



FOR YOUR INFORMATION

All You Need to Know about Fire Safety Regulations in Bangladesh

To prevent a spate of fatal fires, it is crucial to establish an effective authority for monitoring systems and collaboration at the local level, as it would not be feasible to control the fire concerns otherwise.

NOOR AFROSE

In the wake of two recent fire explosions in Narayanganj and Mogbazar, a surge of deadly fires has plagued the country with daily reports of fire explosions. From the Gulistan building explosion to the blasts at Science Lab and at Sitakundu, the country has witnessed a spate of deadly fires that have caused fear and anxiety among the people. With each new fire-related fatality, the public has grown increasingly alarmed and concerned about compliance with fire safety regulations. Considering this, this piece aims to illuminate the present legislative framework for fire safety and the reasons for non-compliance.

The first law worth noting in this context is the Bangladesh National Building Code (BNBC), 2020. This law has been subject to several amendments due to the past fire-related experiences. Part 4 of the Code covers the requirements for fire prevention. It specifies the general conditions of fire protection (Chapter 1), precautionary requirements (Chapter 2), provisions for exit (Chapter 3), and requirements necessary to minimise danger to life from fire, smoke, fumes, and so forth. Some of the vital fire safety provisions of the Code include:

- (a) Fire-resistant construction: The Code mandates that all buildings must be constructed with fire-resistant materials that can withstand the spread of fire (Part III);
- (b) Fire detection and alarm systems: The Code requires that buildings be equipped with fire detection and alarm systems that can detect smoke, heat, and fire and alert occupants in case of a fire (Part IV, Chapter 5);
- (c) Means of escape: The Code requires buildings to have multiple means of escape, such as staircases, corridors, and exits, to

enable occupants to evacuate quickly in case of a fire (Part IV, Chapter 3);

(d) Firefighting equipment: The Code mandates that buildings must be equipped with firefighting equipment such as fire extinguishers, fire hoses, and sprinkler systems to help control and extinguish fires (Part IV, Chapter 4);

(e) Smoke management systems: The Code requires buildings to have smoke management systems such as smoke vents, exhaust fans, and pressurisation systems to control the spread of smoke in case of a fire (Part IV, Chapter 3); and

(f) Fire drills and training: The Code mandates that building owners and occupants must conduct regular fire drills and training sessions to ensure that everyone is prepared to evacuate safely in case of a fire (Part 4, Chapter 1, Appendix B).

Then come the Fire Prevention and Extinguishing Act, 2003 and the Fire Prevention and Extinction Rules, 2014. Section 7 of the Act requires the approval of the Directorate General of Fire Service and Civil Defence for any structural design or layout of a multi-storied commercial building. Rule 22 of the 2014 Rules supplements the Act by requiring an occupancy certificate to ensure building compliance with safety requirements.

So, the question arises as to why there are still so many explosions despite the presence of such comprehensive laws. First, there is a lack of accountability due to the absence of an implementing authority. As per paragraph 12 of chapter 2 of part II of the Code, an authority has to be established who will work towards implementing the revised National Building Code, 2020. In the same chapter, it also mentions that there will be an office of building officials who will operate at the local levels. Unfortunately, such authorities

are yet to have been formed even after two years of adopting the Code. Secondly, experts have opined that certain National Building Code modifications have rendered the Code more vulnerable. In this context, high-rise buildings with more than 10 floors are exempt from specific safety standards, including firefighting pump houses.

Furthermore, owners' non-compliance of the rules becomes one of the most significant obstacles to enforcing these regulations. The preliminary finding of the February Gulshan fire incident revealed that the 13-storied building was built without a proper fire safety plan, according to the standards laid out in the Act. Also, deliberate neglect on the owner's part regarding fire extinguishers, emergency exits, and other safety measures is rampant and causes the death of many people. Finally, the BNBC recommends fire drills quarterly, once, or twice a year, depending on the building type, to quickly escape a structure in the event of a fire. However, such a drill never happens, not even once.

Last year, the fire service officials in Dhaka evaluated 1,162 buildings and labelled 136 of them, as "extremely risky" and 499 as "risky" (*The Dhaka Tribune*, 9 March 2023), which is a cause for major concern. To prevent a spate of fatal fires, it is crucial to establish an effective authority for monitoring systems and collaboration at the local level, as it would not be feasible to control the fire concerns otherwise. Hence, a holistic method must be taken. Lastly, the public in general need to be made aware of the issue and taught the basics of firefighting regularly.

The Writer is an Official Contributor, Law Desk, The Daily Star.

RIGHTS WATCH

Compensatory provisions for road accident victims

MD. NAFIS ANOWAR SANTO

Compensation to victims of road accidents has been a public demand. The Road Transport Rules, 2022 issued pursuant to the Road Transport Act, 2018 provides some clarity in this regard.

Chapter 8 of the 2022 Rules has elaborately discussed the provisions regarding compensation and treatment to road accident victims and also the insurance of motor vehicles.

According to rule 142, a financial assistance fund will be formed for road accident victims under a trustee board. As per rule 143, the owner of a bus, truck, and prime mover truck will pay Tk 1,500 a year for the fund, while the fee is Tk 750 for a minibus, minitruck and pickup.

Moreover, the 2022 Rules has also mentioned how much money the other vehicles' owners must pay to the compensation fund regulated by the trustee board. On the other hand, if any vehicle owner fails to pay the fee on time, he will have to pay a fine of Tk 50 for each month of delay.

Rules 144 and 145 have discussed the trustee board's duties and liabilities. The board will investigate and dispose of any complaint or grievance of the victims or the heirs of the deceased. Again, rules 146-148 have tried to analyse the administrative and procedural functions of the board.

As far as the amount of compensation is concerned, rule 149 has set up the minimum compensation for road accident victims.

If someone dies in a road accident, the one-time compensation will be at least Tk 500,000, and victims who lose a limb or suffer other life-changing injuries will receive financial assistance of at least Tk 300,000 each. Further, a victim likely to recover from injuries and return to normal life will get at least Tk 100,000. It is important to note that the trustee board can reduce or increase this amount of compensation with the government's prior approval.

Rule 150 has elaborated the procedure for disbursement of financial assistance, inquiry, application approval, and disbursement period. According to this rule, an application should be made in the prescribed form to the chairman of the trustee board within 30 days of the occurrence of the accident. The chairman of the board will form a probe committee within 10 days of receiving the application, and the committee will submit a report on the damages within 30 days of formation. Then the board will take measures to compensate the victim or the heirs of the deceased within 30 working days of receiving the report.

In case of disagreement with the original order, rule 152 has provided the scope for filing a review, and further, an appeal petition by an aggrieved person against the board's decision.

Next, if the decision of the appellate authority aggrieves any person, rule 153 has conferred upon him another opportunity to apply before an arbitrator, who will resolve the issue within 30 working days.

These legal provisions shall enlighten a road accident victim or the heirs of the deceased to secure payment of compensation.

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YOUR ADVOCATE

What to do when a domestic worker is a victim of physical torture

This week Your Advocate is **Barrister Omar Khan Joy**, Advocate, Supreme Court of Bangladesh. He is the head of the chambers of a renowned law firm, namely, 'Legal Counsel', which has expertise mainly in commercial law, family law, labour law, land law, constitutional law, criminal law, and IPR.

Query:

I am a 30-year-old housewife in Khulna. A few days ago, an 11-year-old girl who works as a house-help at one of my neighbour's houses, told me about the physical tortures that have been inflicted on her. She is apparently physically beaten, and I have also seen physical marks on her body. Is there any way I can help her legally?

Sharmila, Khulna

Response:

Thank you very much for your query. I highly appreciate the fact that you have chosen to raise your voice against the abuse of a vulnerable domestic worker.

Although the Bangladesh Labour Act,



2006 largely regulates matters related to employment, the Act, unfortunately, does not include any provision in relation to domestic workers. As a result, domestic workers are often exploited, made to work

for excessive hours, subjected to verbal and physical abuse, and so on. However, Bangladesh is not the only country without a uniform law to protect domestic workers. In 2013, the International Labour

Organization (ILO) found in a study that only 10% of domestic workers worldwide receive protection under the general labour laws.

Upon realising the urgency of introducing a law to protect the rights of domestic workers, the government has adopted 'The Domestic Workers' Safety and Welfare Policy' in 2015. Unlike an Act of Parliament, a policy is not binding on the citizens, which means that the citizens are not obliged to follow the policy. This means one will not be punished if he/she fails to abide by a national policy. However, it is, of course, my recommendation that everyone follows the Policy as a guideline until an Act is passed for domestic workers.

The 2015 Policy recognises the jobs of domestic workers as 'labour', which ensures the protection of their rights. Moreover, it necessitates the welfare, entertainment, leisure, leaves, and congenial and decent working environment of domestic workers. As per the 2015 Policy, the minimum age of a domestic worker is 14 years, and the

worker can only engage in light work until he/she turns 18. Any indecent behaviour, physical, sexual or mental torture, is strictly prohibited.

Alternatively, a criminal case can be filed against the perpetrators under the Penal Code, 1860. They may be fined and/or imprisoned for up to 7 (seven) years, depending on the seriousness of the harm done to the domestic worker. Furthermore, the Prevention of Offences Against Women and Children Act, 2000 (Nari O Shishu Nirjaton Daman Ain, 2000) protects all oppressed children.

If you are unwilling to file a case, you can talk to your neighbour and inform them that their activities are considered to be criminal activities (offences) and request them to refrain from repeating any such activities. If the situation persists, you may inform any NGO, such as Ain O Salish Kendro (ASK), BLAST, etc. working with children's rights and it is very likely that they will take up the matter for further action.