



LAW amusements



Arkansas (US) Laws

No one may "suddenly start or stop" their car at a McDonald's.

Citation: Sec. 18-53. Conduct in drive-in restaurants.
(a) In this section "drive-in restaurant" means any restaurant where meals, sandwiches, ice cream, or other food, is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles or other vehicles parked on the premises.

(b) It shall be unlawful for any person while on or adjacent to the premises of a drive-in restaurant to race the motor of any car, to suddenly start or stop any car, or to make or cause to be made, any other loud or unseemly noise. It shall be unlawful for any other person parked on the premises of a drive-in restaurant, to blow or cause to be blown any automobile horn or motorcycle horn at any time while parked.

(c) It shall be unlawful for any patron or other person on the premises of a drive-in restaurant to drink any beer, unless purchased on the premises. It shall be unlawful for any patron or other person on the premises of a drive-in restaurant to create a disturbance or a breach of the peace in any way whatsoever, including but not limited to loud and offensive talk, the making of threats or attempting to intimidate, or in any other conduct which causes a disturbance or a breach of the peace or threatened breach of peace. No person shall drive a motor vehicle onto the premises of a drive-in restaurant and leave the premises without parking such motor vehicle, unless there is no unoccupied parking space available on the premises.

(d) It shall also be unlawful for any person to leave any unoccupied motor vehicle on any drive-in restaurant parking lot and leave the premises thereof except with the knowledge and consent of the operator of the restaurant.

(e) It shall be the duty of each drive-in restaurant operator to post on the premises, in a conspicuous location, one (1) or more signs bearing the following legend:

"Cruising in a motor vehicle is unlawful. Loud and offensive talk and other disturbance or breach of peace is prohibited. No unoccupied vehicle may be left on these premises without the consent of the restaurant operator."

Honking one's car horn at a sandwich shop after 9 PM is against the law.

Citation: Sec. 18-54. Sounding of horns at sandwich shops.

No person shall sound the horn on a vehicle at any place where cold drinks or sandwiches are served after 9:00 p.m.

California (US) Laws

Bathhouses are against the law.

Explanation: This law was enacted shortly after the AIDS epidemic came into the news in the 1980's. Bathhouses were one of the primary places people could go for anonymous sex. This law was designed to curtail exposure to HIV and other STD's.

Citation: California Codes, Penal Code, Section 11225

(a) Every building or place used for the purpose of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, and every building or place in or upon which acts of illegal gambling as defined by state law or local ordinance, lewdness, assignation, or prostitution, are held or occur, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

Nothing in this subdivision shall be construed to apply the definition of a nuisance to a private residence where illegal gambling is conducted on an intermittent basis and without the purpose of producing profit for the owner or occupier of the premises.

(b) Every building or place used as a bathhouse which as a primary activity encourages or permits conduct that according to the guidelines of the federal Centers for Disease Control can transmit AIDS, including, but not limited to, anal intercourse, oral copulation, or vaginal intercourse, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

For purposes of this subdivision, a "bathhouse" is to be defined as a business which, as its primary purpose, provides facilities for a spa, whirlpool, communal bath, sauna, steam bath, mineral bath, mud bath, or facilities for swimming.

It is prohibited to sleep in a parked vehicle.

Citation: 11.04.030 Sleeping in vehicles Prohibited in public places.

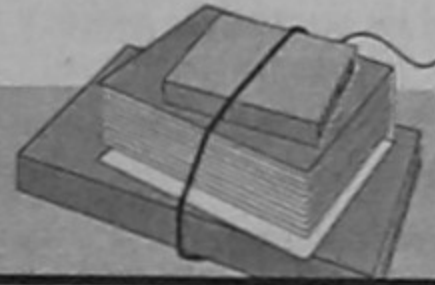
No person shall sleep in any automobile or other vehicle parked on any sidewalk, street, alley, or other public place, including any approved private street or right-of-way, within the corporate limits of the city.

City Council order reads: "No dog shall be in a public place without its master on a leash."

Explanation: Actually, this law is common in just about every state. In this case, however, the wording is rather uncommon.

Source: www.crazy-laws.com.

LAW lexicon



Issue - 1. The disputed pint in a disagreement between parties in a lawsuit. 2. To send out officially, as in to issue an order.

Joint and several liability - A legal doctrine that makes each of the parties who are responsible for an injury, liable for all the damages awarded in a lawsuit if the other parties responsible cannot pay.

Joint tenancy - A form of legal co-ownership of property (also known as survivorship). At the death of one co-owner, the surviving co-owner becomes sole owner of the property. Tenancy by the entirety is a special form of joint tenancy between a husband and wife.

Judge - A presiding officer of the court.

Judgment - The official and authentic decision of a court of justice upon the rights and claims of parties to an action or suit submitted to the court for determination.

Judgment debtor - One who owes money as a result of a judgment in favor of a creditor.

Judicial lien - A lien obtained by judgment or other judicial process against a debtor.

Judicial review - The authority of a court to review the official actions of other branches of government. Also, the authority to declare unconstitutional the actions of other branches.

Judiciary - The branch of government invested with judicial power to interpret and apply the law; the court system; the body of judges; then bench.

Jurat - Certificate of person and officer before whom a writing is sworn to.

Jurisdiction - The power or authority of a court to hear and try a case; the geographic area in which a court has power or the types of cases it has power to hear.

Jurisprudence - The study of law and the structure of the legal system.

Jury - A certain number of men and women selected according to law and sworn to try a question of fact or indict a person for public offense.

Justiciable - Issues and claims capable of being properly examined in court.

Key number system - A research aid developed by West Publishing Company which classifies digests of cases in to various law topics and subtopics which are given paragraph numbers called "Key Numbers." Each key number for a given topic helps the researcher quickly find all references to the legal matter being researched.

Source: Jurist International.

LAW letter

Protecting senior citizens' rights



Whenever we want to impress the foreign investors about the strength of our country, we tell them that almost half of our population is below 24. The idea sounds promising to them. Today, everyone seems to be looking up to the youth. There are lots of opportunities coming up for them.

But in our craze about the young guns we have forgotten the importance of the seniors. Today, an increasing number of our elders fear the thought of dying alone.

The young are often caught up in the competitive lifestyle and find that they are unable to dedicate time and resources to caring for their elderly parents and relatives. Regrettably, the so-called nuclear family concept selected by the society, instead of the traditional extended family, has encouraged negligence to elders.

In Bangladesh, a good number of Elders' Homes are functioning now and hundreds of inmates are living in those. Homicide and even suicides among the elderly have been known from different sources and on the increase while elder abuse, too, is on upward trend. These are indeed sad news.

To safeguard the elders, the Government should enact the Protection of Rights of Elders Act and establish the National Council of elders. The Council will make arrangements to bring facilities to the existing elders to offer protection for people above the age of 65. In terms of the law, any person found guilty of an offence would be punished. According to the law no person would be allowed to wilfully neglect or ill-treat an elder.

But will these legislative measures bring in 100 per cent of the expected results? Personally, I don't think so. In my opinion, persuasive means - not the enforceable legislative measures - remain a more effective means to redress the elders' issues of care and maintenance.

We need to make provisions within our society for this demographic shift. Dreams are not restricted only to the youngsters. Certainly not! The veterans have dreams too. They dream of being in the vicinity of their own blood. They dream of being with their kith and kin.

They wish to be given considerable attention by people around them. Be contented to visualise their kith and kin's progress. Be respected by their children. In short, at the approaching end of their lives, they are meant to reap the fruits of their hard work.

Unfortunately, in reality, somewhere down the line something goes wrong and they finally land up in a Home or compelled to live miserably neglected in the family.

When all their dreams are shattered, they undergo a sort of depression and feel that any place outside the home is better to spend their time till the fag end of their lives.

Statistics of those who are neglected and mistreated indicate that majority of them have well settled sons and daughters. The reality of today says that due to the advancements in medicine, people will continue to live longer. It implies that we are in for a country of millions of elders in the immediate years to come. But, have we as a society done anything about it? Or, at least, have we seriously thought about it?

Mohammad Shahidul Islam
Tourism Worker

LAW event

Advocating for child rights

NAZMUZZAMAN BHUIAN

The Dhaka University Moot Court Society (DUMCS) is a students' organization of the Faculty of Law, University of Dhaka, dedicated to the ideal of the integrity of the legal profession. The DUMCS, for its purpose, has been organizing workshops on mootings for law students in particular with a view to developing critical insights into various important social and legal issues while polishing the legal skills starting with the drafting of briefs and participating in oral arguments before a bench of Judges.

On 18 August 2008, Dhaka University Moot Court Society in collaboration with the Save the Children UK organized a Workshop on Mooting: Children Issues, at the Nabab Nawab Ali Chowdhury Senate Bhaban, University of Dhaka. Selected student representatives from the Departments of Law of five different Universities namely the University of Dhaka; Eastern University; Southeast University; Stamford University and Northern University participated in the workshop. Save the Children UK sponsored the Workshop as a part of its youth awareness program on children issues.

The Program started at 10:00am after the formalities of the registration process. The workshop was inaugurated by Professor Dr. Taslima Monsoor, Chairman, Department of Law, University of Dhaka. Mrs. U.M. Habibun Nessa, Head of Programme, Protection, Save the Children UK gave her valuable observations. Respected teachers of the Department of Law, Dhaka University were also present on the occasion.

The workshop included a demo moot competition where the case was based on Children Issues. The moot competition took place before a bench of three Judges. Both the teams of the trial consisted of two counsels and one researcher, where the team for Appellants was from Department of Law, University of Dhaka and the team for Respondent was from Department of Law, Northern University.

After the exciting Mock Trial, Mrs. U.M. Habibun Nessa: Head of Programme, Protection, Save the Children UK delivered a power point presentation on Children Issues. Her insightful presentation in



context of the Child Rights in Bangladesh clearly gained the thoughtful attention and inquiries of the participants. Afterwards, Professor Dr. Sumaiya Khair, Department of Law, University of Dhaka, delivered her effective presentation on the "Importance of Advocacy in Juvenile Justice System". Her judicious presentation shaded lights on the Juvenile Justice system of the country including the loopholes of it and the possible way-out.

The next part of the workshop was an interactive session on "Effective Mooting Techniques" arranged by Taslima Yasmin, Vice President, DUMCS and Christabel Randolph, General Secretary, DUMCS. They presented a power point presentation before the audience, which contained an assortment of guidelines regarding Mooting.

At 02:00 P.M., the Judges expressed their observation about the whole procedures, which threw lights on the lacuna of the counsels and their presentation. They also encouraged the participants and the interested students, to get involved in Mooting.

At the closing session of the workshop, Professor Dr. Nazrul Islam, Acting Dean, Faculty of Law, University of Dhaka, handed over the certificates among the Mooters and the participants of the workshop. In his sparkling speech on the workshop, he encouraged the interested and enthusiastic students to participate more and more in mootings for promoting certain essential skills. The workshop formally came to an end by the closing address of Mr. Md. Nazmuzzaman Bhuian, Moderator; Dhaka University Moot Court Society.

The writer is Assistant Professor, Law Faculty, Dhaka University.

RIGHTS column

Airstrikes undermine protection efforts in Afghanistan

Civilian deaths in Afghanistan from US and NATO airstrikes nearly tripled from 2006 to 2007, with recent deadly airstrikes exacerbating the problem and fuelling a public backlash, Human Rights Watch said in a new report released today. The report also condemns the Taliban's use of "human shields" in violation of the laws of war.

Though operational changes advocated by Human Rights Watch have reduced the rate of civilian casualties since they spiked in July 2007, continuing tragedies, such as the July 6, 2008 strike on a wedding party and the August 22, 2008 bombing in Azizabad, have greatly undermined local support for the efforts of international forces providing security in Afghanistan.

The 43-page report, "Troops in Contact": Airstrikes and Civilian Deaths in Afghanistan, analyzes the use of airstrikes by US and NATO forces and resulting civilian casualties, particularly when used to make up for the lack of ground troops and during emergency situations. Human Rights Watch found few civilian deaths resulted

found several instances where Taliban forces purposefully used civilians as shields to deter US and NATO attacks.

In 2006, at least 929 Afghan civilians were killed in fighting related to the armed conflict. Of those, at least 699 died during Taliban attacks (including suicide bombings and other bombings unlawfully targeting civilians) and at least 230 died during US or NATO attacks. Of the latter, 116 were killed by US or NATO airstrikes. In 2007, at least 1,633 Afghan civilians were killed in fighting related to the armed conflict. Of those, some 950 died during attacks by the various insurgent forces, including the Taliban and al-Qaeda. At least 321 were killed by US or NATO airstrikes. Thus, civilian deaths from US and NATO airstrikes nearly tripled from 2006 to 2007.

In the first seven months of 2008, at least 540 Afghan civilians were killed in fighting related to the armed conflict. Of those, at least 367 died during attacks by the various insurgent forces and 173 died during US or NATO attacks. At least

killing so many civilians," said Adams. "The US must also take responsibility, including by providing timely compensation, when its airstrikes kill Afghan civilians. While Taliban shielding is a factor in some civilian deaths, the US shouldn't use this as an excuse when it could have taken better precautions. It is, after all, its bombs that are doing the killing."

Human Rights Watch found that few civilians casualties occurred as the result of planned airstrikes on suspected Taliban targets. Instead, most cases of civilian deaths from airstrikes occurred during the fluid, rapid-response strikes mostly carried out in support of "troops in contact" ground troops who are under insurgent attack. Such unplanned strikes included situations where US special forces units normally small in number and lightly armed came under insurgent attack; in US/NATO attacks in pursuit of insurgent forces who had retreated to populated villages; and in air attacks where US "anticipatory self-defense" rules of engagement applied.

The effects of airstrikes go beyond civilian deaths. For example, an investigation by the Afghan government found that two battles over a three-day period starting April 30, 2007 in Shindand district resulted in the destruction of numerous homes. In every case investigated by Human Rights Watch where airstrikes hit villages, many civilians had to leave the village because of damage to their homes and fear of further strikes. People from neighboring villages also sometimes fled in fear of future strikes on their villages. This has led to large numbers of internally displaced persons.

To respond to public concern and complaints from President Hamid Karzai, in July 2007 the NATO-led International Security Assistance Force (ISAF) announced several changes in targeting tactics. These changes include employing smaller munitions, delaying attacks where civilians might be harmed, and turning over house-to-house searches to the Afghan National Army. A review of available evidence suggests that the changes had some impact, as there was a significant drop in civilian casualties due to airstrikes in the last half of 2007, even as the overall tonnage of bombs dropped increased.

Human Rights Watch welcomed these changes in targeting, but remained concerned by continuing civilian casualties from airstrikes, particularly as the number of airstrikes has increased dramatically and the number of deaths and injuries has spiked this summer.

Human Rights Watch called for the US and NATO to address the rising civilian death toll from unplanned airstrikes, and to fix continuing problems with field collateral damage estimation and the inconsistent application of their Rules of Engagement.

"The recent airstrikes killing dozens of Afghans make clear that the system is still broken and that civilians continue to pay the ultimate price," said Adams. "Civilian deaths from airstrikes act as a recruiting tool for the Taliban and risk fatally undermining the international effort to provide basic security to the people of Afghanistan."

Source: Human Rights Watch.



from planned airstrikes, while almost all deaths occurred in unplanned airstrikes.

"Rapid response airstrikes have meant higher civilian casualties, while every bomb dropped in populated areas amplifies the chance of a mistake," said Brad Adams, Asia director at Human Rights Watch. "Mistakes by the US and NATO have dramatically decreased public support for the Afghan government and the presence of international forces providing security to Afghans."

The report documents how insurgent forces have contributed to the civilian toll from airstrikes by deploying their forces in populated villages, at times with the specific intent to shield their forces from counterattack, a serious violation of the laws of war. Human Rights Watch

119 were killed by US or NATO airstrikes. For all periods cited, Human Rights Watch uses the most conservative figures available.

Human Rights Watch criticized the poor response by US officials when civilian deaths occur. Prior to conducting investigations into airstrikes causing civilian loss, US officials often immediately deny responsibility for civilian deaths or place all blame on the Taliban. US investigations conducted have been unilateral, ponderous, and lacking in transparency, undercutting rather than improving relations with local populations and the Afghan government. A faulty condolence payment system has not provided timely and adequate compensation to assist civilians harmed by US actions.

"The US needs to end the mistakes that are

LAW week

Govt mulls ethical society to curb graft

The government is considering introducing a 'national integrity strategy' (NIS) in a bid to create an ethical society to back up its drives against rampant corruption. The government aims at achieving the goal through 're-building integrity' in every segment of the society including public, private and political sectors. The Anti-Corruption Commission (ACC) is responsible to prosecute the corrupt, policymakers of the present government believe it's impossible to fight graft only by ACC through prosecution, say sources involved in formulation of NIS.

"So the government has taken initiatives to formulate NIS to combat corruption through moral-based approach to complement the ACC's functions," says a source. Explaining the perspective of coming up with a new idea, another source argues: "Ineffective formal control and lack of social and citizen-oriented anti-corruption accountability mechanisms have added to what could be termed a crisis of integrity."

"This calls for a longer-term change process with a strong reform regime that would sit at the core of the good governance agenda of the government," the source adds. -The Daily Star, September 09, 2008.

8 more govt staff confess to graft

Eight more government servicemen, including two Titas Gas officials and an executive engineer of Bangladesh Inland Water Transportation Authority (BIWTA), confessed to having ill-gotten wealth worth Tk 2.57 crore before the Truth and Accountability Commission (TAC).

With their disclosure, 31 persons have so far disclosed information about their ill-gotten wealth before the TAC. Except for a textile businessman, all of them are government officials. The five other government officials who confessed their illegal wealth are two district registrars and three sub-registrars. Meanwhile, the Anti-Corruption Commission (ACC) sent another list of seven corruption suspects, including a Roads and Highways Department engineer, following their applications to face the TAC. -The Daily Star, September 08, 2008.

Govt to ban 18 armed groups

The government is planning to officially ban 18 splinter groupings of clandestine armed communists soon, as law enforcing agencies identified them as organisations engaged in anti-state activities in 13 north-west and southern districts. According to top officials of police and Rapid Action Battalion (Rab), the decision is being taken for the first time since the independence of the country, with an aim to eradicating such organisations before the next parliamentary election. Responding to recommendations of different intelligence agencies, the police headquarters in early August sent a proposal to the home ministry for banning the outfits, sources said.

Once the outfits are banned, they will hardly get any chance of slipping through legal loopholes, which has been common so far, as the new rules will be tougher, the home adviser said. The government already banned Islamist militant outfits Shabadat-e Al Hikma, Jamaatul Mujahideen Bangladesh, Jagrata Muslim Janata Bangladesh, and Harkatul Jihad Al Islami. -The Daily Star, September 08, 2008.

EC to seek easing of emergency further

The Election Commission (EC) said it will ask the caretaker government to relax the state of emergency allowing political parties to hold national councils for amending their constitutions ahead of the parliamentary poll. The EC made the promise to Jatuya Party (JP-Ershad) on the first day of its third round of electoral talks with the parties.

The criteria for parliamentary parties' mandatory registration with the commission, set by the new electoral law, demand the amendments to the constitutions. Emerging from their talk with the commission, JP leaders disclosed the EC's promise and said their party agreed with all criteria for registration, except one that demands poll candidates must be nominated from panels prepared by grassroots level leaders.

The provision was laid down in the amended Representation of People's Order (RPO) in a bid to stop nomination business of political parties during parliamentary polls. If the criterion is relaxed, central parliamentary boards of the parties will be able to nominate candidates from outside the panels prepared by grassroots level leaders. -The Daily Star, September 07, 2008.

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You may send us your daily life legal problems including family, financial, land or any other issues. Legal experts will answer those. Please send your mails, queries, and opinions to: LawDesk, The Daily Star, 19 Karwan Bazar, Dhaka-1215; telephone: 8124944, 8124955, fax 8125155; email: dslawdesk@yahoo.co.uk, lawdesk@thedailystar.net