

BANGLADESH LEGAL AID AND SERVICES TRUST (BLAST)

CASE UPDATES RELATING TO RANA PLAZA BUILDING COLLAPSE 2013

1. CRIMINAL CASES PENDING IN FIRST LABOUR COURT, DHAKA (11)

The Department of Inspections for Factories and Establishments (DIFE) is the complainant in eleven (11) pending criminal cases against the owners/employers of the factories established in Rana Plaza. Of these, nine (09) are under section 290 (penalty for failure to give notice of accidents) and two (02) under section 309 (penalty for contravention of law with dangerous results) of the Bangladesh Labour Act (BLA), 2006. The maximum penalty under Section 290 of BLA is six months imprisonment, and/or a fine up to BDT 3,000 (three thousand) or both, and under Section 309 is four years imprisonment and/or a fine up to BDT one (1) lakh or both.

After eleven years, eleven (11) cases are pending for the Execution Report (ER) with Warrants of Arrest having been issued against the accused persons.

| # | Case No & Filing Date | Law | Complainant | Name of Accused/Status | Previous Date & Position | Next Date & Status |
|-----|--|------------------|-------------|--|--------------------------|--------------------|
| 01. | Crl. Case No. 136 of 2013, dated- 25.04.2013 | S 290 /BLA, 2006 | The State | 1. Bazlus Samad (New Wave Bottom Ltd) (W/A) 2. Delowar Ahmed (New Wave Bottom Ltd) (on Bail) | 02/04/2024 for ER | 15/07/2024 for ER |
| 02. | Crl. Case No. 137 of 2013, dated- 25.04.2013 | S 309/ BLA, 2006 | The State | 1. Aminul Islam (Phantom Apparels and Phantom Tec. Ltd. (on Bail) 2. Jafor Ahmed (Phantom Tec. Ltd) (W/A) | 02/04/2024 for ER | 15/07/2024 for ER |
| 03. | Crl. Case No. 138 of 2013, dated- 25.04.2013 | S 309 BLA, 2006 | The State | 1. Aminul Islam (Phantom Apparels and Phantom Tec. Ltd.) (on Bail) | 02/04/2024 for ER | 15/07/2024 for ER |

| # | Case No & Filing Date | Law | Complainant | Name of Accused/Status | Previous Date & Position | Next Date & Status |
|-----|--|-------------------|-------------|--|--------------------------|--------------------|
| | | | | 2. David Mayer Rico (Phantom Tec. Ltd.) (W/A) 3. ABM Siddique (Phantom Apparels Ltd.) (on Bail) | | |
| 04. | Crl. Case No. 139 of 2013, dated- 25.04.2013 | S 290 / BLA, 2006 | The State | 1. Monir Hossen (Ethar Tex Ltd.) (W/A) | 16/04/2024 for ER | 11/08/2024 for ER |
| 05. | Crl. Case No. 140 of 2013, dated- 25.04.2013 | S 290 / BLA, 2006 | The State | 1. Abdul Khaleque (Building owner) (late) 2. Sohel Rana (Building Owner) (In Jail) | 16/04/2024 for ER | 11/08/2024 for ER |
| 06. | Crl. Case No. 145 of 2013, dated- 28.04.2013 | S 290/ BLA, 2006 | The State | 1. Anisur Rahman (Ethar Tex Ltd.) (W/A) 2. Jannatul Ferdus (Ethar Tex Ltd.) (W/A) 3. Md. Nazrul Islam (Ethar Tex Ltd.) (W/A) | 16/04/2024 for ER | 11/08/2024 for ER |
| 07. | Crl. Case No. 146 of 2013, dated- 28.04.2013 | S290 of BLA, 2006 | The State | 1. Aminul Islam (Phantom Apparels and Phantom Tec. Ltd.) (on Bail) 2. David Mayer Rico (Phantom Tec. Ltd.) (W/A) 3. ABM Siddique (Phantom Apparels Ltd.) (on Bail) 4. Suraiya Begum (Phantom Apparels Ltd.) (on Bail) | 02/04/2024 for ER | 15/07/2024 for ER |
| 08. | Crl. Case No. 147 of 2013, dated- 28.04.2013 | S290 of BLA, 2006 | The State | 1. Bazlus Samad (New Wave Bottoms Ltd.) (on Bail) | 02/04/2024 for ER | 15/07/2024 for ER |

| # | Case No & Filing Date | Law | Complainant | Name of Accused/Status | Previous Date & Position | Next Date & Status |
|-----|--|--------------------|-------------|--|--------------------------|--------------------|
| | | | | 2. Aminul Islam (Phantom Apparels and Phantom Tec. Ltd.) (on Bail) 3. A R Ayub Hossain (New Wave Bottoms Ltd.) (on Bail) 4. Delowar Ahmed (New Wave Bottoms Ltd.) (on Bail) | | |
| 09. | Crl. Case No. 148 of 2013, dated- 28.04.2013 | S290 of BLA, 2006 | The State | 1. Anisur Rahman (Ethar Tex Ltd.) (W/A) 2. Jannatul Ferdous (Ethar Tex Ltd.) (W/A) 3. Nazrul Islam (Ethar Tex Ltd.) (W/A) | 16/04/2024 for ER | 11/08/2024 for ER |
| 10. | Crl. Case No. 149 of 2013, dated- 28.04.2013 | S 290 of BLA, 2006 | The State | 1. Abdus Samad (New Wave Bottoms Ltd.) (on Bail) 2. Bazlus Samad (New Wave Bottoms Ltd.) (W/A) 3. Aminul Islam (Phantom Apparels and Phantom Tec. Ltd.) (on Bail) 4. A R Ayub Hossain (New Wave Bottoms Ltd.) (on Bail) 5. Delowar Ahmed (New Wave Bottoms Ltd.) (on Bail) | 02/04/2024 for ER | 15/07/2024 for ER |
| 11. | Crl. Case No. 153 of 2013, dated- 28.04.2013 | S 290 of BLA, 2006 | The State | 1. Aminul Islam (Phantom Apparels and Phantom Tec. Ltd.) (on Bail) 2. David Mayer Rico (Phantom Tec. Ltd.) (W/A) | 04/04/2024 for ER | 23/05/2024 for ER |

| # | Case No & Filing Date | Law | Complainant | Name of Accused/Status | Previous Date & Position | Next Date & Status |
|---|-----------------------|-----|-------------|---|--------------------------|--------------------|
| | | | | 3. A B M Siddique (Phantom Apparels Ltd.) (on Bail) 4. Suraiya Begum (Phantom Apparels Ltd.) (on Bail) | | |

2. **Criminal Cases PENDING IN CRIMINAL COURTS, DHAKA (3)**

Two (02) pending before the Court of District & Sessions Judge, Dhaka; one (01) pending before the Court of Additional Chief Judicial Magistrate, Dhaka

There are three (03) criminal cases.

One case was filed under sections 3 (restriction on construction of building and excavation of tank) / 12 (penalty) of the Building Construction Act, 1952. The police submitted the investigation report (charge sheet no 185, Savar Police Station) on 24.05.2015 under section 12 of the Act which the Court accepted on 08.07.2015. The case was transferred on 14.06.2016 to the Court of the Additional Chief Judicial Magistrate, Dhaka for trial. But all further proceedings of the case were stayed by an order of the High Court Division. The last date was fixed on 23.11.2023 for Prosecution of Witness and HC order. The next date has not been updated in the cause list as the record of this case has been sent to the Session Judge Court in Session Case No. 559/2016 for the purpose of conducting that case.

Another case was filed under sections 337 (causing hurt by act endangering life or personal safety of others)/338 (causing grievous hurt by act endangering life or personal safety of others)/304(A) (causing death by negligence)/427 (mischief causing damage to the amount of fifty taka)/34 (acts done by several persons in furtherance of common intention) of the Penal Code, 1860. The police submitted an investigation report under sections- 302 (Punishment for murder)/326 (Voluntarily causing grievous hurt by dangerous weapons or means)/325 (Punishment for voluntarily causing grievous hurt)/**337** (Causing hurt by act endangering life or personal safety of others)/ **338** (Causing grievous hurt by act endangering life or personal safety of others)/ **427** (Mischief causing damage to the amount of fifty taka)/ **456** (Punishment for lurking house-trespass or house-breaking by night)/ **471** (Using as genuine a forged document)/ **114** (Abettor present when offence is committed)/ **109** (Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment)/34 (Acts done by several persons in furtherance of common intention) of the Code on 25.05.2015 and that was accepted on 18.07.2016.

The remaining one case was filed by the wife of a deceased worker under section 302 (punishment for murder)/ 506 (punishment for criminal intimidation)/ 34 (acts done by several persons in furtherance of common intention) of the Penal Code, 1860.

The proceedings of both cases under the Penal Code were taken in parallel and have been transferred to the Court of District and Sessions Judge, Dhaka for trial. All the cases are still pending for Prosecution Witnesses and some of the witnesses have already been examined. In the case of Penal Code, 1860, seven (07) of the accused filed Revisional Applications before the High Court Division of the Supreme Court against the charge framing order of the Sessions Judge. The High Court issued a Rule and an interim order staying the proceedings of the Sessions Court in respect of these 07 accused persons named- Abdus Samad, Jamsedur Rahman, Abul Hasan, Belayet Hossain, Md. Shahidul Islam, Mohammad Ali and Md. Refat Ullah.

| # | Case No & Filing Date | Section & Law | Petitioner | Name of Accused | Previous Date & Position | Next Date & Position |
|-----|--|--|------------|---|---|--|
| 01. | Savar PS Case No. 53, dated- 24.04.2013 | Ss 3/12 of the Building Construction Act, 1952 | The State | Sohel Rana (In custody) and another 15. | The case has been taken for trial in the ACJM Court and the next date is on 04/07/2022 for Prosecution Witness and Order of the Higher Court. | Charge Sheet was submitted against 16 persons including Soheli Rana. Charges were framed against 16 persons including Soheli Rana. The case is awaiting trial in the Court of ACJM, Dhaka. The accused have filed Criminal Revision No-07/2018 against the charge in the District and Session Judge's Court, Dhaka. The revision hearing was held on 22/06/2018 and Aminul Islam was discharged from the case. Out of 16 accused persons, 1 is discharged and 5 are absconding. The last date was fixed on 23.11.2023 for Prosecution of Witness and HC order. The next date has not been updated in the cause list as the record of this case has been sent to the Session Judge Court in Session Case No. 559/2016 for the purpose of conducting that case. |
| 02. | Savar PS Case No. 55, dated- 24.04.2013, | Sections 302/326/324/337/338 /427/456/109/114/47 | The State | Sohel Rana (in custody) | 21/04/2024 for Prosecution Witness. | Charge Sheet was submitted and charges framed under sections- 302/326/324/337/338 /427/456/109/114/471/34 of the Penal Code, |

| # | Case No & Filing Date | Section & Law | Petitioner | Name of Accused | Previous Date & Position | Next Date & Position |
|-----|---|-------------------------|--------------|-------------------------------------|--------------------------|---|
| | Sessions Case No: 559/2016 | 1/34 of the Penal Code. | | and another 40 persons | | 1860 against 41 persons including Sohel Rana. Case transferred to the District and Sessions Court for trial. On 15.01.2024, the Appellate Division directed disposal of the case within 06 months. ¹ After that on 18.02.2024, 28.02.2024, 10.03.2024, 19.03.2024 and 21.04.2024 were fixed and 17 witnesses were examined on these five dates. The next date is fixed on 28.04.2024 for taking the evidence of Prosecution Witness. NB. A total of 84 witnesses have been examined till 21.04.2024. |
| 03. | C R Case No. 364 of 2013, dated- 06.05.2013 | S 302/506/34, PC | Sheuly Akter | Sohel Rana (In custody) and others. | | Parallel proceeding has been taken with Savar PS Case No. 55, dated- 24.04.2013 (Sessions Case No. 559/2016) and as such the case has been transferred for trial to the Sessions Judge Court. The next date is fixed on 28.04.2024. |

3. Money Suit in the Court of the Second Joint District Judge, Dhaka (1)

The dependents (wife and children) of a deceased worker filed a Money Suit in the Court of the Second Joint District Judge, Dhaka claiming compensation for causing of his death by wrongful act, neglect or default. The Court dismissed this Suit on 25.10.2018 for absence of the Plaintiff.

¹ Dhaka Tribune: <https://www.dhakatribune.com/bangladesh/court/320070/rana-plaza-owner%E2%80%99s-bail-to-remain-suspended-for-6> ; Daily Star: <https://www.thedailystar.net/news/bangladesh/crime-justice/news/rana-plaza-collapse-complete-murder-case-trial-6-months-sc-orders-3519721> ; <https://www.tbsnews.net/bangladesh/dispose-rana-plaza-case-6-months-sc-775162>

| # | Case/Suit No. | Section & Law | Plaintiff | Defendant | Previous Date & Position | Next Date & Position |
|-----|---|--|--------------------|----------------------------|--|---|
| 01. | Money Suit No. 33 of 2013, dated-06.05.2013 Money Suit No. 113 of 2017 | Compensation and realization of money for causing death by wrongful act, neglect or default. | Rubina and another | Rana Plaza and another 08. | On 25/07/2017, the Suit was transferred to the Additional Joint District Judge Court (6 th Court). 20/03/2018 for Ex-Parte hearing. 15/07/2018 for Ex-parte hearing. 25/10/2018 for Ex-parte hearing and show cause. | On 25/10/2018, the plaintiff was found absent on repeated calling and as such the Suit was dismissed in absence of the plaintiff. |

4. **Writ Petitions and 1 Suo-Moto Rule pending in the Hon'ble High Court Division.**

| # | Writ No. | Petitioner | Respondents | Next Date & Position |
|-----|--------------------------------|--|---------------------|--|
| 01. | Writ Petition No. 4390 of 2013 | Ain o Salish Kendra (ASK) & Bangladesh Legal Aid and Services Trust (BLAST). | Bangladesh & others | <ul style="list-style-type: none"> On 25.04.2013 a Rule Nisi was issued with interim directions. Three (03) applications were filed by Respondent No. 16 (ZXY Apparel), Respondent No. 17 (Hossain Dying and Printing) and Md. Mustafa Kamal, Managing Director, M/S Atlantic Industries Ltd. during 2016 to 2018. One Supplementary Affidavit was filed by ASK on 28.04.2023 and two Supplementary Affidavits were filed by BLAST on 28.04.2023 and 19.04.2015. Eight interim applications were filed by BLAST, Southeast Bank and SK Multi Trade Int. Four Affidavits in Opposition were filed by Res. No. 3, 13, 5 and 4. Two Affidavits in Compliance filed by Bangladesh Bank. On 22.10.2023 BLAST filed an application to the Hon'ble Chief Justice for Constitution of Bench and disposal by analogous hearing of WP No. 4390/2013, WP No. 4428/2013 and Suo-Moto Rule 09/2013. Hon'ble Chief Justice sent these cases to Court No. 10 (Annex) on 15.11.2023 and those were fixed for hearing on 27.11.2023. On 27.11.2023 Court No. 10 (Annex) adjourned the hearing till 12.12.2023. |

| # | Writ No. | Petitioner | Respondents | Next Date & Position |
|-----|----------------------------|----------------------|---------------------|---|
| | | | | <ul style="list-style-type: none"> ● On 12.12.2023 the hearing was partly held ● Then the Case went out of the list of Court No.10 (Annex) and was sent by the Hon'ble CJ to Court 07 (Bijoy 71) for disposal. ● On 11.02.2024 the matter was fixed in Court 07 (Bijoy 71) ● It appeared in the list on 21.03.2024. |
| 02. | Suo Moto Rule 09 of 2013 | The State | Bangladesh & others | <ul style="list-style-type: none"> ● On 25.04.2013, Court No. 11 (Main) issued a Sua Moto Rule calling upon 12 respondents to explain their position; and issued 4 directions upon Mayor of Savar, OC of Savar police station, Eng. Fazlul Huq and BRAC Bank, RAJUK. ● On 30.04.2023 the Court issued a Supplementary Rule upon Sohel Rana and six other garment factories, and 12 directions. ● Seven Affidavits in Opposition were filed by Respondents No. 11, 15, 4, 25, 2, 16 and 10. ● Five Affidavits in Compliance were filed by Respondents No. 10, 15, 16, 12, 13. ● On 12.12.2023 the Rule was partly heard with the WP No. 4390/2013. ● The case went out of the list of Court No.10 (Annex) and the Hon'ble CJ sent it to Court No. 07 (Bijoy 71) for disposal. ● The case was fixed on 11.02.2024 in Court 07 (Bijoy 71) and the last date was 21.03.2024. |
| 03. | Writ Petition 4428 of 2013 | Kamal Hossain Miyaji | Bangladesh & others | <ul style="list-style-type: none"> ● On 28.04.2013 this Writ was filed and Rule Nisi issued upon Res. No. 1-12 and directions upon Respondents No. 2, 5, 6, 7, 10, 13, 14 and 15. ● Six Affidavits in Compliance were filed by Respondents No. 5, 3, 17, 6, 7, 10. ● Three Affidavits in Opposition were filed by Respondents No. 7, 11 and 10. ● The hearing was conducted on 12.12.2023 and the next date is not fixed yet. ● The case went out of the list of Court No.10 (Annex) and the Hon'ble CJ sent it to Court 07 (Bijoy 71) for disposal. ● On 11.02.2024 the case was fixed in Court 07 (Bijoy 71) and the last date was 21.03.2024. |

| # | Writ No. | Petitioner | Respondents | Next Date & Position |
|-----|----------------------------|---------------------------------------|--|---|
| 04. | Writ Petition 7452 of 2013 | Nagorik Uddog and Dr. Ridwanul Hoque. | Bangladesh & others. (Total 15 respondents) | <ul style="list-style-type: none"> ● On 28.07.2013 Rule was issued by Mr. Justice Mirza Hussain Haider and Muhammad Khurshid Alam against <ul style="list-style-type: none"> a) Respondents No. 1, 4 & 13 to provide a report on National Industrial Health and safety policy. b) Respondents No. 1 to 5 to make rule for compensation scheme and fund under section 5 of Bangladesh Labour Welfare Foundation Ain, 2006. c) Respondents No. 1 to 5 for non-payment of compensation to the survivors of Rana Plaza disaster under sec 3 of Disaster Management Act. d) Respondents No. 2 to 7 to place DNA report of 1,129 died workers within 60 days. ● This matter will be heard with Suo-Moto Rule 9 of 2013. ● No affidavit of compliance and opposition or any application filed yet. |
| 05. | Writ Petition 4353 of 2013 | Dr. Eunus Ali Akanda | Bangladesh & others | <ul style="list-style-type: none"> ● On 08.05.2013 the Writ Petition was filed but no rule and order issued yet. |
