

LAW amusements



In Washington, it is illegal to hug and drive
Embracing another while driving. (RCW 46.61.665)
It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Operation of a motor vehicle in violation of this section is prima facie evidence of reckless driving.

In North Carolina, it is illegal to handle or suggest to others to handle venomous reptiles
Prohibited handling of reptiles or suggesting or inducing others to handle. (§ 14-418.)
It shall be unlawful for any person to intentionally handle any reptile of a poisonous nature whose venom is not removed, by taking or holding such reptile in bare hands or by placing or holding such reptile against any exposed part of the human anatomy, or by placing their own or another's hand or any other part of the human anatomy in or near any box, cage, or other container wherein such reptile is known or suspected to be. It shall also be unlawful for any person to intentionally suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself to any such poisonous reptile in any manner defined in this Article. (1949, c. 1084, s. 3.)

The letter "s" at the end of Arkansas is officially silent
Pronunciation of state name. (4-105)
Whereas, confusion of practice has arisen in the pronunciation of the name of our state and it is deemed important that the true pronunciation should be determined for use in oral official proceedings. And, whereas, the matter has been thoroughly investigated by the State Historical Society and the Eclectic Society of Little Rock, which have agreed upon the correct pronunciation as derived from history, and the early usage of the American immigrants.

Be it therefore resolved by both houses of the General Assembly, that the only true pronunciation of the name of the state, in the opinion of this body, is that received by the French from the native Indians and committed to writing in the French word representing the sound. It should be pronounced in three (3) syllables, with the final "s" silent, the "a" in each syllable with the Italian sound, and the accent on the first and last syllables. The pronunciation with the accent on the second syllable with the sound of "a" in "man" and the sounding of the terminal "s" is an innovation to be discouraged.

Impersonating a town auctioneer is against the law
Impersonation of town sealer, auctioneer, corder, or fence-viewer (Rhode Island 11-14-2)
Every person who shall falsely assume or pretend to be a town sealer of weights and measures, auctioneer, corder of wood, or fence-viewer, and shall act as such, shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100).

In Kentucky, you can be fined \$50 for giving away a beer on Election Day
Providing another with intoxicants on Election day (119.215)
Any person who sells, loans, gives or furnishes intoxicating liquor to any person in this state on the day of any regular or primary election, under circumstances not constituting a violation of KRS 242.100, 244.290 or 244.480, shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each offence.

Butter substitutes must not be served in Wisconsin state prisons
Oleomargarine regulations (Wisconsin 97.18)
(5) The serving of oleomargarine or margarine to students, patients or inmates of any state institutions as a substitute for table butter is prohibited, except that such substitution may be ordered by the institution superintendent when necessary for the health of a specific patient or inmate, if directed by the physician in charge of the patient or inmate.

(6) Any person who violates any provision of this section may be fined not less than \$100 nor more than \$500 or imprisoned not more than 3 months or both; and for each subsequent offense may be fined not less than \$500 nor more than \$1,000 or imprisoned in the county jail not less than 6 months nor more than one year.

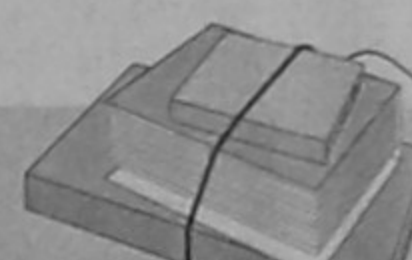
Unremoved snow is considered a public nuisance in Sun Prairie, Wis.
Public nuisances affecting peace and safety (Section 8.44.050)
The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 8.44.020.

O. Unremoved Snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this code.

\$750 fine for leaving your fence open in Wyoming
Neglect to close fences; penalty (6-9-202)
A person is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00) if he opens and neglects to close a gate or replace bars in a fence which crosses a private road or a river, stream or ditch.

Source: www.thelawstore.com.

LAW lexicon



Garnishment - A legal proceeding in which a debtor's money, in the possession of another (called the garnishee) is applied to the debts of the debtor, such as when an employer garnishes a debtor's wages.

General jurisdiction - Refers to courts that have no limit on the types of criminal and civil cases they may hear.

Good time - A reduction in sentenced time in prison as a reward for good behavior. It usually is one third to one half of the maximum sentence.

Government Printing Office - The federal agency in charge of printing, binding, and selling of all government communications.

Grand Jury - A jury of inquiry whose duty it is to receive complaints and accusations in criminal matters and if appropriate issue a formal indictment.

Grantor - The person who sets up a trust. Also referred to as "settlor."

Grievance - In labor law a complaint filed by an employee regarding working conditions to be resolved by procedural machinery provided in the union contract. An injury, injustice, or wrong which gives ground for complaint.

Guardian - A person appointed by will or by law to assume responsibility for incompetent adults or minor children. If a parent dies, this will usually be the other parent. If both die, it probably will be a close relative.

Guardianship - Legal right given to a person to be responsible for the food, housing, health care, and other necessities of a person deemed incapable of providing these necessities for himself or herself.

Source: Source: Jurist International.

Star LAW book review

Rights of Muslim Women

PROFESSOR Dr. Taslima Mansoor, Chairman Department of Law and former Dean Faculty of Law, Dhaka University, Gender Equity and Economic Empowerment: Family Law and Women in Bangladesh, British Council, EWL, Dhaka 2008

SAMAHA M KARIM

THE book provides recognition of the existing law concerning women's rights with respect to dower, maintenance and inheritance and the large gap between what is stated in law and what is practiced in Bangladesh. Women in Bangladesh seldom take full advantage of their rights; this is due to the fact that they are mostly ignorant of them. Even if they are

University and Ph.D from University of London. In 2004 she was awarded Commonwealth Post Doctoral Fellowship in University of London. She is associated with several institutions and organizations including BNWL (Bangladesh National Women Lawyers Association), EWL etc. She is a well-reputed scholar on family law, human rights, judiciary, gender and development issues.

This publication is an outcome of the research implemented under

Gender Equity and Economic Empowerment: Family Law and Women in Bangladesh



Professor Dr. Taslima Monsoor

BRITISH COUNCIL



aware of these rights their lower socio-economic status often prevents them from exercising those rights.

This stimulating book explores whether women in Bangladesh are deprived of their economic rights. This topic had been analysed in a sociological context. In fact, the topic of women's status automatically demands a sociological approach. The book contains a lot of empirical studies, which are reprinted in order to provide an easy access to the reality of women's problems and issues. This well researched and thought-provoking book is a most welcome addition to the growing literature on the subject.

The author is a Professor of the Department of Law, Dhaka University and Chairman of the same. She did her LL.B (Hons), LL.M from Dhaka

Common Wealth Academic Staff Fellowship and under EWL (Empowerment of Women in the Legal Regime) a Higher Education Link Programme of Law Department Dhaka University and SOAS (School of Oriental and African Studies) University of London supported by the British Council.

Divided into six chapters, the first chapter of the book defines the parameters of the study as a whole.

Chapter 2 begins by focusing on the Sharia and women in a wider context in the global setting. Religion to legal reforms and to judicial activism, the book traces the factors contributing to women's economic empowerment. By investigating the forces that protect and strengthen the position of women, the chapter then focuses on the standing of women in

Bangladesh and examines a variety of aspects of legislation and judicial reform.

In terms of family laws and the personal law system, the state has retained the previous divisions of personal and general law, although the Constitution of Bangladesh (1972) seems to guarantee sexual equality. The inconsistency between the religious family law and the constitutional rights is depicted when women's rights under the constitutional framework is analysed. Analysis of the personal law system indicates how the Constitution ensures the personal law system to continue to survive although it is not in line with some basic principles of the Constitution.

Chapter 3 concentrates on whether dower is giving the economic empowerment to Muslim Women. In order to provide proper emphasis to this economic right of women, the chapter clarifies the confusion of dowry with dower. In justifying the claims on dower the chapter ends by providing evidences from reported and unreported cases.

Chapter 4 explores the issue of maintenance highlighting on the recent judgement on post-divorce maintenance and development of the Bangladesh law after that. The legal connotations of Muslim wives regarding maintenance have also been reprinted to give a complete picture of the issue. In the end of the chapter evidences from reported and unreported cases on maintenance are provided.

Chapter 5 gives a basis of Sharia law of inheritance and gives special reference to women. The chapter then provides a socio-legal perspective of the issue by reprinting two studies. The first study, through tapping the resources of inheritable entitlements, searches for security and poverty alleviation of women. The second study deals with economic transformation of women through enforcement of family law. Providing evidences from reported and unreported cases, the chapter ends, justifying the claims on inheritance.

Chapter 6, the concluding chapter, gives analysis that by enforcement of family law better economic justice can be provided to women in Bangladesh. There is a wide gap between the theory of religious and official family laws, intimately connected with the lives of women, and practical application in society. For example, women hardly receive their rights of inheritance, dowers remain unpaid and there is a distinct gap between women's maintenance rights and actual practice. Also as stated in the book, "Why should Muslim women, who are supposed to be protected by dower, become victims of dowry?"

The book attempts to highlight these issues and recommend how these gaps in law and practice can be narrowed, although it is not feasible to absolutely close the gap by the law.

Another aspect highlighted in the book was the consideration of an out-of-court settlement. This is an informal dispute resolution through

Shalish as provided by the legal aid centres. In Bangladesh the local arbitration or Shalish on women is recognised by the Family Courts. There are many voluntary legal aid centres in Bangladesh. These not only give women opportunities to have judicial redress, but also legal literacy, Shalish and mediation. The drawback of the Shalish, through the legal aid, is that it does not have the same sanction or authority as the Family Courts. The parties may simply avoid appearing. Also at times, the alternative of these legal aid services means that women are given considerably lesser remedies than the Family Courts would grant. The accused may escape punishment.

These alternative structures of justice could give practical remedies to women. Quoting for the book, "The most significant and positive impact of applying mediation as an ADR mechanism through the Family Courts is that the monetary claims of dower and maintenance have reimbursed in huge amount through amicable settlement in these recent years in comparison to that of the earlier periods."

The book tries to convey the message that if the judiciary is more sensitised about the particular needs of women it will be able to protect women more effectively. It also urges for a better implementation of the existing legal rights of women. This carried out at all levels would secure for women, freedom from economic deprivation, which is at this time required.

Some judicial decisions are remarkably enlightened; this is seen as a departure from the patriarchal mould. As stated in the book, "These decisions signify concern of the higher courts not only about giving general emphasis on women's rights but also about the need to protect women from cruel treatment and deliberate economic deprivation". However, there are also many judgments in which the courts are interpreting the legislation only on the basis of orthodox concepts, failing to give effect to the underlying social purpose of the convention or legislation.

The book is particularly readable as it is well researched and well structured. The language of the book is simple and arguments have been presented in a logical, realistic and persuasive style. The book contains useful charts, composition of reported and unreported cases and bibliography. Students of Family law, academics, the legal professionals and readers in general will undoubtedly find this book an appealing and informative read. The book provides brief traces of the Sharia origin and placing them in the context of the modern statutory enactment and practice in the courts, especially in the Family court, it allows to consider whether the state and the religious law are finding expression in social reality.

The reviewer is working with Law Desk.

LAW week



Toll collected illegally from CNG drivers

The leaseholder of the Bangladesh-China Friendship Bridge-1 (Buriganga bridge) has allegedly been collecting over Tk 1 lakh in tolls illegally a day from CNG-run auto-rickshaws although the lease agreement does not give it that right.

During a visit to the bridge by The Daily Star correspondent it was learnt that employees of the leaseholder, Alim Miah and Sons owned by Abdus Salam Bepari, collect Tk 10 per auto-rickshaw.

The contractor got the lease for one year in April for Tk 4.92 crore. Section-7 of the leasing agreement clearly mentions that the lessee must collect tolls against money receipts. "It is forbidden to collect tolls without providing money receipts," the agreement reads. -The Daily Star, July 27, 2008

19 sitting judges oppose HC rule

Nineteen judges of the High Court (HC) filed an application with the Supreme Court (SC) against the HC judgment that directed the government to reappoint with seniority 10 additional judges not confirmed during the BNP-Jamaat coalition government's rule.

Endorsing the application, Chamber Judge of the Appellate Division Justice MA Matin permitted the petitioners to file a regular petition for leave to appeal and fixed tomorrow for its hearing before the full bench of the Appellate Division.

Petitioners' counsel advocate TH Khan told reporters that reappointment of the then 10 additional judges with seniority would affect the seniority of 46 sitting HC judges. -The Daily Star, July 28, 2008

HC rules against Aug 15 politics by BNP-led govt

The High Court (HC) declared illegal immediate past BNP-led 4-party alliance government's order for cancelling observance of national mourning day and a public holiday on August 15.

On August 15, 1975, Bangabandhu Sheikh Mujibur Rahman was assassinated along with most of his family members in a military coup led by a group of disgruntled army officers.

Upon a writ petition filed by three leaders of Awami League's front organisations, an HC bench comprising Justice Mohammad Abdur Rashid and Justice Md Ashfaqul Islam delivered the judgment which also cancelled the same BNP-led government's another order that had prohibited flying of the national flag at half-mast for paying respect to the memory of Bangabandhu Sheikh Mujibur Rahman, the father of the nation.

The court observed that the alliance government's decisions were in violation of state decisions. The HC bench also said the grounds on which the alliance government cancelled observance of National Mourning Day and a public holiday on August 15 were also not factually correct. -The Daily Star, July 28, 2008

Three mayor aspirants under EC watch

The Election Commission (EC) will look into the allegations of violating the electoral rules by three mayoral candidates in Rajshahi, Khulna and Barisal.

Sources in the EC Secretariat said the decision follows complaints lodged against the three-Khairuzzaman Liton in Rajshahi City Corporation (RCC), Moniruzzaman Moni in Khulna City Corporation (KCC) and Ebadul Haque Chan in Barisal City Corporation (BCC).

MM Hafizur Rahman, a mayoral candidate in KCC polls, has filed the complaint against acting mayor Moni for flouting the code of conduct in electioneering. Masudul Haque Vulu, a mayoral hopeful in RCC polls, has filed the complaint against Liton. Earlier, Liton apologised to the EC after being cautioned against using party office in election campaigns. -The Daily Star, July 28, 2008

Bhuiyan, Shamsul, Engr Mosharraf, Pintu get bail

The High Court (HC) granted bail to 10 persons including three former ministers and four former lawmakers who had been arrested in the anti-corruption drive of the military backed caretaker government.

The ten, who had been accused in separate corruption cases filed by the Anti-corruption Commission (ACC) and the government, were granted ad-interim and anticipatory bail.

After hearing separate petitions, an HC bench comprising Justice Sharif Uddin Chaklader and Justice Md Emdadul Haque Azad stayed the proceedings of the cases against the accused.

The court also issued separate rules upon the government to explain why the petitioners should not be granted regular bail and why the proceedings against them should not be quashed. -The Daily Star, July 29, 2008

Tk 186 crore gobbled up from 2 toll centres

The Anti-Corruption Commission (ACC) approved filing of two cases against 36 staff of the Roads & Highways Department (RHD) for embezzling Tk 185.91 crore meant for the state coffers.

An ACC probe carried out as part of the measures against institutional corruption found that the RHD employers and officials had skimmed the sums after collecting those as tolls for Tongi-Ashulia highway and Meghna and Meghna-Gomati bridge through fake money receipts or without any receipt.

Of the amount embezzled, Tk 174.35 crore was collected at Meghna and Meghna-Gomati toll point in between 2002 and 2006 while Tk 11.56 crore at Tongi-Ashulia in between 2005 and 2006.

The ACC probe also gathered that staff of the private firm in charge of computerised toll operation and maintenance of Meghna and Meghna-Gomati bridge used to delete toll data from computers and sometimes keep the systems shut to help the RHD staff in the misappropriation.

The cases will be filed under sections 409, 109, and 34 of penal code and 5 (2) of the corruption prevention act 1947. -The Daily Star, July 29, 2008

Bangladeshi workers held in Kuwait

Kuwait Police arrested some Bangladeshi workers after they went on a rampage while protesting low wages, poor working conditions and other exploitations over the last couple of days.

According to the Arab Times, about 2,000 Bangladeshi workers, employed by Al-Jawhara Company for Stevedoring and Cleaning in Hassawi in Kuwait, destroyed six vehicles and injured five camp officials on Sunday.

The protesting workers also attacked the company office in Jleeb Al-Shuyoukh on Saturday evening.

Police finally brought the situation under control, clubbing the demonstrating workers, reported AFP. -The Daily Star, July 29, 2008

EC for adequate mobile courts

The Election Commission (EC) has asked the establishment ministry to take steps for deployment of adequate number of mobile courts comprised of executive magistrates for summary trial of electoral offences in the August 4 polls in four city corporations and nine municipalities.

In a letter to the establishment ministry to this effect, the EC apprehended that electoral offences like campaigning for votes within a radius of 400 yards of polling stations, annoying voters and attempting to cast fake votes or snatching ballot boxes might take place on polling day.

Around 100 mobile courts each with an executive magistrate might be constituted to try electoral offences, an EC official said.

According to electoral rules, executive magistrates engaged in election duties may also try individuals or political leaders opposing local government elections for persuading voters not to cast votes in the elections. -The Daily Star, July 29, 2008

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CRIME punishment

Abduction and Kidnap

ABDUCTION and kidnapping, both are crimes as defined in the Penal Code. In ancient common law there was nothing specific about kidnapping as an offence. Even the legal meaning of kidnapping is child stealing. Abduction has only been defined by the provision of the said law, but with certain intent it is an offence.

According to section 362 of the Penal Code 1860, a person is said to commit the offence of abduction when he by force compels or by any deceitful means induces any other person to go from one place to another.

According to section 359 of the Penal Code kidnapping is of two kinds: kidnapping from Bangladesh and kidnapping from lawful guardianship. Whoever conveys any person beyond the limits of Bangladesh without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Bangladesh. On the other hand whoever takes or entices any minor or any person of unsound mind, out of the keeping of the lawful guardian without such guardian's consent is said to kidnap such person.

Some basic features of kidnapping and abduction

- Kidnapping is committed in respect of minors under sixteen years in case of a male and under eighteen years in case of a female, or a person of unsound mind. Abduction can be committed in respect of a person of any age.
- In the event of kidnapping, a minor is usually taken away, forcefully or not, without the consent of legal guardian but force, compulsion or deceit are basic elements of abduction.
- Consent of the victim in case of kidnapping is immaterial where in case of abduction absence of voluntary consent is of vital importance.
- Kidnapping moves the victim away from the custody of legal guardian and being so it is a substantive offence but abduction is an auxiliary offence.

Punishment

According to the section 363 of the Penal Code 1860, a person who kidnaps any person from Bangladesh or from any legal guardian shall be punished with imprisonment or either description for a term which may extend to seven years and shall also be liable to fine.

Section 364 of the Penal Code deals about the punishment of kid-

napping or abduction where intention is to murder. In such a case the offender shall be punished with imprisonment for life or rigorous imprisonment for a term, which may extend to ten years and shall also, be liable



to fine.

In addition to this, if kidnapping or abduction is committed with an intention of wrongful confinement, the offender shall be punished with imprisonment of either description for a term, which may extend to seven years and shall also be liable to fine.

From Law Desk.