



LAW campaign



WHITE RIBBON DAY International Day for the Elimination of Violence Against Women



Wearing a white ribbon is a personal pledge not to commit, condone or remain silent about violence against women and children. In December 1999, at their 54th Session, the UN General Assembly adopted a resolution declaring November 25th the International Day for the Elimination of Violence Against Women. This was in recognition of the magnitude of the problem and the urgent need for serious commitment by the world community to make finding solutions a key priority.

The origins of November 25th go back to 1960, when the Mirabal sisters, activists from the Dominican Republic, were violently assassinated for their political activism. The sisters, known as the "Unforgettable Butterflies," became a symbol of the crisis of violence against women in Latin America. November 25th was the date chosen to commemorate their lives and promote global recognition of gender-based violence, and has been observed in Latin America since the 1980s.

The 16 Days of Activism Against Gender Violence is an annual global campaign started in 1991 by the Center for Women's Global Leadership (CWGL) at Rutgers University in the United States. The campaign begins on November 25th, runs through World AIDS Day on December 1st and ends on Human Rights Day on December 10th.

Since it was started, more than 1,700 organizations in 130 countries have participated, using the annual campaign as an organizing strategy to call attention to gender-based violence and better resources to combat it.

Source: International humanist and ethical union.

LAW opinion

British parliament and anti-floor-crossing provision in Bangladesh

OLI MD. ABDULLAH CHOWDHURY

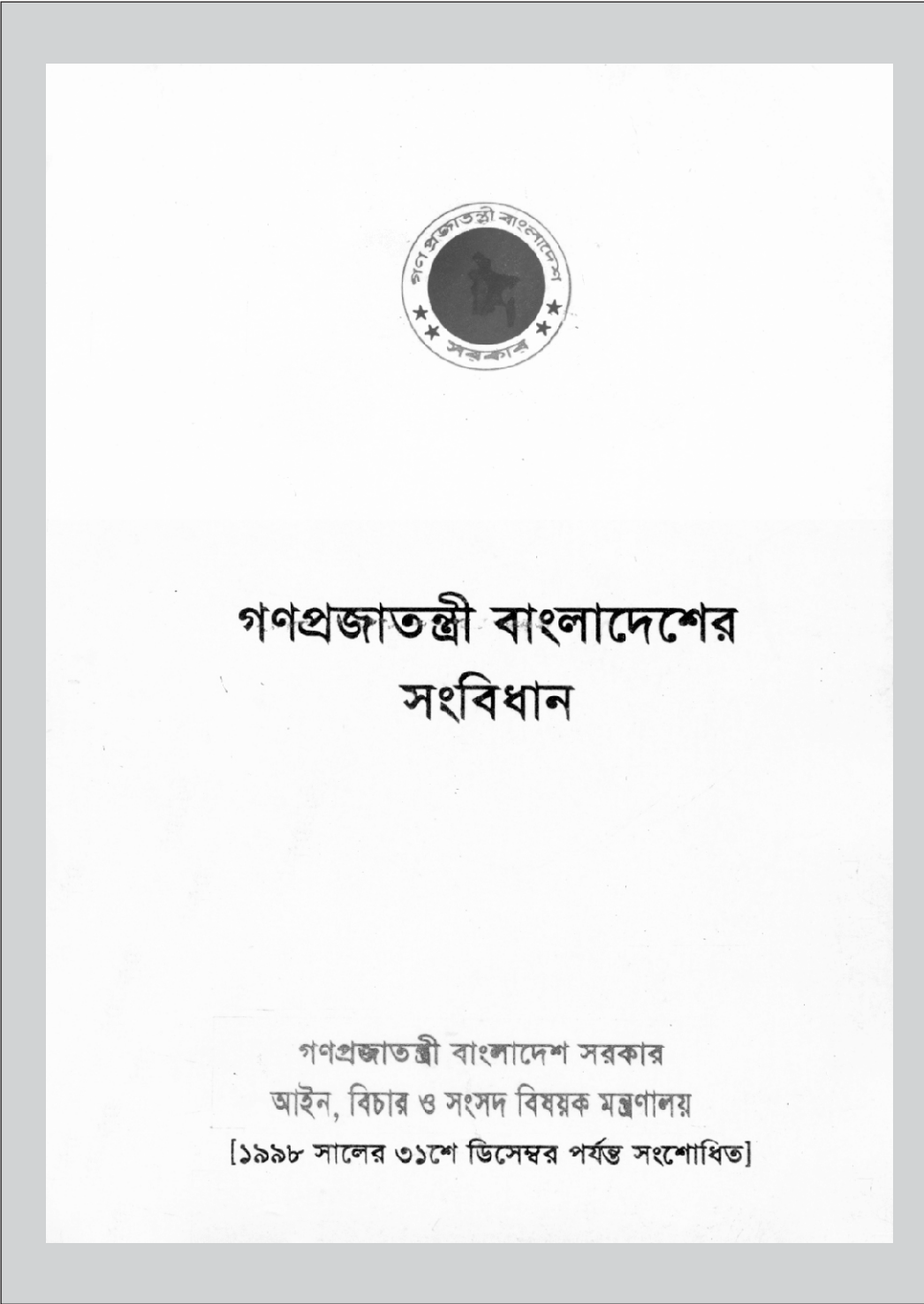
IN Bangladesh, MPs virtually can't go against their party decision even if they intend to do so. Although it is meant to ensure loyalty to the party under which banner they elected for, it has resulted in party autocracy. It is, nonetheless, true in case of our two major political parties as they have little democratic practice within the parties themselves. On earlier occasions, a number of MPs lost their membership as they cast their vote against party decision while voting took place within parliament.

On the other hand, MPs in England have overpowered Blair's effort to narrow civil liberty on November 9, 2005. Civil liberty groups and minority communities particularly Muslims were sceptic about the law as it would allow police to exercise wider power. Even though there had been call for restrain from his own party, Blairs seemed very obstinate. Even, he called two (2) of his cabinet colleagues from their foreign visit in order to cast their vote in favour of the propose bill.

It is not the opposition that defeated Blair. It is his own party men who cast vote against Blair. Thus, backbenchers sang the song of British Parliamentary democracy. Members of the British Parliament are at full liberty to decide their own mind regarding any motion tabled in the Parliament while it is not possible in Bangladesh due to constitutional obligation of MPs.

Therefore, MPs should have the liberty to cast their vote in parliamentary democracy. It could direct party leadership into right direction even. Politicians in Bangladesh might take lesson from the British example. They could think of amending Article 70 of the constitution of Bangladesh that prohibits floor crossing in the parliament.

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LAW event



INTERNATIONAL DAY OF TOLERANCE UN refugee chief calls for concerted action to defend asylum



WARNING that rising intolerance is a "clear danger" to the institution of asylum, UN High Commissioner for Refugees António Guterres, called for concerted action to combat xenophobia and extremism.

"Rising intolerance is a clear danger to world peace, the safety of refugees and the social cohesion of societies," Guterres said in a message marking the International Day of Tolerance. "Societies are becoming more and more multi-ethnic, multi-cultural and multi-religious. Only in a tolerant environment can complex societal problems be solved."

Guterres, who has described the growth of intolerance as one of the main challenges facing his organisation, was echoing the words of UN Secretary-General Kofi Annan who

said that fighting intolerance in all its forms has been fundamental to the work of the United Nations for 60 years.

"The need for tolerance is greater today than at any time in the United Nations' past," Annan said. "In a world of intense economic competition, shifting populations and shrinking distances, the pressures of living together with people of different cultures and different beliefs from one's own are very real. The resultant backlash is evident in the rise of xenophobia and extremism across the globe. It demands our strongest response."

High Commissioner Guterres stressed the need for concerted action by governments, civil society and the media to fight intolerance and preserve asylum.

"Refugees who flee intolerance at

home are increasingly finding more intolerance in the countries where they seek protection," he explained. "The fight against intolerance requires concerted action by all countries."

We must join together and stand against irrationality, suspicion and the clamour for exclusion. Rather than bowing to populist opinion, we must hold fast to universal values and principles including protecting those in need. The institution of asylum must be defended and cherished at all costs." UNHCR has identified the lack of understanding, empathy, respect and tolerance for refugees and their plight as one of the main challenges to refugee protection, particularly in industrialised countries but also in a growing number of developing states.

Source: UNHCR.

LAW week



State minister allegedly assaults reporter

State Minister for Housing and Public Works Alamgir Kabir allegedly assaulted a reporter at his Secretariat office. The reporters present at the Secretariat immediately met the minister and protested the incident. When contacted for his comment, Kabir categorically denied to The Daily Star of assaulting any journalist. It was learnt that Janokantho reporter Tapan Biswas went to the minister's office and put before him a barrage of questions on the Monga situation in the minister's area and about changing his personal assistant 18 times and assistant personal secretary nine times. He also asked the minister if it is true that he draws salaries for six orderlies although he has two. The minister became excited at this and exchanged heated words with the reporter. At one point, the minister manhandled the reporter, the latter claimed to the press. Earlier in 2003, Kabir once reportedly drove away some local journalists from a meeting on law and order situation held in Rangpur. The Dhaka Reporters' Unity protested the incident. --The Daily Star, November 21.

Rules violated to greet PM as Saarc chair

Ignoring the rules of procedure, the 19th session of parliament that began, spent about half an hour congratulating prime minister on her being elected the Saarc chairperson. Speaker Jamiruddin Sircar instead of going into the day's business allowed the unscheduled congratulatory discussion to take place at the beginning of the sitting. Whereas the question-answer session should have been held first as the rules of procedure of Jatiya Sangsad says unless the speaker otherwise directs, the first hour of every sitting shall be available for the asking and answering of questions. The speaker did not say anything about the fate of question-answer session; rather he just let the lawmakers felicitating the prime minister, delaying the question-answer. The speaker initiated the unscheduled discussion by congratulating the Leader of the House Khaleda Zia while delivering his welcome address at the beginning. The Daily Star, November 21.

Kibria Killing

HC rejects petition for re-probe

The High Court (HC) rejected a writ petition seeking reinvestigation into Awami League leader Shah AMS Kibria murder case. A division bench of the High Court comprising Justice Sharifuddin Chaklader and Justice AFM Ali Asgar also discharged the rule earlier issued by the court upon the government. The High Court, in its observation, said as the case is in the trail court, it has no jurisdiction to order for further investigation into the case. "The trial court, if it feels necessary, can reinvestigate the case," it observed. Former finance minister and Awami League lawmaker SAMS Kibria and four local leaders of the party were killed in a grenade attack on a rally in Habiganj on January 27.

On March 20, Senior ASP of the CID, Munshi Atiqur Rahman, submitted the charge sheet to the court against 10 people. The complainant, Abdul Majid, organising secretary of Habiganj Awami League, had alleged that the CID submitted the charge sheet to the court ignoring him. Majid had lodged a revision petition with the District Judge's Court, Habiganj, on May 4 for reinvestigation into the case. The district judge discharged the petition. -- BD News, November 22.

JMB menace continues Threat to blow up press club, DC office; judge resigns

The outlawed Islamist militant organisation Jama'atul Mujahideen Bangladesh (JMB), in line with its on going series of threats, announced its intentions to blow up the Tangail Press Club, the judge court and the deputy commissioner's (DC) office in Habiganj, and threatened to kill journalists in Tangail and the executive engineer of the Sirajganj municipality. Meantime, a senior assistant judge of a Barisal court, Chowdhury Hafizur Rahman, now studying law in London resigned to protest the killing of two judges in Jhalakathi on November 14. The judge told the BBC Radio Bangla Service that the 'intolerable situation' prevailing in Bangladesh after the killings had prompted him to resign. "The killing is not a small incident, it was an attempt to destroy the judiciary of the country as well as an attack on the country's sovereignty," he said, adding, "The judges cannot be protected by

deploying armed bodyguards." -- UNB, Dhaka, November 23.

High-ups want to go tough on the press

The president, prime minister and information minister have expressed their willingness to amend the provision of the Press Council Act related to the power to warn, admonish and censure the press, said chairman of the press council. "I am in favour of adding a punitive provision to the act to make it effective and to strengthen the council," Justice Abu Sayeed Ahammed, chairman of the council, said in the council's annual report 2004 placed in parliament. Justice Ahammed, who was appointed the chairman of Bangladesh Press Council on May 26 this year, said amending the law is an urgent matter. Justice Ahammed also said the Press Council Act 1974 should also have some "executive force" so that the council can force any one to comply with the law and ensure punishment to the law violators. -- Prothom Alo, November 24.

PMO order stops workshop on CHT people's land rights

A two-day workshop on the land rights issues of indigenous people of the Chittagong Hill Tracts (CHT) that began at Rangamati was forced to stop in the afternoon following a 'directive' from the Prime Minister's Office (PMO). The deputy commissioner of Rangamati informed the police super about the PMO 'order' and directed the officer-in-charge of Kotwali Police Station to take immediate action. The organisers stopped the workshop after receiving the order. A total of 68 representatives from different NGOs were participating in the workshop to find ways to resolve the land disputes as well as to raise a 'uniform demand' to ensure the land rights of the indigenous people in the region.

Six NGOs -- Hill Tracts NGO forum (HTNF), Tangya, Maleya, Mrochet, Kateng and Movement for the Protection of Forests and Land Rights in CHT (MPFLR), jointly organised the workshop with the financial assistance from the Royal Danish Embassy in Dhaka. The Daily Star, November 24.

LAW analysis



FILM CENSORSHIP (AMENDMENT) BILL A way forward to check mediocrity in Bangladeshi film

SULTANA RAZIA

In Bangladesh film, a bold and strong media to reach the mass people, is often misused by some filmmakers and producers a section of them are exhibiting obscene films in movie houses flouting censor board certification.

This year till October 70 cases were filed against the censor board after it has taken action against their vulgar films. In the last ten months the board finally cancelled censor certificate to 105 Bangla films, 75 Bangla trailers, 9 English movies, 13 commercials and one film of a foreign embassy on the charge of vulgarity.

Of those 33 makers and producers of Bangla films obtained stay order from court and exhibited the uncensored films to the public. Besides that, this year the board took action against 27 cinema halls and cancelled their licences also.

Last fiscal year Taka 24,59,000 only was earned from fee by the censor board.

Laws regarding censorship

Bangladesh Film Censor Board is regulated by the Censorship of Films Act, 1963 which was last amended in 1982 and the rules of film censorship, 1977. As per the article 13 of this rules, a film censor code was introduced in 1985. According to this act and regulations censor certificate is now issued to every film, irrespective of language and country, for mass exhibition. And this rule is applicable for commercial and non-commercial movies as well.

Misuse of the present legal system

A segment of film makers are abusing the power of courts to cover up their misdeeds while on the other hand it hampers the interest of those film makers who are struggling to make quality films for entertainment.

It is a common phenomenon that when any film is not certified by the censor board its maker or producer takes the advantage of the lacuna in the judicial system and gets issued one sided interim measure (stay order) against the censorship of the parts of the film and screens the uncensored version of the film in public.

Proposed bill

A bill was introduced in the parliament arming the authorities with sweeping powers to overcome the cultural mediocrity by preventing the producers from screening the uncensored films, porno or other indecent movies or cut-pieces.

In the JS session, Information Minister M Shamsul Islam introduced 'The Censorship of Films (Amendment) Bill -2005 to the standing committee for further scrutiny.

Two new sections (15 and 16) are inserted in the proposed act. These are:

- "Bar to legal proceedings: No suit, prosecution or other legal proceedings shall lie against the Government, Board, Chairman, member and any other officer of the board, as the case may be, in respect of anything which is done or intended to be done in good faith under this act.
- No order of injunction, etc. without hearing the Board: Notwithstanding anything contained in any other law for the time being in force, no court shall grant an injunction or make any interim order in respect of any order, passed under section 4, 5, or 7 without giving the board the opportunity of being heard."
- Punishments: As per the proposed bill violators of the law shall be punished with imprisonment of maximum three years or fines upto Tk. 10,000 or with both. Here the violators of the law include, vulgar film, makers including artists, technicians and exhibitors.
- In case of exhibiting the uncensored film the exhibitors will be fined Taka five thousands for each day during which the offence continues.
- The case will be tried at the court of the first class magistrate.



- As per the proposed law the district information officer is empowered with the same status like police or magistrate to seize such films or publicity materials.

Conclusion

Censorship bill is a strong and timely step to check the rising vulgarity in our film industry but at the same time it has some rigid/ tough provisions and our expectation is that the new law should not be misused like in the past. We hope it will work independently and also be careful about judging any film so that there occurs no such embarrassing situation as had been with Clay Bird (Matir Moina). The film was censored by the board but later was nominated for Oscar in the foreign film category and also for Cannes and was acclaimed as such.

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