

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

WRIT PETITION NO.5770 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:

Human Rights and Peace for Bangladesh (HRPB)

.....Petitioner.

-Versus-

Bangladesh, represented by the Cabinet Secretary, Cabinet Division, Bangladesh Secretariat, Dhaka and others.

....Respondents.

Mr. Manzill Murshid.

.....For the petitioner.

Mr. Arobinda Kumar Roy (Ananda), A.A.G.
and Ms. Jesmin Sultana (Shamsad), A.A.G.

...For the respondents.

Heard and judgment on 2nd February, 2017.

SALMA MASUD CHOWDHURY, J.

This Rule Nisi was issued 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 workers in order to implement the objects of the National Child Labour Elimination Policy 2010, the Domestic Workers'

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 workers in order to implement the objects of the National Child Labour Elimination Policy 2010, the Domestic Worker's Protection and Welfare Policy 2010(Draft) and the Children Policy, 2011 and ensure the rights of the domestic workers as per the Constitution of Bangladesh and/or pass such other or further order or orders as to this Court may seem fit and proper.

It appears from the Writ Petition that the petitioner being Human Rights and Peace for Bangladesh (HRPB), a non profitable registered organization, the objects of which organization is to uphold the human rights of the citizen and to work for the poor people, to give legal support to the helpless people and to build up awareness amongst the people about their rights etc. filed the present writ petition as a public interest litigation seeking direction upon the respondents to take steps for effective laws for the domestic workers in order to implement the objects of the National Child Labour Elimination Policy 2010, the Domestic Workers' Protection and Welfare Policy 2010(Draft), and the Children Policy, 2011 and to ensure the rights of the citizens as per the Constitution of Bangladesh and obtained the present Rule.

Mr. Manzill Murshid, the learned Advocate appearing on behalf of the petitioner files a supplementary affidavit and submits that the Government has framed a policy namely "Domestic Workers Protection and Welfare Policy 2015" which was earlier approved by the Cabinet at its meeting held on 21.12.2015 and the Government of Bangladesh published the said Policy in the official gazette on 4th January, 2016 before which a circular dated 28th December 2015 was issued by the Ministry of Labour and Employment and as per the Policy there are many fold visions and objectives which comprises recognition of domestic work as labour/work, providing safe work place for domestic workers ensuring fundamental human rights and updating all information of domestic workers relating to their permanent addresses and work-place. He also submits that the policy has already been made and the respondents need to be directed to implement the said policy.

Mr. Arobinda Kumar Roy (Ananda), the learned Assistant Attorney General appearing on behalf of the respondents submits that the

Government has already framed the Policy which contains some basic guidelines for the protection and welfare of the domestic workers.

We have heard the learned Advocate for the petitioner and the learned Assistant Attorney General representing the respondents and perused the Writ Petition, supplementary affidavit along with other materials on record. It appears that after the issuance of the Rule upon the respondents calling upon them to take steps for effective laws for the domestic workers in order to implement the objects of the National Child Labour Elimination Policy 2010, the Domestic Workers' Protection and Welfare Policy 2010(Draft), and the Children Policy, 2011 and ensure the rights of the domestic workers as per the Constitution of Bangladesh, the Government framed a policy named "Domestic Workers Protection and Welfare Policy 2015" which was earlier approved by the Cabinet at its meeting held on 21.12.2015 and the Government of Bangladesh published the said Policy in the official gazette on 4th January, 2016 before which a circular dated 28th December 2015 was issued by the Ministry of Labour and Employment and as per the Policy there are many fold visions and objectives which comprises recognition of domestic work as labour/work, providing safe work place for domestic workers ensuring fundamental human rights and updating all information of domestic workers relating to their permanent addresses and work-place. Since after the issuance of the Rule the Government has already framed policies regarding the matter, under the circumstances, we are of the view that at this stage, direction should be given upon the respondents to implement the Policy named "Domestic Workers Protection and Welfare Policy 2015", so that the domestic workers may find their work secured and significant and find their workplace safe and work worthy and get their salary on time suitable to their life style and social status and have free access to and assistance from any authority for any grievance and get legal protection for any dispute arising out of their work and/or work place.

With the above directions, the Rule is disposed of. The respondents are directed to monitor into the matter as per Rules 9 of the said Policy every 6(six) months from the date of receipt of the judgment and order.
