



Nimtoli, Churihatta and Afterwards:

Governance Challenges in Ensuring Fire Safety in Old Dhaka and Way-out

Executive Summary

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Transparency International Bangladesh (TIB)

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1. Background and Rationale

- Fire has been treated as a disaster under the law
- This has become a severe catastrophe in Dhaka city – in 2018, at least 468 fire incidents were reported from Lalbagh, Hazaribagh, Sadarghat and Siddik Bazar
- This trend is comparatively worse in Old Dhaka - Nimtoli and Churihatta tragedies are the worst cases of fire incidents among the contemporary incidents of Old Dhaka
 - On 3 June 2010, fire started from an electric transformer at 43, Nawab Katara of Nimtoli and transmitted to a warehouse of chemical and inflammable products, which tolled lives of 124 people and left some hundreds of people burnt
 - On 20 February 2019, another fire incident took place at Waheed Mansion of Churihatta in Chawkbazar – it started from a warehouse of chemical and inflammable products and tolled lives of 70 people and left some hundreds of people burnt
- After each incident inquiry committees and taskforce were formed and recommendations were made
 - After the Nimtoli fire, the inquiry committee submitted 17 recommendations; and the High Court made some interim orders
 - In 2011, a committee was formed to find a suitable place for a Chemical Village and an inter-ministry technical committee was formed, they submitted their recommendations identifying the implementing authorities
 - After the Churihatta incident, the inquiry committee of the Ministry of Industries submitted their report
- Almost 15,000 chemical warehouses are still operating in the Old Dhaka
- Churihatta tragedy is considered to be a repetition of Nimtoli – in 2019, it created a mass criticism in media on whether the respective authorities took lessons from Nimtoli tragedy
- The Sustainable Development Goal (SDG) 11 states to decrease the death rate in cities induced by disasters and to build disaster-resilient cities
- This research is crucial to contribute to the endeavours for building a resilient Old Dhaka having reduced risk of fire hazards

Research objective

To identify governance challenges and ways out to ensuring fire safety in Old Dhaka

Research scope

- Looking into duties, capacities and practices of relevant ministries and departments
- Progress of implementation of recommendations proposed by the investigation committee and the inter-ministerial taskforce formed after the Nimtoli tragedy
- Review the initiatives taken to ensure fire safety based on the indicators of governance (capacity, coordination, transparency, participation, irregularities and corruption)
- The research locations include areas falling under eight police stations located in Old Dhaka, where there are more unplanned infrastructure and economic activities are mostly based on chemical industries

Research methodology

- This is a qualitative study - qualitative methods and techniques were applied in data collection and analysis

Type of data	Data collection method	Sources of data
Primary	Key informant interview	Relevant stakeholders (Ministry of Industries, Department of Inspection for Factories and Establishments, Dhaka South City Corporation, <i>Rajdhani Unnayan Katripakkha</i> (RAJUK), Fire Service and Civil Defense, Department of Explosives,

Type of data	Data collection method	Sources of data
		Department of Environment, Dhaka District Administration, Ministry of Commerce and Ministry of Home Affairs), along with town planners and chemical experts
	Interview, group discussion, observation	Building owners and tenants, shop owners and staff, market owners and association leaders, owners of chemical factory and warehouses, staff of plastic factories
Secondary	literature review	Articles, research reports, news and relevant documents were reviewed

- Duration of data collection: October 2019 - August 2020

Analytical framework

Indicators	Issues Included
Capacity	Legal and institutional structure, fire prevention and control programmes, budget and human resources
Coordination	Coordination among the stakeholder, coordination and follow-up regarding the implementation of the recommendations made by the inquiry committee and taskforce, exchange information for licencing, cooperation among the departments to enforce the law
Transparency	Disclosure in compensation and on recommendation's implementation progress
Participation	Participation of the local community - raising awareness about the risk, in planning and strategy related decision making and in recommendation implementation
Accountability	Supervision, paying compensation, grievance redress, punitive action
Irregularities and corruption	licencing, following the rule in recommendation implementation, following order

Research findings

Relevant stakeholders to prevent fire in the Old Dhaka and their duties

Dhaka South City Corporation (DSCC)	Tread licencing, identity fire risk with other problems, build roads
RAJUK	Approve design for buildings, inspection and supervision, issuing occupancy certificate
Dhaka WASA	Install fire hydrant, ensure water supply
Ministry of Industries	Build a temporary warehouse for chemicals and permanent chemical village
Department of Disaster Management	Initiate programme to prevent and handle fire accidents, relief and rehabilitation after a disaster
District Administration of Dhaka	Remove factories from the residential area
Department of Inspection for Factories and Establishments	Factory inspection and licencing, identify risky factories, issue notices for renovation and take action
Department of Explosive	Control explosives, issue licence after inspecting the import, transport and conservation facilities for chemical goods
Bangladesh Fire Service and Civil Defence	Fire resistance and extinguishing
Department of Environment	Issue licence for factory and chemical warehouse establishments

Initiatives for preventing fire hazards in Old Dhaka

- Selection of locations in Shyampur, Tongi and Munshiganj for shifting warehouses and factories done in 2019; work in progress at Shyampur
- Identification of vulnerable education institutions, hospitals, markets, hotels, restaurants etc. as well as water sources in Old Dhaka by Fire Service and Civil Defense
- Awareness-building activities by the Fire Service, law enforcement agencies and Department of Explosives ongoing
- Initiating enlistment of inflammable products by Department of Explosives
- Department of Inspection for Factories and Establishments has taken short, mid and long term programme and implementing it – under this as a routine process they have identified 4,009 risky factory establishments and filed cases against 600 of them
- Postponement of issuing a licence to factories in Old Dhaka by relevant authorities
- Shutting down more than 100 vulnerable factories in Old Dhaka identified by a taskforce led by the Dhaka South City Corporation

Capacity: Review of Relevant Laws

Law	Limitations	Pragmatic challenge
The Dhaka Metropolitans Building (Construction, Development, Preservation, Removal) Rules 2008	<ul style="list-style-type: none"> • Buildings that consist of more than 10 stories should have fire safety systems • For this, the buildings consisting of less than ten stories do not have to submit fire safety approval from the fire service • It is not mandatory to submit the design for fire safety and structural design while applying for the approval of building design 	<ul style="list-style-type: none"> • Buildings consisting of less than ten stories are remaining without any fire safety system • Fire safety issue and risk of an accident are getting neglected
The Building Construction Act, 1952 and The Dhaka Metropolitans Building (Construction, Development, Preservation, Removal) Rules 2008	<ul style="list-style-type: none"> • There is no instruction in the law for RAJUK to supervise/inspect the building construction and ensure its legal use 	<ul style="list-style-type: none"> • Harsher punitive action cannot be taken against RAJUK officials for the negligence of duty
The Acid Control Act, 2002 and Rules, 2004	<ul style="list-style-type: none"> • The law does not provide any specification on the type of vehicles that could be used for safe acid transportation 	<ul style="list-style-type: none"> • Acid traders use any kind of vehicle increasing the risk of accidents
The Labour Law, 2006	<ul style="list-style-type: none"> • In case of death or permanent disability caused by a workplace accident, institutional workers receive BDT 200,000 and BDT 250,000 respectively 	<ul style="list-style-type: none"> • The compensation received by the institutional labour is insufficient
The Bangladesh Environment Preservation Act, 1995	<ul style="list-style-type: none"> • There is no provision to take immediate action if a factory or warehouse doesn't have an exemption letter 	<ul style="list-style-type: none"> • Delay occurs in taking action against hazardous and polluting establishments

Shortfall of laws	Derived challenges
<ul style="list-style-type: none"> Dhaka Metropolitans Building (Construction, Development, Preservation, Removal) Rules 2008, and the Fire Prevention and Extinguishing Act, 2003 and the National Building Code, 2006 the upper limit of “multistoried building” is defined differently 	<ul style="list-style-type: none"> Authorities tend to neglect their responsibilities
<ul style="list-style-type: none"> A specific guideline is yet to be adopted on the amount of flammable chemical that can be stored in a warehouse, for wholesale and retail selling, and use in industries 	<ul style="list-style-type: none"> Flammable chemicals are still being used arbitrarily
<ul style="list-style-type: none"> While taking licence for chemical and chemical-related goods business establishments, it was recommended to take ‘no objection certificate’ from nearby holding owners, clearance from the fire service and department of environment, incorporated certificate for a limited company and commitment to follow the rules On the other hand, a proposal was made to form a ‘unique authority’ for licencing flammable chemical; district administration was proposed to form the authority; it is yet to be formed due to lack of coordination 	<ul style="list-style-type: none"> Risks remain as the flammable chemical and its licencing issues are yet to be incorporated in the rules Flammable chemicals are still being used arbitrarily
<ul style="list-style-type: none"> The Department of Inspection for Factories and Establishments can not take immediate action to shut down a hazardous factory In the Labour Law, 2006 there is no determining guideline to fix the compensation No standard is followed to fix the amount. Providing compensation for workers who suffered workplace accident is not mentioned in the law for un-institutionalised labours 	<ul style="list-style-type: none"> The issue of receiving compensation by un-institutionalised workers is neglected
<ul style="list-style-type: none"> The Bangladesh Environment Preservation Act, 1995 provides no jurisdiction to take immediate action against a person or an establishment causes any environmental pollution 	<ul style="list-style-type: none"> Causing delay in taking action against hazardous and polluting establishments

Institutional capacity

- As a part of increasing the institutional capacity, the Fire Service and Civil Defence bought necessary vehicle and equipment needed for a rescue operation

Capacity constraints in the implementation of recommendations proposed by the investigation committee and taskforce

- Recommendation suggested forming a taskforce has not been implemented
- Recommendation suggested for ensuring firefighting systems at all community centres of Old Dhaka – the recommendation did not receive proper attention and lacked planning from the relevant stakeholder
- Due to negligence and lack of plan Dhaka WASA has not installed any separate fire hydrants in any place of Old Dhaka
- Recommendation for ensuring enforcement of relevant act and rules in building construction was not followed due to shortcomings in the existing laws and constrain of RAJUK’s institutional capacity
- A database of which chemical substance is stored in what quantities in Old Dhaka is absent although there are more than one thousand chemicals being used
- No legal actions were taken against unauthorized warehouses, nor they were identified. Authorities lacked the plan to conduct regular supervision

- Regular checking of electric lines and transformers are not executed due to the lack of plan and capacity constraints

Constraints of human resources and budget

- Department of Environment has constraints of human resources and budget – for the entire Dhaka city, they can deploy only six persons and one vehicle. They fail to submit an investigation report on time due to constraints of human resources, which results in congestion of cases
- Scope of work widened over the decades for Dhaka South City Corporation but they are understaffed – the number of staff has been reduced in the city planning and revenue department comparing the 1990's organogram (there are 684 vacant position, 28.3%)
- RAJUK, the Department of Inspection for Factories and Establishments and the Department of Explosives are also understaffed
- In the recent the Sanding Order on Disaster-2019, it was mentioned to form a Fire Risk Reduction Committee, but the budget was yet to be allocated during our data collection

Coordination

Coordination gap in implementing the recommendations made by the inquiry committee and taskforce

- The city corporation does not take enough initiative in coordination with RAJUK to broaden the roads and lanes of Old Dhaka
- The Ministry of Industries had the role to coordinate the implementation of recommendations; however, the coordination was limited to sending recommendations to relevant government agencies and organizing meetings after a long time gap. Again, it was evident that there is a huge gap in the information management that could provide the update of implementation
- There is a deficiency in taking coordinated effort by all relevant stakeholders for fire prevention. Due to the narrow roads, absence of fire hydrants and water bodies it is difficult for fire service to operate here despite their increased capacity
- Different committees and offices made different suggestion several times for selecting a place for chemical village; ultimately it prolonged the selection process
 - The place selection committee submitted their report on 16 August 2011 with a recommendation for selecting a place in Sonakanda of Keraniganj
 - Feasibility committee of the Planning Commission recommended Brahmanikrta of Keraniganj for establishing the proposed chemical village
 - Based on the changed decision, a place in Munshiganj was selected for establishing a chemical industrial village, which was approved in the ECNEC on 30 April 2019
- Dhaka WASA has the duty of Installing fire hydrants, the district administration has the duty of making land acquisition and the Ministry of Industries has the duty of preparing the place selected for relocating warehouses. Preventive initiative taken by the city corporation faces a challenge as their share of work is yet to be determined
- There is no coordinated plan among the stakeholders to bring the unlicensed business under the licence's coverage
- The Department of Environment recommended for ensuring effluent treatment plant at the temporary chemical warehouse at Shyampur, which the Ministry of Industries did not comply with. Again, for the temporary chemical warehouse at Tangi, a plan has been decided to fill in a pond by avoiding an instruction from the Department of Environment and disobeying environmental laws
- RAJUK sends letters to relevant authorities to disconnect the utilities from illegal or unauthorised establishments. Sometimes, their request gets neglected or these establishments regain the utility connection illegally
- Making a list of chemical is ongoing by the Department of Explosives. During our data collection, it was found that relevant experts were not included by them to prepare the list

Transparency

Transparency gap in compensation

- Victims or their family do not know why they received or did not receive a particular amount or type of compensation
- Some victims suffered a different type of loss but received the same type of compensation
- In the opposite, victims who have suffered almost the same kind of loss received different types or amounts of compensation. Example of victim not receiving any compensation exists

Deficits in information management

- Relevant authorities do not have information on how many warehouses, factories and shops are operating in Old Dhaka without licence. They have only the information of those businesspersons who take licences from the authorities on their own
- The relevant authority tends not disclosing information
 - They do not provide information to local people even when they want to know the legal status of a chemical warehouse, factory or shop
 - Again, how much chemicals are imported is not recorded or reported properly. The importers hide the amount to dodge tax and VAT. A portion of relevant government officials is involved in these irregularities

Accountability

Gaps in the oversight of stopping the use of risky buildings

- There is a deficit in follow up activities to monitor whether the factories shut down by the taskforce has started operating again
- RAJUK shows negligence in their duty – buildings are used in both residential and commercial purposes; buildings which are used in commercial purposes are mostly used as chemical factories or warehouses. RAJUK claims that they do not have any responsibility to stop the use of old and risky buildings which were built before the RAJUK formation. RAJUK does not inspect the buildings and thus they fail to get the information about the actual use of the buildings

Deficits in complaints and redress mechanism

- Relevant authorities have systems of lodging complaints through email, phone call, writing letters. However, the local people seldom lodge any complaints to the authorities even when they notice illegal and risky chemical factories or warehouses due to insecurity
- On 15 May 2019, victims of Churihatta tragedy demanded compensation and rehabilitation to the government, the issue is yet to be resolved. the government has not yet provided with an answer

Shortfall in accountability

- Most of the recommendations made by the investigation committee and taskforce are not addressed
 - Out of the 17 recommendations, only eight recommendations have been implemented partially and rest nine recommendations have not yet been taken into any kind of action
 - Out of four recommendations made by the taskforce, only one has been partially implemented and rest are yet to be addressed
- Recommendations proposed by the investigation committee did not specify implementing authorities; no authority was hold accountable for not fulfilling the recommendation which falls in their jurisdiction
- The technical committee formed by the taskforce was headed by the Ministry of Industries and they supposed to act as the main coordinator. Stakeholders along with the Ministry of Industries were not hold responsible for the lack of recommendation implementation
- To prevent and control fire incidents relevant authorities gives the excuse of their specific scope of work and limitations, for doing so they are hold accountable

Impunity and non-compliance to the court order

- The culprits of the Nimtoli and Churihatta tragedies have not yet been taken under legal actions. In 2010, some human rights organizations lodged a writ petition at the high court. In 2019, the son of a deceased person filed a case at Chawkbazar Police Station against the warehouse and building owners
- The High Court issued a show-cause notice to relevant authorities asking why the chemical warehouses would not be removed from Old Dhaka; no government agencies have replied to the notice, even after ten years of the order
- When the Department of Environment files cases, they do not get due support from the local police station to collect information about the offenders, which makes the cases invalid

Participation

Gaps in ensuring people's participation in planning and recommendation implementation

- The local businesspersons were not included in the business relocation planning. Their pre-occupied conception led them to mobilize factory and warehouse owners and staff alongside the community leaders and brought out a procession to protest the decision
- The authorities did not consult with local people of Keraniganj during the decision making of selecting areas for establishing chemical village. Upon their obstacle, the authorities were bound to go away from their decision

Deficits in building mass awareness on fire risk

- Relevant authorities took initiatives to make local people aware on fire accidents. But, most of the buildings, markets and shops either do not keep those instrument or do not have sufficient space for storing firefighting instruments and sufficient water

Irregularities and corruption

- Issue or renewing licences continues by unfair means of political influence, paying unauthorized money and collusion of a portion of officials of the concerned authorities. In some cases, with the help of some corrupt officials of the city corporation the businesspersons drop the word 'chemical' from the shop's name and apply for a new licence
- It is difficult to get an acid licence, for which political influence is used for issues that. Some political leaders obtain a licence under their name without even having that goods business. Later they take money from the businesspersons and let them use the licence
- It is alleged that the bribe money for issuing licences ranges from BDT 20,000-30,000 in Department of Environment, BDT 1,50,000-2,50,000 in Department of Explosives, BDT 3,000-12,000 in Fire Service and BDT 1,500-18,000 in city corporation
- Inflammable matters are imported and carried to the warehouses openly. It is alleged that law enforcement agencies takes BDT 300 for providing the release of each vehicle

Deficits in following rules for recommendation implementation

- No legal action against illegal or unauthorized chemical warehouse were taken least they were identified
- Sometimes law enforcement agencies conducts inquiry just to earn unauthorized money
- Industries and factories are supposed to get electric waring support from a designated company and clearance from power authority – it is alleged that the power office takes unauthorized money and provides clearance without even checking the load capacity of the buildings
- It was recommended to ensure 6-9 meter wide road in front of a warehouse, located 5 meters away from the electric pole, and not to permit warehouse and factory establishment in a residential area or in a multi-storied building

Political influence

- Some influential local political leaders and public representatives are also involved in these businesses. Beneficiaries of these businesses are some building owners, association of this business, part of the law enforcement agencies and many big business companies who purchase products from here. They influence to stop shifting the business from here
- Many market owners are politically influential, and no authorities have the courage to shift warehouse from these markets
- After the Churihatta Fire, the taskforce faced impediments from powerful political leaders during their inspection. The leaders even tend to contact high-level authorities. Later the inspection was stopped without any announcement

Institutional procrastination

- To prevent the illegal use of an establishment or illegal building construction RAJUK needs to wait for 'proper' instruction

Overall observation

- There were deficits in every governance indicator that were included in our study – for this the Nimtoli tragedy repeated in Churihatta
- The government and its relevant offices are not following their own decision and instruction and they have contempt a High Court order
- Lack of political will to relocate the chemical warehouse is evident. Corruption of concerned government agencies and undue political influence is effectively used for operating these activities
- The lack of budget and plans for preventing fire accidents proves that this type of human-made catastrophe has not got due recognition as a disaster
- Compensating the accident victims is not getting proper importance, as there is still no guideline for compensation. Not giving compensation based on equity has become a regular practice
- Time and money both were wasted due to the deficiency in coordination, delay and lack of efforts taken by the authorities to address the fire incident prevention issue. For fire prevention, if participatory and coordinated activities are not taken the repetition of Nimtoli and Churihatta incidents is inevitable

Recommendations

1. A policy to compensate for victims of any accident must be formed. Proper compensations to the victim families of Nimtoli and Churihatta tragedies must be provided and steps should be taken to rehabilitate them
2. A national chemical safety committee must be formed with members from concerned institutions and experts and a guideline and policy on chemical safety must be formulated
3. Primary knowledge on the risks of fire accidents should be passed on to local people and businesspersons, and their participation for shifting chemical warehouses, factories and trades from Old Dhaka should be increased
4. Under the strict supervision of the relevant authority's relocation of the chemical warehouse and factories in the government determined location need to be ensured
5. Risky and unauthorized factories must be identified and their operation must be stopped. As an interim solution a short period may be provided for shifting. If they are unwilling to relocate, then utility services of these factories must be disconnected
6. Proper legal actions must be ensured against the persons and institutions liable for delaying the implementation of recommendations made by the inquiry committee and the taskforce and for contempt of court
7. Fire accident-prone buildings of Old Dhaka must be identified and necessary steps must be taken to install firefighting instruments and fire exit in all buildings; sufficient water supply in WASA lines must be ensured and separate fire hydrant points should be established

8. Mandatory licencing and transparency in licencing for chemical warehouse and factory establishment must be ensured
9. Accountability of the authorities, capacity of RAJUK, Department of Inspection for Factories and Establishments, Department of Environment, Department of Explosives, and city corporation should be strengthened for the enforcement of laws; necessary power to these authorities should be provided so that they can take stern action against any violation of laws
10. Coordination among concerned departments must be increased; an umbrella body keeping the city corporation in the leading role must be formed to foster the implementation of decisions for reducing fire hazards in Old Dhaka
