	- Household work	-	4.3	4.3	0.1	4.2	4.3	0.09	5.64	5.74
	- Student	-	-	-	-	-	-	1.11	1.00	2.11
	- Others (disabled, income recipient)	2.9	2.7	5.6	2.6	2.4	5.0	0.30	0.43	0.73

Note: (♦) indicates population 15 years and above as per LFS 2002 – 03

Source: Labour Force Survey 1995 – 96, 1999 – 2000 and 2002 – 03, Bangladesh Bureau of Statistics.

EMPLOYMENT IN MAJOR OCCUPATION

(In thousand)

Occupation	1990 – 91	1995 – 96	1999 – 2000	2002 – 03 (♦)	
				Number	Percentage
Professional and Technical	1460	1823	1631	1723	3.9
Administrative and Managerial	187	183	189	96	0.2
Clerical	1100	1199	1251	1521	3.4
Sales workers	4018	6169	6487	6547	14.8
Service workers	1676	1905	2873	1979	4.5
Agriculture, forestry and fisheries	34354	34858	36750	22764	51.4
Production, Transport, Labourers and Others	7364	8457	9186	9693	21.9
Total	**50159**	**54597**	**58066**	**44322**	**100**

Note: (♦) indicates employed persons 15 years and above

Source: Statistical Yearbook 2000, Bangladesh Bureau of Statistics and Labour Force Survey 2002 – 03.

EMPLOYMENT BY OCCUPATION AND SECTOR OF EMPLOYMENT (2002 – 03)

(In thousand)

Occupation (Persons aged 15 years and above	**Total**	**Informal Sector**			**Individual, Private Formal Sector**			**Private Formal Sector**			**Government Sector**		
		M	F	T	M	F	T	M	F	T	M	F	T
Total	44322	27222	7855	35078	3730	957	4688	1910	770	2680	1615	262	1877
Professional and Technical	1723	359	81	440	117	26	143	493	165	658	350	131	482
Administrative and Managerial	96	18	0	18	13	0	13	29	2	32	32	1	33
Clerical workers	1521	238	8	246	136	11	146	316	74	390	646	93	739
Sales workers	6547	4682	244	4927	1351	32	1383	186	9	195	41	1	42
Service workers	1979	471	851	1322	138	67	205	88	20	108	330	13	343
Agriculture, forestry and fisheries	22764	15994	5602	21595	725	92	817	235	74	309	38	5	43
Production, Transport, Labourers and Others	9693	5460	1069	6529	1250	730	1980	562	426	988	179	17	196

Source: Labour Force Survey 2002 – 03

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

Period	Jute		Cotton		Paper		Steel	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
1997-98	75.50	73.10	72.33	72.10	74.55	80.53	37.45	37.93
1998-99	75.39	72.68	71.26	71.41	72.58	78.60	35.32	35.72
1999-00	74.43	71.59	72.06	72.15	70.83	77.22	56.26	36.22
2000-01	71.13	68.31	71.78	71.86	68.79	75.29	38.10	37.96
2001-02	52.58	69.88	71.79	71.87	67.17	52.53	-	-
2002-03	68.19	66.46	71.66	71.77	37.75	42.82	-	-
2003-04	69.07	66.56	71.69	71.81	29.47	34.19	-	-
2004-05	65.46	62.58	71.76	71.78	26.72	30.38	-	-
2005 - 06								
July	65.38	62.44	71.76	71.86	26.40	30.06	-	-
August	65.46	62.73	71.77	71.87	26.38	29.69	-	-
September	65.90	63.17	77.78	71.89	28.59	32.31	-	-
October	65.90	63.17	71.79	71.90	28.59	32.31	-	-
November	65.91	63.18	71.79	71.89	28.38	32.63	-	-
December	65.91	63.18	71.80	71.90	28.36	31.89	-	-

(Continued……..)

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

Period	Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
1997-98	121.42	117.60	108.78	107.77	116.89	117.76	133.68	124.64
1998-99	146.97	139.83	108.57	107.44	110.62	117.42	139.03	128.89
1999-00	135.02	119.79	107.01	107.77	103.26	118.69	145.98	138.66
2000-01	142.44	126.14	105.44	106.33	93.73	116.58	157.75	150.22
2001-02	145.87	128.71	100.56	105.24	92.91	115.76	166.84	152.09
2002-03	143.00	127.06	99.90	104.30	95.00	114.90	168.00	155.62
2003-04	143.96	127.82	95.45	100.28	99.46	116.44	167.91	155.35
2004-05	145.05	128.64	90.97	94.84	109.26	118.55	167.37	156.27
2005 – 06								
July	145.60	129.09	90.84	95.09	110.36	118.87	192.51	155.81
August	145.88	129.40	90.83	95.56	108.99	119.83	192.51	155.81
September	146.15	129.93	90.39	95.27	108.99	119.83	192.51	155.81
October	146.15	129.93	89.97	95.34	109.53	120.48	193.04	154.87
November	145.87	129.62	89.93	94.99	109.53	120.48	193.04	154.87
December	145.87	129.62	89.72	95.00	109.53	120.48	193.04	154.87

Source: National Accounting Wing, Bangladesh Bureau of Statistics.

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

Period	Jute		Cotton		Paper		Steel	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
1997-98	104.13	107.66	127.12	122.88	71.05	66.52	523.84	517.21
1998-99	96.10	99.58	128.23	127.96	96.22	88.85	462.42	456.99
1999-00	89.24	92.78	136.09	135.93	90.56	83.07	468.74	469.52
2000-01	93.88	97.76	142.79	142.63	86.72	79.24	494.36	496.18
2001-02	94.66	98.32	142.48	142.32	69.85	64.69	-	-
2002-03	89.79	92.13	152.48	152.25	93.54	69.93	-	-
2003-04	80.99	84.04	201.92	201.59	114.49	98.68	-	-
2004-05	72.75	76.09	247.34	246.96	113.10	99.47	-	-
2005 – 06								
July	67.19	70.35	275.79	275.41	84.88	74.55	-	-
August	68.27	71.24	275.79	275.41	116.94	103.91	-	-
September	70.18	73.22	279.32	278.90	111.30	98.48	-	-
October	78.11	81.49	279.42	278.99	113.54	100.46	-	-
November	84.64	88.30	281.26	280.87	74.66	64.90	-	-
December	80.21	83.68	284.05	283.65	126.34	112.32	-	-

(Continued.....)

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

Period	Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
1997-98	141.51	146.11	116.77	117.87	115.54	114.79	267.72	287.13
1998-99	188.84	198.50	104.75	117.36	85.88	80.91	311.50	336.79
1999-00	295.80	333.42	110.37	110.52	127.56	111.02	337.33	356.38
2000-01	341.32	385.42	123.49	122.45	137.41	110.48	413.55	434.28
2001-02	335.10	379.67	106.96	104.23	144.25	115.78	380.65	417.57
2002-03	353.00	379.13	143.00	105.76	136.00	112.00	411.00	444.00
2003 - 04	362.82	408.64	144.11	137.17	132.72	113.92	473.17	511.39
2004-05	406.76	458.65	142.62	136.64	118.77	109.46	581.64	622.95
2005 – 06								
July	443.00	499.65	85.02	81.22	121.75	113.03	594.18	734.14
August	437.76	493.52	101.75	96.71	130.90	119.06	551.35	681.21
September	439.99	494.92	136.52	129.53	111.61	101.51	553.17	683.47
October	414.33	466.05	151.59	143.06	117.05	106.41	552.25	688.37
November	401.77	452.14	166.66	157.78	114.06	103.69	552.86	689.12
December	412.11	463.66	167.00	157.72	107.79	97.99	553.47	689.88

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

NUMBER OF PERSONS LEAVING FOR ABROAD ON EMPLOYMENT BY SKILL CATEGORY

(In number)

Period	Professional	Skilled	Semi-skilled	Unskilled	Total
1995	6352	59917	32055	89218	187542
1996	3157	63958	32963	111636	211714
1997	3306	56327	46531	124752	230916
1998	5967	69401	49877	141812	267057
1999	8045	98449	44947	116741	268182
2000	8664	79159	24690	110247	222760
2001	6603	42064	22809	121777	193259
2002 (P)	8642	34532	29976	105136	178286
2002					
January	759	2188	2130	9988	15065
February	375	1609	1422	8407	11813
March	709	2730	2121	10234	15794
April	880	3508	3670	8427	16485
May	612	3486	2434	6165	12697
June	986	3745	3211	9347	17289

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.
P: Provisional

NUMBER OF PERSONS LEAVING FOR ABROAD ON EMPLOYMENT BY SKILL CATEGORY

(In number)

Period	Professional	Skilled	Semi-skilled	Unskilled	Total
1995	6352	59917	32055	89218	187542
1996	3157	63958	32963	111636	211714
1997	3306	56327	46531	124752	230916
1998	5967	69401	49877	141812	267057
1999	8045	98449	44947	116741	268182
2000	8664	79159	24690	110247	222760
2001	6603	42064	22809	121777	193259
2002 (P)	8642	34532	29976	105136	178286
2002					
January	759	2188	2130	9988	15065
February	375	1609	1422	8407	11813
March	709	2730	2121	10234	15794
April	880	3508	3670	8427	16485
May	612	3486	2434	6165	12697
June	986	3745	3211	9347	17289

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.
P: Provisional

AVERAGE DAILY WAGE RATES OF CONSTRUCTION LABOUR IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2001 – 02	2002 – 03	2003 - 04	2004-05	2005 - 06		
						Oct	Nov	Dec
Mason (Skilled)	Chittagong	180.00	210.00	187.00	194.60	204.00	204.00	206.00
	Dhaka	200.00	200.00	200.00	204.25	215.00	215.00	218.00
	Khulna	150.00	148.33	155.00	160.00	172.00	172.00	175.00
	Narayanganj	200.00	200.00	200.00	200.00	200.00	200.00	210.00
	Rajshahi	141.00	133.67	150.00	154.67	167.00	167.00	170.00
	Rangpur	140.00	150.00	150.00	184.00	180.00	175.00	175.00
	Sylhet	180.00	180.00	150.00	150.00	175.00	180.00	180.00
Helper to Mason	Chittagong	95.00	98.33	100.00	104.50	106.00	106.00	106.00
	Dhaka	95.00	95.00	200.00	119.25	120.00	120.00	120.00
	Khulna	90.00	80.00	85.00	91.75	90.00	90.00	90.00
	Narayanganj	100.00	106.67	200.00	100.00	110.00	110.00	110.00
	Rajshahi	81.00	81.67	85.00	89.25	90.00	90.00	90.00
	Rangpur	70.00	70.00	72.00	93.75	80.00	85.00	85.00
	Sylhet	120.00	119.45	100.00	100.00	120.00	120.00	120.00

(Continued.....)

AVERAGE DAILY WAGE RATES OF CONSTRUCTION LABOUR IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2001 – 02	2002 – 03	2003-04	2004-05	2005 - 06		
						Oct	Nov	Dec
Carpenter (Skilled)	Chittagong	200.00	208.33	210.00	205.42	220.00	220.00	225.00
	Dhaka	195.00	197.00	198.08	200.00	200.00	200.00	200.00
	Khulna	140.00	150.00	150.00	150.00	150.00	150.00	150.00
	Narayanganj	200.00	200.00	200.00	200.00	200.00	200.00	200.00
	Rajshahi	120.00	120.00	120.00	120.00	125.00	125.00	125.00
	Rangpur	120.00	120.00	120.00	160.00	150.00	150.00	150.00
	Sylhet	180.00	153.33	158.33	180.00	180.00	180.00	180.00
Plumber (Sanitary fitter)	Chittagong	-	210.00	210.00	210.00	250.00	250.00	250.00
	Dhaka	-	200.00	230.00	230.00	200.00	200.00	200.00
	Khulna	150.00	150.00	140.00	151.25	145.00	145.00	150.00
	Narayanganj	-	200.00	200.00	200.00	200.00	200.00	200.00
	Rajshahi	-	200.00	200.00	200.00	200.00	200.00	200.00
	Rangpur	130.00	135.00	135.00	186.25	175.00	170.00	170.00
	Sylhet	141.43	150.00	180.00	180.00	180.00	180.00	180.00

(Continued.....)

AVERAGE DAILY WAGE RATES OF CONSTRUCTION LABOUR IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2001 – 02	2002 – 03	2003 – 04	2004-05	2005 – 06		
						Oct	Nov	Dec
Painter	Chittagong	205.83	210.42	210.42	207.50	200.00	200.00	205.00
	Dhaka	200.00	200.00	200.00	200.00	200.00	200.00	200.00
	Khulna	132.08	140.00	140.00	142.19	145.00	145.00	145.00
	Narayangaj	200.00	200.00	200.00	200.00	200.00	200.00	200.00
	Rajshahi	-	98.75	100.00	120.00	130.00	130.00	130.00
	Rangpur	-	135.00	135.00	181.25	170.00	170.00	170.00
	Sylhet	147.83	147.50	180.00	180.00	180.00	180.00	180.00
Electrician	Chittagong	-	210.00	210.00	225.00	250.00	250.00	250.00
	Dhaka	200.00	200.00	243.00	250.00	200.00	200.00	200.00
	Khulna	-	150.00	150.00	144.13	147.00	150.00	150.00
	Narayangaj	200.00	200.00	213.33	250.00	200.00	200.00	200.00
	Rajshahi	-	121.25	125.00	120.00	125.00	125.00	125.00
	Rangpur	-	140.00	146.00	187.92	180.00	175.00	175.00
	Sylhet	165.00	177.50	180.00	180.00	180.00	180.00	180.00

(Continued

Types of Labour	Town	2001 – 02	2002 – 03	2003 – 04	2004-05	2005 – 06		
						Oct	Nov	Dec
Brick Breaking 1" size khua per 100 cft	Chittagong	-	620.00	600.00	745.84	900.00	900.00	900.00
	Dhaka	-	670.83	700.00	800.00	1000.00	1000.00	1000.00
	Khulna	-	600.00	600.00	600.00	625.00	625.00	640.00
	Narayanganj	-	-	630.00	833.00	1000.00	1000.00	1000.00
	Rajshahi	-	500.00	603.00	500.00	500.00	500.00	500.00
	Rangpur	-	590.00	603.00	600.00	670.00	660.00	665.00
	Sylhet	-	600.00	466.66	800.00	1200.00	1200.00	1200.00
Situ Mosaic Per sft. (fitting charge)	Dhaka	16.50	16.50	17.00	16.50	18.00	18.00	18.00
Glazed Tile Per sft (fitting charge)	Dhaka	17.50	17.50	18.00	15.00	17.00	17.00	17.00
Floor Tile Per sft (fitting charge)	Dhaka	18.50	18.50	19.00	15.00	17.00	17.00	17.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

AVERAGE WAGE RATES FOR INDUSTRIAL WORKERS IN BANGLADESH

(Nominal wages in Taka)

Industry	Types of Labour	2000-01	2001-02	2002-03	2003-04	2004-05	2004-05		
							Oct	Nov	Dec
Medium & Large Scale Industry									
(i) Cotton Textile	Skilled	107.77	107.77	129.67	129.67	129.67	129.67	129.67	129.67
	Unskilled	85.50	85.50	109.94	109.94	109.94	109.94	109.94	109.94
(ii) Jute Textile	Skilled	107.77	107.77	129.67	129.67	129.67	129.67	129.67	129.67
	Unskilled	85.50	85.50	109.94	109.94	109.94	109.94	109.94	109.94
(iii) Match	Skilled	107.77	107.77	129.67	129.67	129.67	129.67	129.67	129.67
	Unskilled	85.50	85.50	109.94	109.94	109.94	109.94	109.94	109.94
(iv) Engineering (fitter)	Skilled	153.75	181.25	187.25	211.74	245.17	256.00	260.00	263.00
	Unskilled	106.25	118.75	131.94	141.23	142.71	144.20	144.20	144.20
(v) Edible Oils	Skilled	106.25	112.50	132.55	121.25	123.56	126.25	126.25	126.25
	Unskilled	91.25	96.50	98.63	102.25	104.48	109.75	109.75	109.75
(vi) Small & Cottage Industry (weaver)	Skilled	96.25	108.00	115.00	127.56	139.44	150.00	151.00	152.00
	Unskilled	-	-	-	-	-	-	-	-
(vii) Construction	Skilled	162.50	167.75	173.00	171.56	177.63	189.00	191.00	192.00
	Unskilled	83.75	90.25	88.75	94.65	99.50	101.00	101.00	101.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

WAGE RATE INDICES BY MAJOR SECTORS, BANGLADESH
(Base: 1969 – 70 = 100)

Period	General	Nominal Indices					Indices deflated by country CPI		
		Agri-culture	Fishery	Manufac-turing	Construc-tion	Country CPI	General	Manufac-turing	Construc-tion
1997-98	2141	1870	2053	2395	1990	1748	122	137	114
1998-99	2259	1950	2138	2522	2163	1921	118	131	113
1999-00	2390	2037	2220	2701	2286	1973	121	137	116
2000-01	2489	2141	2292	2832	2356	2032	122	139	116
2001-02	2637	2262	2411	3035	2444	2024	130	150	121
2002-03	2926	2443	2563	3501	2624	2068	141	169	127
2003-04	3111	2582	2775	3765	2669	2129	146	177	125
2004-05	3293	2719	2757	4015	2758	2216	149	181	124
2005-06									
July	3403	2834	3049	4150	2829	2272	150	183	125
August	3418	2848	3062	4172	2838	2287	149	182	124
September	3442	2869	3081	4203	2852	2305	149	182	124
October	3465	2890	3100	4234	2866	2332	149	182	123
November	3482	2904	3113	4257	2879	2354	148	181	122
December	3497	2917	3125	4278	2886	2357	148	182	122

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

WAGE RATE INDEX BY SECTORS
(Base: 1969 – 70 = 100)

Period	General Index	Manufacturing Industry	Construction	Agriculture	Fishery
1995-96	1900.00	2064.00	1754.00	1738.00	1882.00
1996-97	1990.00	2161.00	1848.00	1840.00	1974.00
1997-98	2140.00	2395.00	1990.00	1870.00	2053.00
1998-99	2259.00	2522.00	2163.00	1950.00	2138.00
1999-00	2390.00	2701.00	2286.00	2039.00	2220.00
2000-01	2489.00	2862.00	2356.00	2141.00	2292.00
2001-02	2637.00	3035.00	2444.00	2262.00	2411.00
2002-03	2926.28	3500.96	2624.25	2442.63	2562.58
2003-04	3111.05	3764.43	2668.50	2581.50	2774.77
2004-05	3292.93	4014.96	2758.24	2719.22	2957.28
2005					
January	3310.87	4029.54	2775.98	2745.11	2974.21
February	3326.11	4049.11	2783.33	2762.10	2986.90
March	3340.93	4068.71	2790.67	2776.87	2999.63
April	3355.52	4088.29	2798.02	2790.69	3012.29
May	3371.19	4109.46	2808.76	2804.52	3023.71
June	3387.28	4129.90	2819.50	2820.58	3036.54
July	3402.79	4150.07	2828.64	2834.41	3049.23
August	3418.33	4171.86	2837.79	2848.24	3061.92
September	3441.52	4202.98	2851.70	2868.99	3080.97
October	3464.63	4233.90	2865.60	2889.73	3100.01
November	3481.63	4256.58	2878.74	2903.57	3112.70
December	3496.97	4277.98	2886.09	2917.40	3125.39

Source: Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX: NATIONAL
(Base: 1995 – 96 = 100)

Period	General Index	Index by Expenditure Group				Misc.
		Food	Clothing & Footwear	Fuel & Lighting	Household Equipment	
1998-99	120.94	125.16	114.03	114.61	116.06	114.94
1999-00	124.31	128.52	118.45	116.31	118.21	116.91
2000-01	126.72	130.30	121.94	119.41	120.92	119.29
2001-02	130.26	132.43	124.62	124.95	126.07	123.47
2002-03	135.97	137.01	130.55	131.20	132.33	129.40
2003-04	143.90	146.50	135.25	136.19	137.95	133.82
2004-05	153.23	158.08	142.15	141.43	143.18	137.78
2005						
January	152.90	157.48	142.48	141.34	143.31	137.96
February	154.32	159.23	142.77	142.66	143.63	138.13
March	155.20	160.43	143.46	142.81	144.20	138.33
April	155.33	160.29	144.00	143.17	145.59	138.48
May	156.29	161.16	145.49	143.99	146.22	138.91
June	157.45	162.51	146.14	145.34	146.78	139.61
July	158.79	164.24	146.58	146.08	147.61	139.91
August	160.25	166.10	146.86	147.30	148.20	140.65
September	162.79	168.92	147.29	150.61	149.42	141.62
October	165.24	172.36	147.84	151.66	149.86	142.58
November	165.00	171.92	148.06	151.78	150.03	142.67
December	163.17	168.52	148.36	152.60	150.55	142.84

Source: Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX: INDUSTRIAL WORKERS, NARAYANGANJ
(Base: 1969 – 70 = 100)

Period	General Index	Food	House & Household Requisites	Clothing & Footwear	Misc.
1994-95	1653.00	1603.00	2291.00	1605.00	1294.00
1995-96	1723.00	1700.00	2370.00	1626.00	1317.00
1996-97	1723.00	1694.00	2438.00	1657.00	1334.00
1997-98	1832.00	1821.00	2517.00	1701.00	1423.00
1998-99	1990.00	2027.00	2587.00	1727.00	1473.00
1999-00	2032.00	2076.00	2624.00	1745.00	1496.00
2000-01	2048.00	2088.00	2650.00	1762.00	1535.00
2001-02	2076.00	2114.00	2689.00	1786.00	1568.00
2002-03	2119.10	2158.93	2758.48	1807.35	1593.01
2003-04	2182.17	2234.67	2809.72	1820.13	1632.43
2004-05	2284.56	2359.24	2889.11	1839.78	1689.66
2005					
January	2277.82	2350.92	2879.47	1834.10	1694.95
February	2288.01	2363.29	2888.56	1838.63	1696.48
March	2292.59	2369.03	2891.23	1839.31	1699.71
April	2306.06	2381.30	2924.17	1854.14	1702.48
May	2322.78	2403.33	2933.69	1855.59	1705.43
June	2332.91	2415.95	2941.71	1858.77	1707.71
July	2354.97	2443.40	2963.21	1860.40	1714.67
August	2373.88	2464.43	2999.68	1863.58	1719.43
September	2391.20	2484.25	3020.53	1867.15	1723.90
October	2425.40	2529.88	3047.27	1870.52	1725.90
November	2450.55	2561.42	3071.98	1873.80	1730.67
December	2448.61	2555.96	3074.22	1879.29	1731.52

Source: Bangladesh Bureau of Statistics