

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. OF 2014.

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL).

AND

IN THE MATTER OF:

1. Human Rights And Peace For Bangladesh (HRPB), represented by it's Director, Advocate Aklasuddin Bhuiyan, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

-V E R S U S-

1. Bangladesh represented by The Cabinet Secretary, Cabinet Division Bangladesh Secretariat, Dhaka.

2. The Secretary, Prime Minister's Secretariat, Prime Minister Office, Tejgaon, Dhaka.

3. The Secretary, Legislative and Drafting Wing, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Dhaka, Bangladesh.

4. The Secretary, Ministry of Women and Children Affairs, Bangladesh Secretariat, Dhaka.

5. The Secretary, Ministry of Labour and Employment, Bangladesh Secretariat, Dhaka.

.....Respondents.

AND
IN THE MATTER OF:

The inaction/failure of the respondents to take steps for effective laws for the domestic worker in order to implement the objects of the National Child Labour Elimination Policy 2010, the Domestic Worker Protection and Welfare Policy 2010 (Draft), and the Children Policy, 2011 and why a direction should not be given upon the respondents to take steps for effective laws for the domestic worker in order to implement the objects of the National Child Labour Elimination Policy 2010, the Domestic Worker Protection and Welfare Policy 2010 (Draft), and the Children Policy, 2011 and ensure the rights of the domestic worker as per the constitution of Bangladesh

G R O U N D S :

- I. For that the Constitution of Bangladesh has recognized the fundamental rights of people of Bangladesh in Part III of the Constitution keeping the national mandate of providing with basic necessities i.e. food, shelter, education, medical help, work, rest, wages, and social securities to all of its citizens, as per Article 15 of the Constitution.
- II. For that due to no effective laws and policies in vogue in country as well as non-ratification of relevant ILO Conventions for the domestic worker, they can not enforce their rights against any alleged violation of it. Hence, the domestic worker including the child remain out of the reach of laws and are treated unequally in violation of the provisions of Article 27 and 31 and other Articles of the Constitution of Bangladesh.
- III. For that they have been discriminated by the legislation: The Labour Law Act 2006 itself from where “domestic worker/worker” has been excluded from the definition of “worker”. For that in that context, they are more vulnerable to different discriminations and other harassment leading to physical inhuman torture, unusual death, and being the victim of trafficking.
- IV. For that to protect the rights and benefits of domestic worker it is urgent to bring all the domestic worker under national laws in light of the constitutional mandate and ILO Conventions as well as the National Policies as regards Children including the Domestic Worker Protection and Welfare Policy 2010 (Draft).

V. For that there remain certain multifarious problems concerning the domestic sector and the people doing work as domestic worker. For that there is no social and state recognition of domestic chores as work. For that there is no national standard and/or code of conduct as regards household works. For that the Domestic Workers are not aware of their rights and benefits.

VI. For that the domestic worker including the children remain out of the reach of laws and are treated unequally in violation of the provisions of Article 27 (Equality before Law), 31((Right to protection law), 32(Protection of right to life and personal liberty), 40 (Freedom of profession and occupation) and hence they can not exercise the right as guaranteed in Article 44(Enforcement of fundamental rights) of the Constitution of Bangladesh.

VII. For that for the uplift of conditions of domestic worker and to give protection of law to them for ensuring rights and benefits as enshrined in different laws and policies and ILO Conventions, it may be urged to take steps for effective laws for domestic worker.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

a) Issue a Rule Nisi calling upon the Respondents to show cause as to why the inaction/failure of the respondents to take steps for effective laws for the domestic worker in order to implement the objects of the National Child Labour Elimination Policy 2010, the Domestic Worker Protection and Welfare Policy 2010 (Draft), and the Children Policy, 2011 and why a direction should not be given upon the respondents to take steps for effective laws for the domestic worker in order to implement the objects of the National Child Labour Elimination Policy 2010, the Domestic Worker Protection and Welfare Policy 2010 (Draft), and the Children Policy, 2011 and ensure the rights of the domestic worker as per the constitution of Bangladesh

b) Pending hearing of the rule direct the respondents no. 5 to conduct a census of the domestic workers around the country by the help of the government machineries and submit a report before this Court within 4 (four) months.

c) Upon hearing the cause if any shown makes the rule absolute.

d) such other or further order or orders as Your Lordships may deem fit and proper.

Present Status

The case was filed and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.
