



LAW amusements

Intriguing Laws...

United Kingdom

Those wishing to purchase a television must also buy a license.

Explanation - Unlike the commercial TV channels of the United States the two major stations in the UK are government paid for (BBC1 and BBC2) and have no commercials. This is also the case for the 4 government stations of Sweden as well. The license pays for the shows and the costs needed to run the stations. It also covers various taxes not noticed in the US. The taxes exist in the States, but with several hundred million people more in the States the tax is divided up into MUCH smaller bits.

All English males over the age 14 are to carry out 2 or so hours of longbow practice a week supervised by the local clergy.

Explanation - This law dates from the middle ages when there was no standing army, so in times of war each gentry was required to produce a quota (depending on its size) of knights, archers, infantry, etc. As the church was the only centralized instrument of bureaucracy (the lords were independent for the most part), they were used for such tasks.

London Hackney Carriages (taxis/cabs) must carry a bale of hay and a sack of oats.

Explanation - The London Hackney Carriage Laws covers hackneys in other towns too and have remained unaltered for over 100 years. Firms have been known to manufacture very small bales of hay to carry in a taxi during disputes during local councils (who license the hackneys everywhere except London). Also the vehicle has to be tethered at a taxi rank, and the council have to supply a water trough at said ranks (that could be fun on a Saturday night!). The one about urinating against the back wheel is a Hackney Carriage Law too, and has also been done, on mass, during taxi/council disputes (allegedly).

Chelsea Pensioners may not be impersonated.

Explanation - Chelsea Pensioners are entitled to enhanced state benefits and subsidized accommodation, so pretending to be one is simply fraud!

It is illegal to leave baggage unattended.

Explanation - Many terrorists in the UK favour the practice of placing a bomb in a bag, then leaving the bag to explode later. Since this became a real threat, this law was passed to deter the crime and prosecute those who commit it.

Picking up abandoned baggage is an act of terrorism.

Explanation - Many terrorists in the UK favour the practice of placing a bomb in a bag, then leaving the bag to explode later. Since this became a real threat, this law was passed to deter the crime and prosecute those who commit it.

Source: www.geocities.com

LAWS FOR everyday life

Parentage and legitimacy under Muslim Law

SHAH MD. MUSFIQUR RAHMAN

Parentage and legitimacy have serious implications on a person's status regarding his use of father's title, different rights as against parents and most importantly its right to inheritance. A person born within wedlock is entitled to every right that may accrue to a legitimate child and the opposite would deprive him from most of them.

Parentage is the relationship of parents to their child or children. The relation between a father and his child is called paternity. The relation between a mother and her child is called maternity. The rules of maternity are far more liberal than that of paternity in Islamic law. Maternity emphasises the natural relationship between a mother and her child, while paternity is more of a legal phenomenon.

There are two modes of paternity known to the law:

- The law treats the natural father as the father of the child;
- Acknowledgement of paternity.

Adoption may lead to the result that someone who is not the actual father acquires rights of an actual father. But adoption is not recognized in Islam. The Koran clearly disapproves this artificial bond.

In Islamic law, where it is doubtful whether a person is the child of another, the acknowledgement of the father confers on the child the status of legitimacy. In considering these issues the distinction between the status of legitimacy and the process of legitimation must be kept in mind. Legitimacy is a status which results from certain facts. Legitimation is a proceeding which creates a status which did not exist before.

In proper sense there is no legitimation under the Islamic law. It must be remembered that no statement made by one man that a 'proved illegitimate' person is his child can make the second person legitimate. But where the illegitimacy is not conclusively proved, such a statement or acknowledgement is substantive evidence that the person so acknowledged is the legitimate child of the person who makes the statement.

Even in this case, circumstances should be such that the proposed father could really be the legitimate father of the child. It implies that legitimation per subsequens matrimonium or legitimacy by subsequent marriage is not recognized in Islamic law. Parentage is therefore established in Islam in one of the following two



- i) by birth during a regular or irregular marriage, or
- ii) by acknowledgement, in certain circumstances.

Presumptions of legitimacy: The rules of presumptions as to legitimacy in Islamic law are as follows

1. A child born within six months of the marriage is illegitimate, unless the father acknowledges it.
2. A child born after six months of the marriage is legitimate, unless the father disclaims it.
3. A child born after the termination of marriage is legitimate if born within 10 lunar months in *Shia* law; within 2 lunar years in *Hanafi* law; and within 4 lunar years in *Shafie* or *Maliki* law.

The reasons for such divergent periods might be ascribed to imperfect knowledge of pregnancy prevalent in those early times or to the attitude of the old jurists that tried to protect the woman and her child from being subjected to the miseries associated to zina (illicit intercourse).

The present statutory position is found in the Evidence Act, 1972. According to section 112 of the Act:

A child born during the continuance of a

valid marriage, or within 280 days after its dissolution, the mother remaining unmarried, is conclusively presumed to be legitimate, unless there was no access when he could have been begotten.

As indicated in the beginning of this article, no school of Islamic law recognises an illegitimate child's right to its biological father's property. But in Hanafi school of thought, a mother and her illegitimate child have mutual rights of inheritance. The same rule of mutual right of inheritance applies to other relations vis-à-vis the child with whom it is related through its mother.

Apparently the State law makes a deviation from this orthodox rule. Under section 13 of the Women and Children Repression Prevention Act 2000, a child born out of rape would be entitled to be recognized in both of its parent's identity. The cost of maintenance, for which the State is primarily responsible, could be realised from the assets of the father i.e. the rapist. It must be kept in mind that this extraordinary provision only applies to a child born as a result of rape. In other cases of illegitimate children, the original rules of personal law would be followed.

The writer is advocate, member of Dhaka Bar Association.

LAW news

Five prisoners executed in Afghanistan

11 November 2008 The United Nations human rights chief voiced her dismay today after several prisoners were put to death in Afghanistan in recent days and urged the Government to stop any further planned executions.

Five convicted prisoners are known to have been executed on orders signed by President Hamid Karzai over the past four days in the country, which had observed a de facto moratorium on the death penalty since 2004.

"While recognizing the severity of the crimes with which these prisoners were charged, I am very concerned that the law enforcement and judicial systems in Afghanistan fall short of internationally accepted standards guaranteeing due process and fair trial," said UN High Commissioner for Human Rights Navi Pillay.

"Under these circumstances, there is a grave risk that there will be miscarriages of justice and that innocent people may be executed. The serious shortcomings in the police and judiciary have been well documented, and the Government has recognized this and committed itself to reform both branches of law enforcement."

The latest killings are the first State-implemented executions in Afghanistan since October 2007, when the Government carried out death sentences on 15 prisoners. Two months later, in December 2007, the General Assembly passed a resolution calling for a global moratorium on the death penalty.

Ms. Pillay urged Mr. Karzai "to call a halt to any further executions and to rejoin the growing international consensus for a moratorium on the death penalty."

She also encouraged the Government to join the other 68 States that have acceded to the Additional Protocol II of the International Covenant on Civil and Political Rights, which requires the abolition of the death penalty.

UN News Centre

LAW lexicon

National Labour Relations Board (NLRB) - A federal agency which prevents and remedies unfair labour practices by employers and labour organizations.

Naturalization - Process by which a person acquires nationality after birth and becomes entitled to privileges of citizenship.

Negligence - Failure to use care which a reasonable and prudent person would use under similar circumstances.

Negotiation - The process of submission and consideration of offers until an acceptable offer is made and accepted.

Next friend - One acting without formal appointment as guardian for the benefit of an infant, a person of unsound mind not judicially declared incompetent, or other person under some disability.

No Bill - This phrase, endorsed by a grand jury on the written indictment submitted to it for its approval, means that the evidence was found insufficient to indict.

No-contest Clause - Language in a will that provides that a person who makes a legal challenge to the will's validity will be disinherited.

No-fault Proceedings - A civil case in which parties may resolve their dispute without a formal finding of error or fault.

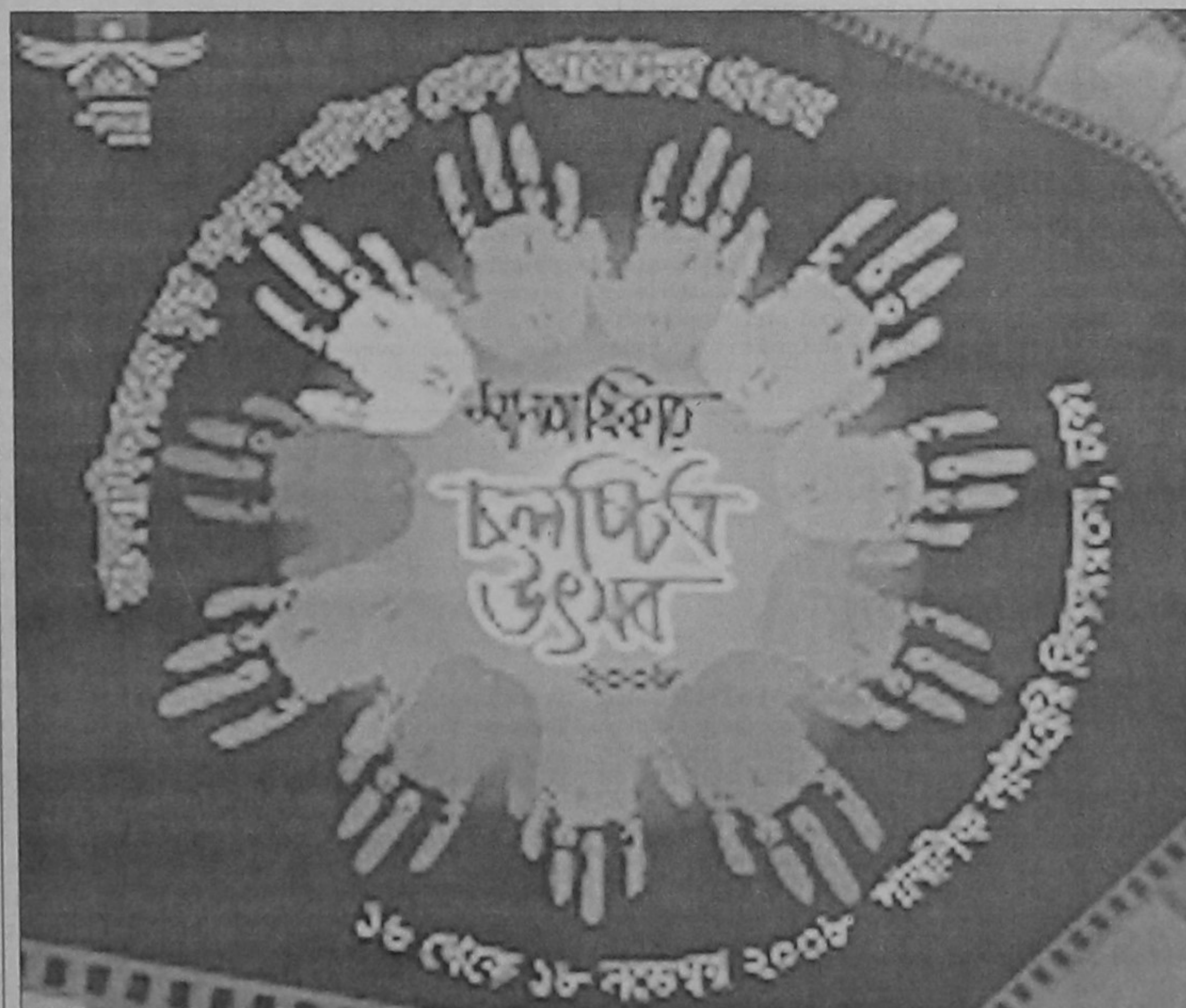
Nolo contendere - A Latin phrase meaning "I will not contest it." A plea in a criminal case which does not require the defendant to admit guilt, but the defendant does not contest the facts on which the charge is based. Some judges refuse to accept such pleas in criminal cases.

Source: Jurist International

LAW event

60TH ANNIVERSARY OF THE UDHR

Human Rights Film Festival 2008



THIS year is the 60th anniversary of the Universal Declaration of Human Rights (UDHR) 1948. This occasion is being observed in all the countries with special attention. The world as it stands today is still far away from the pledge made by the nations of the world to ensure human rights, which are inherent rights of every human being irrespective of race, religion, class, and gender. The realisation of freedom that human civilization achieved over the devastation of wars, the aspiration that was formally recognised by the states' commitment has faded away as a result of continuous exploitation, deprivation and discrimination. But those who are still traversing through the dark believe that this crisis will lead to the prospect. People shall seek

liberty beating all the confines. Ain o Salish Kendra (ASK) has undertaken different programmes to observe the 60th Anniversary of the Universal Declaration of Human Rights. Human Rights Film Festival 2008 is one of them. Film is a powerful mass media. It has a tremendous impact on the emotions and feelings of the viewers. In addition to entertainment, as a medium of art, film has the ability to aesthetically address the important issues of society, culture and politics. It gives a live impression to the dilemma of human life, social barriers, crisis of relationship, conflicts and sufferings - at one side; and optimism, struggle and human effort to bring a change on the other. Movies can convey the message very easily through a lively presentation of the story, which is very difficult to convey otherwise.

Thus, by way of generating social and cultural values, this medium has played very effective role in the progress of human rights movement both home and abroad, with a number of such films produced in Bangladesh. The Festival will be inaugurated with a colourful rally at 3.30 pm on 16 November 2008. Professor Zillur Rahman Siddique will inaugurate the festival. It will be followed by a discussion. Celebrated film personalities will participate in the discussion, which will be presided by Sultana Kamal, former advisor to the caretaker government. Stop Genocide by Zahir Raihan and Jajjatra by Taukir Ahmed will be screened after that at Public Library Auditorium. Three films on children will be screened on 17 November 2008 starting from 11.00 am to 12.30 pm.

The films are *Sromojibi Shishuder Shathe Amra*, *Sharot 71* and *Ami Shei Meye*. Short films will be played in the afternoon at 4.30 pm. The films are *Grohonkal*, *Mondrito Kanshat*, *Bhetorer Manush* and *Shapnobhumi*.

18 November 2008 is the closing day of the Festival. In the first session, from 11.00 am to 12.00 pm, three films for children, *Ora Futonto Kuri*, *Shei Rater Kotha Bolte Eshchechi* and *Matir Moyna*, will be displayed. At 3.30 pm a seminar will be held on the topic "Violence in Cinema: Our Concern". In the evening *Unaditto* and *Nacholer Rani* will be screened. The closing ceremony of the Festival will be held at 9.00 pm with concluding remarks and vote of thanks from distinguished human rights activist Dr. Hameeda Hossain.

ASK is a human rights organisation. It was established in 1986. ASK started its journey with the aim to promote human rights, rule of law, secularism, social justice and democratic values with a strong foundation in the society. Besides providing legal aid to the women, children and the disenfranchised ASK has been involved in various activities for protection and promotion of fundamental human rights. ASK has played a proactive role in different national and international issues of human rights concern in its journey of over two decades. From its own experience and understanding ASK extended its activity to bring positive changes in the law and administrative system. To eradicate century-old false notions, illiberality and discrimination from the society ASK profoundly realises the necessity of social awareness and generating social values. This is the motivation behind all ASK's activities to promote and propagate progressive thoughts and democratic views. We hope Human Rights Film Festival 2008 will be an effective event to meet that aim.

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LAW week

List of 103 EPR convicts sent to EC

The home ministry has sent to the Election Commission a list of 103 politicians and businessmen who are convicted of criminal offences under Emergency Powers Rules, to assist the commission in keeping them out of the parliamentary and upazila parishad races.

Meanwhile, the Election Commission (EC) has yet to collect the list of individuals who were convicted of war crimes, although the chief election commissioner (CEC) earlier announced that the commission would collect the list to keep the war criminals out of the electoral races as well, EC sources said. The amended Representation of the People Order (RPO) and the new Upazila Parishad Ordinance disqualify convicted war criminals from contesting in the parliamentary and upazila elections. The EC however is working hard to bar loan and bill defaulters from contesting in the polls. -The Daily Star, November 12, 2008.

Retest samples of 8 brands locally

The High Court (HC) ordered the health ministry to send again samples of the already tested eight brands of powdered milk to three of the local laboratories that had earlier tested those for melamine contamination, and to submit the new results to the court within 21 days.

The designated laboratories are of the chemistry department of Dhaka University (DU), Bangladesh Atomic Energy Commission (BAEC), and Bangladesh Standards and Testing Institution (BSTI). The court also ordered the government to publish in newspapers the results of all the tests done so far in order to let the public have access to those. It, however, lifted for 21 days the earlier ban imposed by itself on sale and display of the five popular brands among the eight --- Dano, Red Cow, Diploma, Nido and Anlene --- while ordering to continue the ban on the three Chinese brands Yashili 1, Yashili 2, and Sweet Baby 2. -The Daily Star, November 11, 2008.

Tension lessens in Bay, mounts on border

Bangladesh and Myanmar continue to mobilise troops along the border although the tension over Myanmar's attempt to explore oil and gas in Bangladesh waters in the Bay of Bengal seems to be dying down.

Meanwhile, Ministry of Foreign Affairs said the crisis in the Bay ended following the withdrawal of the fossil fuel exploration rig of Korean company Daewoo Saturday afternoon. The negotiations over the issue resulted in a win-win situation for both Bangladesh and Myanmar, Foreign Adviser Iftekhar Ahmed Chowdhury told reporters at the ministry. -The Daily Star, November 11, 2008.

9 doctors admit Falu's reports not official

Nine doctors of Bangabandhu Sheikh Mujib Medical University (BSMMU) told the Supreme Court registrar the medical reports on former BNP law-maker Mosaddek Ali Falu's health were not made by a medical board but were individual examination reports. Falu's counsels had compiled those reports and submitted to the court as medical board's recommendations due to lack of "knowledge in medical terminology", they claimed.

One of two doctors who did not sign the 'recommendations' also gave his statement saying he did not examine Falu's health. But the lawyers included their names to Falu's petition to ensure his bail. -The Daily Star, November 10, 2008.

EC warns BNP for violating electoral code of conduct

The Election Commission (EC) said BNP has violated the electoral code of conduct for the ninth parliamentary election by turning the reception accorded to party chief on November 7 in Chittagong into an electoral show-down. Directed by EC, its secretariat sent a letter to BNP Secretary General Khandaker Delwar Hossain and reminded him that the event was a violation of electoral code of conduct.

It also requested BNP to abide by the code of conduct to maintain atmosphere conducive to holding the upcoming parliamentary polls, sources in the EC Secretariat said. -The Daily Star, November 10, 2008.

Call to scrap RPO to create uncertainty

Former adviser of caretaker government Hafizuddin Khan fears the country might 'plunge into uncertainty' if BNP sticks to its demands for scrapping of the RPO amendments, withdrawal of graft cases against its leaders and resignation of the election commissioners.

"However, if these are mere political rhetoric, I don't see any reason to panic," he said in an interview with The Daily Star. Referring to the call for allowing those convicted under the Emergency Power Rules to contest the polls, he said meeting the demand would amount to undoing the reforms done over the last two years. It would prove harmful for the nation. No action could be taken against corruption and Bangladesh could be rendered a failed state. -The Daily Star, November 9, 2008.

CG to face court if fair polls not held: Dr Kamal

Gono Forum President Dr Kamal Hossain said that if the caretaker government fails to hold a free and fair election, then they would have to face a court of law to answer for their actions. He was speaking at a meeting of Gono Forum's central committee at its headquarters at Arambagh in the city. The eminent lawyer called on the present government to follow the guidelines towards holding a proper election. Dr Kamal Hossain said a credible election is not possible by compromising with terrorist and corrupted people. The caretaker government has to be made accountable for carrying out tasks that are 'unethical and unconstitutional', he said. -The Daily Star, November 9, 2008.

Most private TT colleges are not equipped to offer courses

Almost all private teachers training (TT) colleges are incompetent and allegedly engaged in "selling certificates" as the government has yet to take any action against these institutions.

According to a survey of the education ministry, 89 private TT colleges and six private universities out of a total of 100 such institutions are unfit to offer training courses, especially for Bachelor of Education (BE) and Master of Education (ME). "Quality teachers are needed for ensuring quality education in the country. But how can we expect quality teachers when anyone can easily get certificates with good results from private TT colleges or universities even without attending classes, doing assignments and receiving practical training?" said Prof Taslima Begum, principal of Dhaka Government TT College. -The Daily Star, November 8, 2008.

Another toxic ship set to get ministry nod for scrapping

Ignoring threats to public health, the shipping ministry is likely to permit scrapping of another toxic ship SA Helderbergone of the 50 blacklisted by environmental watch group Greenpeace. Kabir Steel of Chittagong, a shipyard in Sitakunda, imported the ship now known as Asian Express. Built in 1977, the ship is believed to be riddled with asbestos, heavy and toxic metals like lead, mercury, cadmium, copper and zinc.

The ministry is now forming an investigation committee to check toxicity of the ship, now waiting at the outer anchorage of Chittagong port. -The Daily Star, November 8, 2008.

Dear reader, 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: Law Desk, The Daily Star, 19 Karwan Bazar, Dhaka-1215; telephone: 8124944, 8124955, fax 8125155; email: dsllawdesk@yahoo.co.uk, lawdesk@thedailystar.net