



IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
SPECIAL ORIGINAL JURISDICTION
WRIT PETITION NO. 1761 OF 2017

IN THE MATTER OF:

An Application under Article 102(2) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Paba Upazila Load-Unload Kuli Sramik Union, having its Head Office at Baya Bazar, Post Office- Naohata, Upazila- Paba, Rajshahi, represented by its Joint Secretary, Mr. Md. Monir Hossain Molla

..... Petitioner

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Government of the People's Republic of Bangladesh, represented by the Secretary, Ministry of Labour and Employment, Bangladesh Secretariat, Ramna Dhaka- 1000 and others.

..... Respondents.

Mr. Suhan Khan, Advocate with
Mr. Mohammad Zahirul Islam, Adv,
Mr. Mamun Chowdhury, Adv. and
Mr. Mohammad Saiful Haque, Adv.

... For the Petitioners

Ms. Kazi Zinat Hoque, D.A.G.

... For the Respondents.

Heard on: 5.12.2017, 9.1.2018, 21.1.2018 and
26.2.2018

Judgment on: 5.3.2018

Present :

Mr. Justice Syed Refaat Ahmed

And

Mr. Justice Md. Salim

SYED REFAAT AHMED, J.:-

In this Application under Article 102 of the Constitution a Rule Nisi was issued on 13.2.2017 calling upon the Respondents to show



result in a sustainable legal régime under the Act read with the Rules ensuring the welfare of *Kuli*-workers across the board. Drawing, thereby, on specific provisions of the law as above enunciated this Court, hereby, directs the Respondents to undertake the following:

- (i) By reference to Section 319(1)(a) to make necessary investigation or examination for ascertaining whether provisions of the Bangladesh Labour Act 2006 or the Bangladesh Labour Rules 2015 or any regulations or schemes in respect of any establishment or any worker employed therein are properly complied and in particular to investigate or examine to ascertain such violations by the carriage of potato bags exceeding the permissible weight limit, being 50 kg for adult male and 30 Kg for adult female, by the *Kuli*-workers in the cold storages across the country in light of its obligation;
- (ii) By reference to Rule 351(1)(a) to carry out enquiry and investigation of any such allegations within 10 (ten) working days of receipt of any such complaint and to direct the parties concerned to take action as per law and if the said party fails to take action, then to lodge complaints to the labour court in accordance with;
- (iii) By reference to Rule 351(1)(a) to submit complaints to the labour court against any unfair labour practice in connection with the carriage of excessive weights by workers;

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- (iv) By reference to Rule 350(১) and Rule 351 (২) to prepare statements containing information regarding law and rules, workers right related to national and international instruments or conventions or declarations pertaining to the labour sector and workers, lodging of complaints etc., and to achieve publicity and publication and distribution of such publications;
- (v) By reference to Rule 350(২) and by 351(৩) to arrange workshops to facilitate mass knowledge and increase awareness of the concerned parties and stakeholders pertaining to the relevant law and rules, workers right related to national and international instruments or conventions or declarations pertaining to the labour sector and workers; and
- (vi) By reference to Sections 309 and 315 to ensure that dangerous consequences arising out of "dangerous operations" through lifting, carrying and moving heavy potato bags weighing more than the permitted weight limit by the *Kuli*-workers in the cold storages are reported to the respondents and proper actions are taken with respect to such dangerous consequences as and when suffered.

These guidelines and directions are by no means to be treated by the Respondents as being exhaustive but instead are to be considered as the fundamentals on which the Respondents shall build on in a manner ensuring a wholly beneficial application of the relevant provisions of the law not ruling out the probability, for example, of a further indication of



and a scaling down of the permissible legal weight limits for carrying potato bags for both male and female workers.

Given the very timing of the substantive disposal of this Rule i.e., the fact that we are now in the midst of the potato storage season, it is deemed prudent further by this Court to require specifically from the Respondent Nos. 1 and 2 to file a one off Affidavit-in-Compliance within 4(four) months from the date of receipt of a certified copy of this Judgment and Order as to a firm system of compliance oversight, dissemination of information and enforcement of legal sanctions being put into place and the projected course of action henceforth in this regard to ensure the sustainability of such a system.

Accordingly, the Rule Nisi is disposed of with the findings, observations and directions above.

There is no Order as to costs.

Communicate this Order at once.

MD. SALIM, J:

Syed Refaat Ahmed.

I agree.

Md. Salim.

Typed by: [Signature] 07.05.2018.

Read by: [Signature] 07.05.18

Exam by: [Signature]