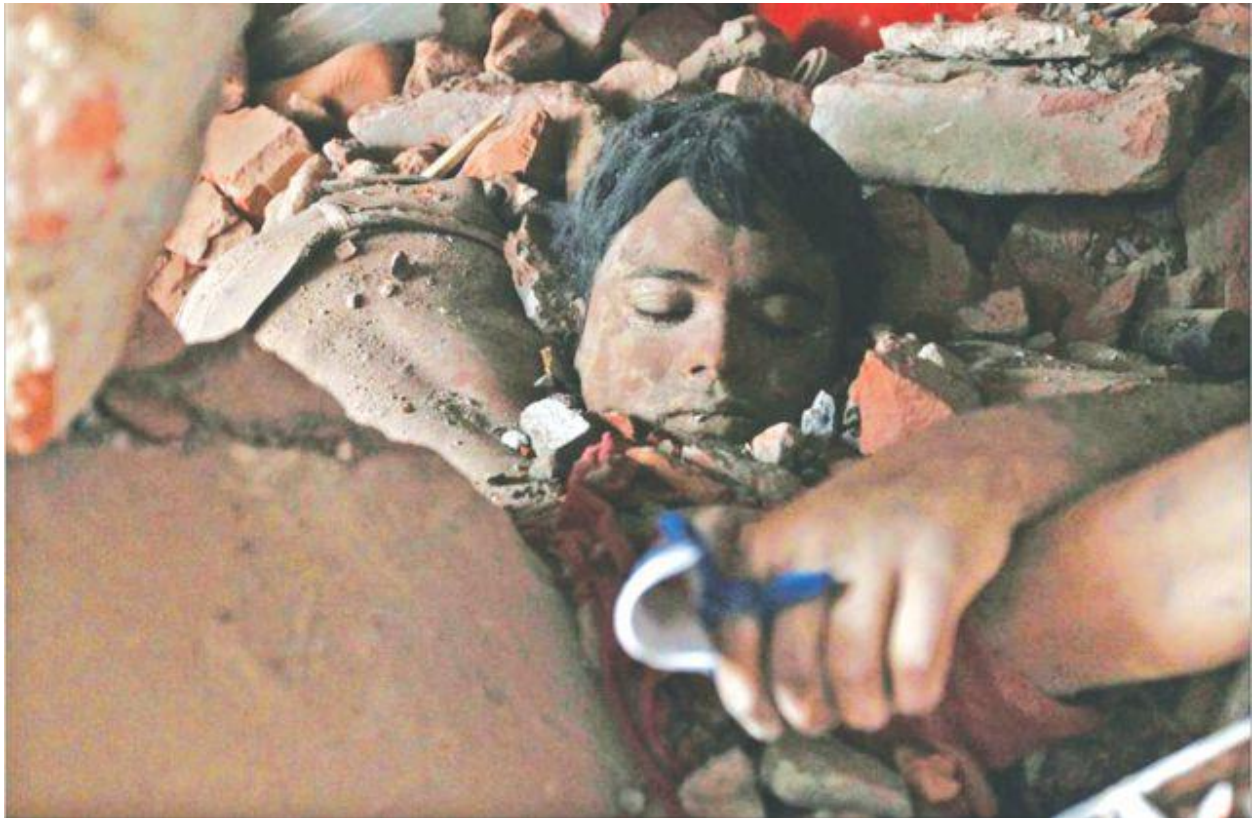


# Corporate manslaughter: Proper legislation needs for effective redress

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Like many other disasters, corporate manslaughter has now become a common phenomenon in Bangladesh. Since inception of its financial advancement through industrial and semi- industrial entrepreneurship by using cheap labour force, Bangladesh has been paying its value at the cost of hundreds and thousands of lives employed in those sectors, specially, of workers. Loss of lives in factories and industrial areas are not new in this country, but brutalities happened in the tragedies in Rana Plaza, Tazrin Garments and Spectrum have turned down the humanity into its lowest degree. It has been now proved that lives of the workers are cheaper even than their cheap labour. Forceful entering of the workers in garment factories of a vulnerable building Rana Plaza

and locking of the gates of Tazrin Garments after its embezzlement have made it clear that a garment workers has lost their 'right to life', the number one fundamental human right, in exchange of their job.

The recent Savar tragedy has significantly touched the heart of the people of each and every corner of the world and strong demands have already been raised for punishing the culprits behind such a heinous crime. The members of law enforcing agencies unlike many other similar incidents have already shown their success by arresting owners of the Rana Plaza, i.e. Sohel Rana and his father. They have also arrested the owners of the garments factories. Several legal proceedings have also been initiated against them. The higher judiciary, by using its constitutional jurisdiction has taken several initiatives for rendering justice in that connection. But are those initiatives will ultimately be able to redress the victims as well as the nation properly or adequately? It is highly unlikely. The reasons behind this thinking and way of coming out from such darkness by adopting proper legislation will be addressed here.

Legal system of Bangladesh suffers from lacuna of proper legislation regarding corporate manslaughter. Though the Penal Code, 1860 and some other special piece of legislations have been enacted for protecting individual right to life and liberty from attack of other individual(s), but there is absence of proper legislation for addressing killing of people for acts of a corporate body. The owners of the corporations or business conglomerates have been keeping themselves away from any exemplary punishment even after killing hundreds of people for their single decision. Even the word “corporate manslaughter” is not well known in our country though we are one of the worst victims of such crime. Corporate manslaughter is a crime which enables a corporation to be punished and censured for culpable conduct that leads to a person's death and it extends beyond compensation that might be awarded in civil litigation or any criminal prosecution of an individual for his individual act. The criminal liability of the owners of corporation is direct in such a way that he is the ultimate beneficiary of the corporation; and the ultimate decision makers of a corporation are some individuals and not the corporate personality. Some of the developed countries have already experienced with necessary legislations regarding corporate manslaughter. In the United Kingdom, Corporate Manslaughter and Corporate Homicide Act, 2007 came into effect from 6 April 2008 and Crown Prosecution Service has also been established for proper implementation of that legislation. Besides, a significant number of cases have also been initiated and disposed of in the United Kingdom in that connection. It is mentionable that a powerful quarter has seriously criticised that legislation referring the common law practices for addressing such crime, but increasing of cases and satisfaction of common people have already established its justification. Now the law is passing its journey for ensuring justice for the corporate victims. In Canada, Bill C-45 of 2004 has been enacted for addressing the crime of corporate manslaughter. Australia has also passed Australian Capital Territory's

Crimes (Industrial Manslaughter) Amendment Act to address such crimes properly. Besides, the Scandinavian states namely Norway, Finland and Denmark have already incorporated criminal punishment against the culpable corporations under their new or amended penal codes. The United States though has failed to enact any unilateral legislation as yet; but several individual states have their own mechanism for addressing such a crime. Moreover, the laws relating to labourers and workers always keep the owner under obliged circumstances for ensuring the better environment of the work place. But the country, like ours, have given almost impunity to the owners of industries even to implement the labour related laws, let alone the appropriate criminal liability for corporate manslaughter.

If we go through our criminal justice system which focuses on the Penal Code- 1860, the Code of Criminal Procedure-1898 and the Evidence Act, 1872; we can find that ensuring an exemplary punishment for a person liable for corporate manslaughter is almost next to the impossible. Because, the offences defined in the Penal Code do not describe the corporate manslaughter and provisions relating to homicide, hurt and negligence are mainly based on direct physical overt act of an individual(s) against another individual(s). Here if a person kills another by his direct physical action, he may be hanged; but if he kills one hundred people through his culpable actions where he has no direct physical overt act, he may be acquitted of or may face a minimum punishment. The procedural laws are also designed on the same principle. In such a situation, demands of exemplary punishment for criminals behind Rana Plaza, Tazrin Garments and Spectrum are bound to become a far cry.

It is true that corporate killings are comparatively new phenomena in our country. But within very short span of time we have paid enough for such crime; and now public opinion and support is totally in favour of ensuring the highest punishment for criminals behind corporate killings. There is a popular saying by Martin Luther King that, 'Injustice anywhere is a threat to justice everywhere'. If the culprits of corporate killings like Rana Plaza, Tazrin Garments, Spectrum and so on incidents do not get exemplary punishment for their heinous acts only for the lacuna of a proper legislation, public confidence shall certainly be broken up and the victims and their family members shall have no way but to fall tears for divine justice. Can it be bothered in a country like ours which has obtained its freedom through sacrifice of millions of lives for establishing, amongst others, fundamental human rights?

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