

Deaths in Narayanganj fire caused by gross negligence

Owners of the factory must be held liable

IT is hard to label the painful deaths of at least 52 workers and staff members in Thursday's fire in the Hashem Foods factory in Narayanganj as a random accident and not the result of gross negligence and violation of factory safety laws. So far it has not been established yet what exactly caused the fire. What we do know however, is that the supervisor on the third floor told the workers to stay on the floor as the room was air conditioned and they were safe and that when workers realised this was not the case and tried to escape, they found the only exit locked. Many of the employees went to the rooftops and jumped in sheer desperation, three of them dying in the attempt.

Just from the first reports of the disaster we have already learnt enough to see how little thought was given to the safety of employees. According to officials in the fire department, there was no fire escape exit, the only staircase available was very narrow and the only exit in the third floor of the building was locked. From preliminary observations the fire department officials have said there did not seem to be any fire-fighting equipment or any fire alarm system. The floors were full of flammable materials such as cartons and paper rolls as well as combustible materials such as oil, chemicals, poly packs, foil papers, and plastic bottles. So wouldn't it be a priority to make sure that there are at least the minimum level of safety measures in case of a fire that would definitely spread given the storage of such inflammable materials?

It is appalling how little owners of this factory value human lives from their remarks to the media. From the reports as well as the footage it seems there were minors working in the factory which violates the labour law. But the reality is that the pandemic has forced many poor families to send their children (whose schools are closed) for all kinds of work just to be able to survive. The owners of the factory have indicated they didn't know children had been employed. Is it not their responsibility to know? Isn't it their moral obligation apart from the legal compliance, to make sure that the factories where so many employers are working, have the minimum safety measures so that they can at least escape a fire or other disaster? Should not these employers be held responsible for the exit door on the third floor being locked? Of course they must.

It is reprehensible that after so many factory fire incidents—Tazreen Fashion (122 deaths), KTS Composite (65 deaths), Tampaco Oil (36 deaths), to name a few—that have cost lives, in many cases because of lack of safety measures being in place, these horrific events continue. In most instances families of workers who have died or workers who have been seriously injured, do not get adequate or any compensation nor justice in the form of punishment of those responsible. We hope that the three probe committees formed by various government bodies will come up with clear answers about how the fire started and why there were so many casualties. But there is no question that the owners of the factory are responsible for gross negligence and complete apathy for the safety of their workers that led to so many deaths.

Worsening flood situation in the north, thousands marooned

Govt must evacuate and rehabilitate them promptly

WE are deeply concerned regarding the worsening floods in Sirajganj and Lalmonirhat districts, due to the rising water levels of Jamuna and Teesta rivers. Though low-lying areas of Sirajganj, Sherpur and Kurigram districts have been flooded since July 4 (due to a combination of heavy rainfall and an onrush of hill water), the water levels of rivers such as Teesta, Dharla and Brahmaputra had been below danger levels. Now, according to a report by this newspaper, over 30,000 people are marooned in the two districts and the Teesta river's water is flowing at least 10cm above the danger level. As of Friday, the water level of the Jamuna river was still below the danger mark, though increasing.

While some have managed to move to safer places (many sans their belongings), others have had to remain where they were, as the floodwater entered people's houses and drowned roads, vegetables, croplands, and the paddy seedlings for Aman rice in the villages.

Last year, the country suffered its longest and worst flood since 1998, which lasted for over 40 days, according to sources at BUET's Institute of Water and Flood Management. The chief engineer of the Water Development Board's north-western zone told this daily earlier this year how one flood would flow into the previous one before the water had a chance to recede like it usually would. If that is the case this year as well, then we may again witness children drowning in the floodwaters or people becoming severely ill due to various waterborne diseases.

It goes without mentioning how devastating floods, especially prolonged ones, can be for our farmers. Last year's flood caused the crop schedule for Aman rice and root vegetables to go completely haywire. According to government sources, by the end of July 2020, at least USD 42 million worth of crops had been destroyed.

Given the current situation, we would urge government authorities to prioritise the safety of the people in both the flood-stricken areas and in areas which are in danger of becoming flooded. Adequate shelters must be built to house the flood victims. The affected population must also be provided with cash aid (and not just dry food) as relief. It is also important to direct healthcare resources to these areas. While strengthening methods of forecasting and preventing floods and improving our overall response to these situations should be a general priority for the government, it is important to focus on saving the lives and livelihoods of the affected at this very moment—and in the weeks to come.

Why is the price of killing a worker only Tk 2 lakh?



TAQBIR HUDA

were produced. 49 of them were burnt to death inside the factory, while three others died after leaping from the factory building in an attempt to save themselves from the fire.

Preliminary reports indicate that all 49 charred bodies were recovered from the third floor, the exit of which was locked up—thereby preventing workers from being able to save themselves, as 25 other workers had been from other floors.

Hashem Foods Limited is a sister concern of Sajeeb Group of Companies, one of the largest business groups in the country. When such heinous yet preventable killings of workers occur in one of their factories, a key question that should come to anyone's mind is: what would be the liability of Sajeeb Group? According to the Bangladesh Labour Act 2006 (BLA), an employer is only required to pay Tk 2 lakh for every worker killed in an "industrial accident" inside their establishment. That is how little value is

attached to a worker's life by the very law that was meant to "ensure labour rights".

Therefore, the total amount Sajeeb Group would have to pay under our labour law as compensation (to the family members of the workers killed by their lethal greed) is a measly 1.04 crore taka—probably a fraction of their daily revenue. For perspective, this amount is only 1.2 percent of Sajeeb Group's Tk 85.8 crore unclassified loan taken from Mutual Trust Bank in 2015, according to the bank's Annual Report 2015.

The BLA initially fixed the amount of compensation for a worker's death at Tk 1 lakh, but this was later increased to the current Tk 2 lakh in 2018. So rather than introducing a minimum amount of compensation that has to be paid to workers or their dependents in case of an occupational injury or death, our labour law set a ridiculously inadequate sum as the maximum amount. Does this legal limit favour the workers the BLA set out to protect or the industrial employers it sets out to hold accountable?

However, my research on 80 compensation cases under labour law litigated by Bangladesh Legal Aid and Services Trust between 2008 and 2019, has found that victims of "industrial accidents" seldom receive even this paltry amount of compensation prescribed by the labour law. Rather they are met with a world of challenges. This is largely because most corporations being sued for compensation

under the labour law, instruct their team of lawyers to prolong the litigation period as much as possible. As a result, these lawyers employ an abundance of dilatory tactics by abusing technicalities in procedural law to their utmost advantage. Family members of workers killed in industrial establishments who dare to exercise their right to seek compensation against an industrial employer in labour courts become tired out to the point where they feel compelled to abandon the case.

For instance, many employers ignore legal notices and refuse to appear in court during the trial and the case is then scheduled to be decreed ex parte. The employers then strategically appear on the day that the ex parte judgment is scheduled to be pronounced by the court and plead for an opportunity to be heard, citing lack of notice as their reason for non-appearance. Judges then often restart the hearing, from the initial arguments stage, thereby doubling the trial period and frustrating claimants who have to go through a time-consuming and cumbersome process all over again—just as they thought this costly process had finally come to an end. One Labour Court lawyer I had interviewed as part of my research summarised the situation quite poignantly: "I will not blame victims for abandoning the compensation case. They are tired. They are depressed. They are frustrated. They are compelled to think to themselves: 'I will not get anything out of this claim, so

better to just leave it."

Due to this calculated game to "tire them out", and despite the insistence of their lawyers, victims either abandon the case or if they are "lucky enough", they are offered an out-of-court settlement by the employer for an even smaller amount of money. The same lawyer also explained this phenomenon quite clearly:

"The victims strongly feel that it is better to receive something than nothing at all. Their employers make it clear to them that they can accept a lower amount of money offered as out-of-court compensation, which will also be paid immediately. However, if they refuse and dare to continue pursuing the higher (legal) amount of compensation through litigation, then their employers will do everything in their power to keep the case hanging for years and years to come, to tire them out. So, tell me, which option will they then choose?"

This is the unjust reality of the justice system under our labour law. A seemingly endless litigation period caused by abuse of process by employers who refuse to be held accountable means that "seeking justice" becomes too costly an endeavour that victims can no longer afford.

Therefore, even the minimal labour rights that exist in theory continue to be trumped by unfettered labour wrongs in reality. Why must this be allowed to continue?

Taqbir Huda is a Research Specialist at Bangladesh Legal Aid and Services Trust (BLAST) and coordinates Justice for All Now (JANO, Bangladesh). Email: taqbirhuda@gmail.com



The mother of a missing factory worker (an HSC student) cries in front of the factory of Hashem Foods.

PHOTO: STAR

Sheuli's gold pendants and the authorities' deep sleep!



SHARIFUL HASAN

at the Tazreen factory in Nishchintopur, Ashulia. Later, the dead bodies were all placed in rows on the school grounds. No doubt, the bodies were charred beyond recognition, and it would be hard to identify them. However, the relatives of the victims were trying to recognise each and every corpse wrapped in a bag.

Mohammad Shoaib of Rajbari cried out when he noticed the gold pendants on a skeletal body. Crying, he said, this was the body of his wife, Sheuli. He had bought those gold pendants for his wife. However, Nurjahan Begum of Rangpur, standing next to him, could not separate her sister from the other burnt bodies. She cried out and asked, "Where is my little sister Babita?"

Nine years have passed since that day, and I still cannot forget the sound of their cries. The recent death of 49 workers and staffers in a fire in Narayanganj reminds me of that incident again.

The scenes of Tazreen and Hashem Beverage are almost the same. Tazreen was a 9-storied building, and the factory of Hashem Food and Beverage Limited is 6-storied. The main gate on the third floor was locked when a fire broke out in the Tazreen building. As a result, people could not get out of there. The same thing happened in Rugganj.

Tazreen's firefighting system was faulty, and the death toll was high due to the lack of an emergency exit. We had almost the same thing here.

Tazreen Fashions Limited was an organisation of Toba Group. Two days after the incident, the company owner Delwar Hossain said that he was not responsible for the fire. Mohammad Abul Hashem, chairman of Sajeeb Group, the owner of the company in Narayanganj, said the same thing.

Although a case was filed in Ashulia

police station in connection with the Tazreen fire, no specific person was charged. Police said the accused would be charged after they received the investigation report. However, nothing happened. We are still waiting to see what happens now.

Officials from the fire service said the fire was exacerbated by the presence of a large amount of plastic, chemicals, cartons, and other flammable substances in the building in Rugganj. However, this is not the first such incident in the country. It's happening again and again, and nobody has been accused of failing their responsibility.

On June 3, 2010, a fire broke out in Nimtali killing 124 people. After the

Chawkbazar. 78 people lost their lives this time because of the presence of various chemicals. But nobody was accused or punished.

On March 28, 2019, a fire broke out in the FR Tower of a 22-storied building in Banani. 26 people died, and that's when it came to the public's attention that the tower was constructed with the approval of 18 floors from RAJUK. But, why did the authorities not see this before the incident happened?

On September 10, 2016, another 36 people died in a fire at the Tampaco Foils factory in Tongi. After the incident, it was discovered that the factory building had no proper staircase. It was also learned that the factory did not follow the approved

any firefighting ability; there was nothing. But nobody noticed that before the disaster happened.

Similar incidents were heard of after Rana Plaza—that the building was illegally constructed on a filled-in pond, compromising its structural integrity.

Indeed, it is surprising that each time after such an incident happens, it is discovered that there were multiple errors with building construction, lack of approval, not enough fire extinguishers, and so on, that contributed to the disaster. However, to set up a factory, one needs a lot of approvals from many government departments. And not just approvals. There are various government departments, including the Department of Inspection of Factories and Establishments, whose job it is to supervise for irregularities on a regular basis. But each time, the faults are only discovered after a disaster strikes. Before that, everyone seems to be asleep!

The incident in Narayanganj was nothing different. Nobody saw anything. Shockingly, many of the victims are children and teenagers under the age of 18. But no one even noticed that before. However, three investigation committees have now been formed after the fire, and there will be a lot more investigations in the next few days. There will be a lot of discussions, a lot of information will become public. Then, just like the past incidents, all will be lost again after some days. Some day in the future, the same accident will happen again. And we will hear the same story again.

It's astounding! 623 people have died in 171 launch accidents in 10 years, and each time we only come to know about the faulty designs and lack of fitness of the water vessels after a tragedy happens. If there is a fire, we see more of the same thing. But we have several government authorities who are supposed to look out for these. Yet, it seems like none of them are awake until someone is dead!

As a result, we end up hearing people cry over and over again. They beg and say, "Please help us find the dead body of my beloved!"

Shariful Hasan is a freelance journalist.



Smoke billows from the six-storey factory building of Hashem Foods as firefighters try to put out the flames on July 9, hours after a fire broke out at the factory in Karmagop area of Narayanganj's Rugganj upazila.

PHOTO: STAR

incident, there was a demand to remove dangerous chemicals and combustibles from warehouses in old Dhaka.

The first of the 16 recommendations made by experts from the investigation committee was the same. But the warehouses and factories of various chemical substances are still there. The other recommendations are still pending. A general diary was filed at Bangshal police station after the incident in Nimtali. But nobody was held responsible or punished.

Then on February 20, 2019, another terrible fire broke out at Churihatta in

layout of the building—and many more irregularities were reported in the news. But this factory was inside the BSIC industrial area, and none of the authorities seemed to notice those irregularities.

On December 11, 2019, 13 people died when a fire broke out at a plastic factory called Prime Plate and Plastic Industries Limited in Chunkutia, Keraniganj, near Dhaka. The workers could not get out immediately after the fire broke out. It was later learned that the factory was operating without any permission. The structure had neither any environmental clearance nor