

LAW amusements



Alabama (US) laws

Women are able to retain all property they owned prior to marriage in the case of divorce. However,

Citation: Section 30-4-1

Separate property of wife - Property held prior to marriage or acquired after marriage.

All property of the wife, held by her previous to the marriage or to which she may become entitled after the marriage in any manner, is the separate property of the wife and is not subject to the liabilities of the husband.

No person may spit on the floor of a church.

Citation: Section 9.08.010 Spitting.

It is unlawful for any person to spit upon the sidewalks, or upon the floors of places of worship, buses, public halls, theatres or other public places.

If one wishes to read palms in the city, they must first pay \$10 for a permit.

Citation: Sec. 23-21. Required.

It shall be unlawful for any fortune-teller, as defined in section 23-1, to practice fortune telling within the city or its police jurisdiction, without first obtaining a permit therefore in compliance with the provisions of this chapter.

Most locales do not have this problem, but Mobile found it necessary to ban bicycles from the interstate highways.

Citation: Sec. 39-13. Pedestrians, bicycles, etc., prohibited on certain interstate highways.

It shall be unlawful and an offence against the city for pedestrians to be upon, or for any person to operate a bicycle, a nonmotorized vehicle or a motor driven cycle of less than ten (10) horsepower, on any part of Interstate Highway 10 and Interstate Highway 65, including the entrance roads thereto, at any place within the city and its police jurisdiction.

SprayString is banned.

Citation: Sec. 39-75. "Spray string," "snap pops," or similar matter or substances thereto prohibited.

It shall be unlawful and an offence against the city for any person to have in his/her possession, keep, store, use, manufacture, sell, offer for sale, give away or handle any "spray string," "snap pops," or other matter or substances similar thereto, within the city within its police jurisdiction.

It is illegal to spit orange peels on the sidewalk.

Citation: Sec. 39-76. Spitting or throwing fruit skins, etc., on sidewalks, etc.

No person shall spit or throw fruit skins, parings or peelings upon any sidewalk in the city or upon the floor of any bus operated within the city or in any public elevator, public building, public theatre or public hall or upon any walkway in any public park in the city.

No person within the city may possess confetti. So much for New Year's.

Citation: Sec. 39-77. Use, sale, etc., of confetti.

It shall be unlawful and an offence against the city for any person to have in possession, keep, store, use, manufacture, sell, offer for sale, give away or handle any confetti or other substance or matters similar thereto, but not serpentine, within the city or within its police jurisdiction.

Bathing in city fountains is prohibited.

Citation: Sec. 39-82. Washing in, tampering with, etc., fountains.

Any person who at any time washes his hands, face or feet in any of the fountains in the city or obstructs the flow of water into the same or in any manner tampers with or abuses such fountain or its fixtures shall be punished as provided in chapter 1, article II, City Code (1991).

No one may use a 'funk ball' within the city limits.

Citation: Sec. 39-81. Stink or funk balls.

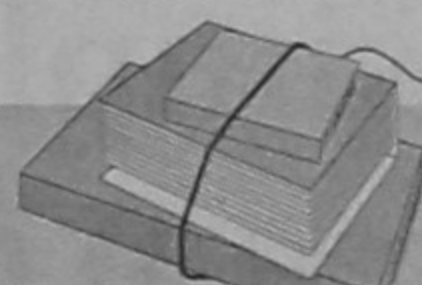
It shall be unlawful to sell, dispose of, give away or use within the city or its police jurisdiction articles known as stink balls or funk balls or anything of like nature, by whatever name known or called, the purpose of which is to create disagreeable odours to the great discomfort of persons coming in contact therewith.

Women may not wear a 'lewd dress' in public.

Citation: Sec. 39-112. Same/Indecent dress, etc. It shall be unlawful for any person to appear in any public place in a state of nudity or indecent or lewd dress, or make an indecent exposure of his person, or to perform or commit any indecent act.

Source: www.crazy-laws.com.

LAW lexicon



Immigrants - Persons who come into a foreign country or region to live.

Immigration - The entry of foreign persons into a country to live permanently.

Immigration and Naturalization Service (INS) - A federal agency which regulates immigration and naturalization of aliens.

Immunity - Grant by the court, which assures someone will not face prosecution in return for providing criminal evidence.

Impanel - To seat a jury. When voir dire is finished and both sides have exercised their challenges, the jury is impanelled. The jurors are sworn in and the trial is ready to proceed.

Impeachment - A criminal proceeding against a public official.

Impeachment of a witness - An attack on the credibility (believability) of a witness, through evidence introduced for that purpose.

Implied contract - A contract not created or evidenced by the explicit agreement of the parties but one inferred by law; as the use of electric power in your home implies a contract with the light company.

In loco parentis - "In the place of the parent"; refers to actions of a custodian, guardian or other person acting in the parent's place.

Source: Source: Jurist International.

LAW news



FIA plans crackdown on human traffickers

The Federal Investigation Agency (FIA) is set to launch a countrywide crackdown on fake travel agents involved in human trafficking, sources told Daily Times on August 17.

They said the FIA's Anti-Human Trafficking Cell, Immigration Cell and Investigation Cell in collaboration with the police and other law-enforcement agencies will launch the crackdown initially in Faisalabad, Gujranwala, Sialkot, Rawalpindi, Karachi, Lahore and Mandi Bahaudin. The crackdown will focus on the arrest of around 17 most wanted human traffickers, sources in the FIA's Passport Cell said. They said the teams formed for the crackdown would use latest technologies, including Automated Fingerprint System.

They said these teams would question human smugglers, who were either in the FIA's custody or serving prison terms. Turkey, Malaysia, Iran, Greece and other states have deported over 2,000 illegal immigrants from Pakistan so far this year. The sources said that the number was higher than last year when deportation of 1,800 Pakistanis was reported in the corresponding period. They said 800 deportees belonged to Gujrat, 500 to Sialkot, 472 to Gujranwala, 400 to Mandi Bahaudin and other parts of the country.

Source: Daily Times.

LAW letter

Third gender: In search of recognition

'Boy or girl?' tends to be the first question asked when a baby is born. And a cursory look at the genitals usually provides the answer. But it is not that simple. Hidden gender or the third gender, known as Hermaphrodite or eunuch (hijra) is something one would laugh when talked about. This is something almost everyone will do but not many of us will take the pain to sit back and think that the topic we are laughing at are human beings like us.

People with this hidden gender are mostly overlooked at each and every step of human rights. Nor the society and neither their families are ready to accept them. Hijras in Bangladesh have virtually no safe space, where they are protected from prejudice and abuse. The prejudice is translated into violence, often of a brutal nature in public places, police stations, prisons and even their homes. One of the main factors behind the violence is that the society is not being able to come to terms with the fact that hijras do not conform to the accepted gender divisions. And in addition to this, most of them have a lower and lower middle-class background, which makes them susceptible to harassment by police. There are hijras of upper class as well, but with the power of money they are able to go for proper treatments and survive in the society. The discrimination based on their class and gender makes their community one of the most helpless groups of our society.

Hijras are unique forms of gender. Some are hijra by nature and some are pretenders. They can be categorised as follows:

1) Individuals who are born with sexual deformity (hermaphrodite or intersexed) are known as Khushra (a genuine hijra). This is an identity which hijras strongly portray.

2) When we have cross-dresser or transgender, who love to identify themselves as hijra. Cross-dresser is called Jananay and those castrated are called Narban. They are also taken equivalent to Khushra; after attaining asexuality through castration claim that female soul is enclosed in their bodies since birth. This prompts them to behave

like women.

3) Then it's the homosexuals and the bisexuals (only men) who are also known as hijras. Some of them love dressing up like females. But there are some as well who dress up normally, not exposing themselves to society.

It may be mentioned that it is only the first category, which are genuine hijras. The latter two categories are essentially pretenders. In fact, all hijras are not homosexuals and vice versa. Men involved in sex business and homosexuals tend to join Hijra community, in order to provide cover for their sexual acts and remain disguised in the society. They cross dress and hence are categorized as Jananay too.

Hijras in our country are not given their deserved rights. They are being restricted from enjoying and practicing rights, which other citizens are allowed to practice and enjoy. According to our constitution, equality before law is guaranteed on the basis of citizenship not on the basis of sex. But the Hijra community is essentially deprived of several rights under Bangladeshi law, because Bangladeshi law recognises only two sexes, male and female. All Bangladeshi governmental documents therefore are meant to be prepared for male and/or women. Hijras are left with no choice they are to identify themselves as either male or female in those documents. As a result, hijras do not enjoy equal rights to vote, marry, own a passport or a driving licence, claim employment or get health care.

When A.K.M Nurul Islam was the Chief Election Commissioner (1977-1985), a step was taken to allow the hijras to vote but as a Male. Later in the year 2000, when the voters' list was in process many members of the national and foreign hijra community did contact the election commission to request for allowing them to vote as Hijra. In reply to which the commission did console them that the hijras "will be allowed to vote in the gender they feel comfort to be". But till now no work is done on it.

In absence of proper recogni-



tion, Hijras are not being able to find themselves a suitable job. Earlier, the Hijras used to sing and dance when a new baby was born. This was one of their major earning sources. However due to lack of social awareness about the hijras, these things are now stopped. Hence the Hijras are losing livelihood in an increasing rate. As an alternative, the Hijras are choosing the option of being sex worker. One of the problems that arose, as a result of getting into this profession, is lack of security. Everyone around them, starting from police, common people, hooligans etc, is torturing them, both physically and mentally. They have nowhere or no one to go and ask for help.

Now-a-days there are some NGOs who are working for the Hijras. For example: Badhon Hijra Shongho, Shocheton Shilpi Shongho (SSS), Social Advancement Society. Apart from these, there are some NGOs who too worked a bit for hijras, but their main aim was health issue of HIV/AIDS and Gays. But only these members of NGO are not enough to take care of the Hijra community of Bangladesh. The cooperation of our government is also required along that of the private individuals. The government needs to work harder to

create awareness among the common people of Bangladesh.

We all need to appreciate that the hermaphrodites are not curse of nature. The Hijras do not have any other defaults other than only one. If a blind, deaf or any other physically disabled person has the privilege to enjoy the rights of citizenship like other normal citizens, then why should the Hijras be restricted in having it? Hijras must be suffering from psychological problems or genuine handicap, beyond their control. We should understand them and abridge the prevailing state of doubts and mistrust. This will help in solving the psychological and financial problems of Hijras and make their life comfortable and productive for the society at large. Above all, Hijras should enjoy proper recognition not as man or woman but as human being with a third gender.

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Star JUDGMENT review

Sexual harassment okay as it ensures humans breed, Russian judge rules

ADRIAN BLOMFELD

The unnamed executive, a 22-year-old from St Petersburg, had been hoping to become only the third woman in Russia's history to bring a successful sexual harassment action against a male employer. She alleged she had been locked out of her office after she refused to have intimate relations with her 47-year-old boss.

"He always demanded that female workers signalled to him with their eyes that they desperately wanted to be laid on the boardroom table as soon as he gave the word," she earlier told the court. "I didn't realise at first that he wasn't speaking metaphorically."

The judge said he threw out the case not through lack of evidence but because the employer had acted gallantly rather than criminally. "If we had no sexual harassment we would have no children," the judge ruled.

A Russian advertising executive who sued her boss for sexual harassment lost her case after a judge ruled that employers were obliged to make passes at female staff to ensure the survival of the human race.



Since Soviet times, sexual harassment in Russia has become an accepted part of life in the office,

work place and university lecture room. According to a recent survey, 100 per cent of female profession-

als said they had been subjected to sexual harassment by their bosses, 32 per cent said they had had intercourse with them at least once and another seven per cent claimed to have been raped. Eighty per cent of those who participated in the survey said they did not believe it possible to win promotion without engaging in sexual relations with their male superiors.

Women also report that it is common to be browbeaten into sex during job interviews, while female students regularly complain that university professors trade high marks for sexual favours.

Only two women have won sexual harassment cases since the collapse of the Soviet Union, one in 1993 and the other in 1997. Human rights activists say that Russian women remain second-class citizens and are subjected to some of the highest levels of domestic abuse in the world.

Source: www.telegraph.co.uk

RIGHTS column

International Criminal Court monitoring events in Georgia



The Prosecutor of the International Criminal Court confirmed that his Office is analysing information related to alleged crimes committed in Georgia in recent weeks that fall under the Court's jurisdiction.

Heavy fighting began earlier this month in

South Ossetia between Georgian and South Ossetian forces, with Russian forces becoming involved there and in the separate region of Abkhazia and other parts of Georgia in the following days. The violence has uprooted almost 160,000 people in recent weeks.

Prosecutor Luis Moreno Ocampo said today that his Office is analysing information alleging attacks on civilians in Georgia, which is a State Party to the Rome Statute that established the Court.

"My Office considers carefully all information relating to alleged crimes within its jurisdiction: war crimes, crimes against humanity and genocide committed on the territory of States Parties or by nationals of States Parties, regardless of the individuals or groups alleged to have committed the crimes," he said.

The Office has been closely monitoring all information on the situation in Georgia since the outbreak of violence, including information from public sources, according to a news release

from the ICC.

In addition, both the Georgian and Russian Governments have offered information to the Court on the situation. "The Office will proceed to seek further information from all actors concerned," the news release added.

Other situations under analysis by the Office of the Prosecutor include Colombia, Afghanistan, Chad, Kenya and Cote d'Ivoire.

The Office is currently conducting investigations in four situations: the Democratic Republic of Congo, Northern Uganda, the Darfur region of Sudan, and the Central African Republic.

The ICC is the first independent, permanent court to investigate and prosecute persons accused of the most serious crimes, namely genocide, crimes against humanity and war crimes, if national authorities with jurisdiction are unwilling or unable to do so.

Source: UN News Service.

LAW week



Graft trial caught in HC tangle

The military-backed caretaker government has won all cases so far in the fast-track special courts but failed to cross the next hurdle when top graft convicts challenged the verdicts in the High Court.

Though the prosecution is happy over quick disposal of cases and the success rate it is equally disappointed with the pace appeal petitions are being handled at the HC. The HC has received around a dozen appeals, none of which could be heard yet thanks to severe case backlog. Even in some cases, the 90-day time stipulated for disposal of appeals has expired. Many believe trial of top graft suspects is going to meet the same fate like thousands of other appeals pending with the HC for years.

Set up last year for quick disposal of cases, 10 special courts at the MF Hostel in National Parliament Complex received 204 corruption cases until end of June this year. - *The Daily Star*, August 20, 2008.

NBR, cops asked to check vital records

The Election Commission (EC) asked the National Board of Revenue (NBR) and police department to check income tax returns, wealth statements and police records of those elected in the August 4 polls.

The documents submitted to the commission before the elections were sent to the NBR and the office of inspector general of police (IGP), EC Secretariat sources said. Earlier on August 4, the EC decided to investigate allegations that some of the officials-elect had turned in false or incomplete information.

Candidates in the local polls had to produce statements on their professions, annual income and expenditure, assets and liabilities, sources of election funds and records of police cases, and copies of last income tax returns. The EC Secretariat has requested the NBR and IGP to give opinions on each of those elected in light of checks on their documents. - *The Daily Star*, August 19, 2008.

CA also asks top bureaucrats to overcome 'partisan' concerns

Chief Adviser Fakhruddin Ahmed asked the country's top bureaucrats to overcome "partisan" concerns and concentrate on holding free, fair and credible upazila and general elections. "It's everyone's responsibility to create an atmosphere conducive to holding free and fair elections," Fakhruddin told the secretaries at a meeting in the secretariat, according to his Press Secretary Syed Fahim Munaim.

Talking to the secretaries at the closed-door meeting, the chief adviser urged them to play their part to ensure that voters can cast their votes in December without fear. "We'll be able to hand over power to an elected government through elections to be held in December if we get your overall cooperation," Fakhruddin was quoted as saying by Fahim at a press conference later.

Fakhruddin also said it is time for a comprehensive reform programme for the civil service to streamline administrative methods, speed up processes and cut red-tape. A number of secretaries suggested ways to improve the public service, including immediate implementation of Pay Commission, forming a recruitment commission, and raising retirement age from 57. - *The Daily Star*, August 19, 2008.

Bangladeshi workers protest again in Kuwait

The Kuwaiti Ministry of Social Affairs and Labour has issued orders to security authorities to gear up and be ready to face further demonstrations by Bangladeshi workers in the country, a Kuwaiti daily reported. The Kuwait Times also reported that Kuwaiti police on Sunday broke up protests by over 300 Bangladeshi workers in Hasawi and took at least fifty men into custody.

The workers were protesting non-payment of salary arrears. In another incident, the United Arab Emirates deported 87 Bangladeshi workers from Dubai Immigration, saying their visas were not valid.

An immigration police at Zia International Airport said that these workers were flown back by three flights of Gulf Air, Emirates and Qatar Airways. They had left for UAE with work visas on August 13. The recruiting agencies that processed these workers' documents could not be contacted. A number of workers deported by the Kuwaiti police, upon their arrival in Dhaka said that the Kuwaiti police had tortured them and deported them though they had not taken part in any demonstrations. - *The Daily Star*, August 19, 2008.

Civil, police admin to be reshuffled in two weeks

The government is going to rearrange the civil and police administration in two weeks through transfer and posting, and through withdrawal of officials facing specific allegations or having poor performance records, officials say. Instructed by the Chief Adviser's Office, the establishment ministry along with the Cabinet Division initiated moves last week and is now busy scrutinising field level officials to pull out those whose involvement might make polls controversial.

In the police administration, officials posted by the then Iajuddin Ahmed-led caretaker government would be transferred from their present stations. "We have 10 such superintendents of police (SP) and 58 officers-in-charge (OC) who will have new postings," said Additional Inspector General of Police NBK Tripura. He added they have backtracked on a decision of massive reshuffle in police administration.

"The officers facing allegations of specific misconducts or irregularities or showing poor performance will be withdrawn from the field," he told The Daily Star. The police administration is doing the homework to complete the reshuffle by end of August, he added. - *The Daily Star*, August 18, 2008.

Suspects get bail, cases stayed on law loopholes

Corruption suspects are getting released on the High Court (HC) bail and cases against them are being stayed because of loopholes in the Anti-Corruption Commission (ACC) laws and rules, observed a few Supreme Court (SC) lawyers. They said these loopholes constitute three grounds on which the HC mostly grants bail to accused persons and stays proceedings against them.

One is the ACC officials' failure to submit enquiry reports within 30 days of being tasked with gathering information about a corruption suspect and the investigation officers' failure to submit reports within 60 days of filing of the cases as per the rules.

The two other grounds are ACC's not issuing gazette notifications on appointing investigation officers and not serving notices for submitting wealth statements upon women and children charged with aiding and abetting the principal accused in committing corruption. - *The Daily Star*, August 18, 2008.

High Court's rule questioning Gulshan Club's structure

A Division Bench of the High Court Division consisting of Mr. Justice Syed Mahmud Hossain and Mr. Justice Farid Ahmed issued a rule nisi calling upon the respondents, including Government & RAJUK among others, to show cause as to why the erection of Gulshan Club's impugned establishment should not be declared illegal and without lawful authority. The rule was issued upon a writ petition filed by some Mrs. Zubeda Mumtaz Ara Rahman on 7th July 2008. She alleged in the petition that Gulshan Club constructed a two-storied generator house adjacent to her plot in violation of law. Before taking resort to the Supreme Court she went to RAJUK but this government authority failed to make the Club comply with law despite separate attempts, she alleged. The petitioner also argued that no one has the authority to allot the lands of Public Park to anybody.

Mr. H.R. Sharif along with Mr. Jurat M. Sharif appeared on behalf of the petitioner while Mr. Rajik Al-Jalil represented the Government. - *press release issued by the petitioner.*

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