



LAW amusements



Interesting laws...

China
Persons may only bear one child or risk paying a substantial fine.
...
You may only have one child, or you will have to pay a fine.
...
To go to college you must be intelligent.
...
Drivers of power-driven vehicles who stop at pedestrian crossings are liable to a fine of up to five Yuan, or a warning.
Denmark
Before starting your car you are required to check lights, brakes, steering and honk your horn.
...
If your vehicle stalls and you leave it on the side of the road, you must mark the vehicle with a red, reflecting triangle.
...
If a horse drawn carriage is trying to pass a car and the horse becomes uneasy, the owner of the car is required to pull over and if necessary, cover the car.
...
Attempt to escape from prison is not illegal, however, if one he is caught he is required to serve out the remainder of his term.
...
No one may start a car while someone is underneath the vehicle.
...
Encrypting data files, owning, distributing etc.
...
When driving, you must have someone in front of your car with a flag to warn horse drawn carriages that a motorcar is coming.
...
Any carport added to a building increases the value of the building by 15.
...
There is a penalty of 20kr for not reporting when a person has died.
...
Persons may not wear a mask.

Source: www.geocities.com

CRIME punishment

Provisions for smoke and sound emission

DELARA HOSSAIN

THE term "pollution", which carries with it a sense of impurity, can be defined as a chemical or physical agent in an inappropriate location or concentration. The sources of pollution are varied. Pollution production can be considered under the heading of the four major human activity sectors: industry, energy, transportation, and agriculture. With the marked increase in human population and the industrialization of much of the globe has come a whole new set of pollutants. This pollution contaminates air, sound, water, soil etc.

A major part of the pollution in Bangladesh occurs due to the emitting of smoke and sound from motor vehicles.

Emitting of Smoke: Smoke from vehicles or factories are responsible for the air pollution.

Section 2 of the Bangladesh Environment Conservation Act, 1995 defines pollution as follows
Pollution: It means that, the contamination or alteration of the physical, chemical, or biological properties of air, water or soil, including change in their tempera-

Parameter	Unit	Standard Limit
Black smoke	Heritage smoke unit	65
Carbon monoxide	gm/k.m. percent area	24,04
Hydrocarbon	gm/k.m. ppm	02,180
Oxide of nitrogen	gm/k.m. ppm	02,600

Serial no	Classification of area	dBa unit	Limit
1.	Quite place	45 (day)	35 (night)
2.	Residential area	50 (day)	40 (night)
3.	Mixed area	60 (day)	50 (night)
4.	Commercial area	70 (day)	60 (night)
5.	Industrial area	75 (day)	70 (night)

Table-2
1. Section 6 of the Bangladesh Environment Conservation Act, 1995 states about the restriction on vehicles emitting smoke injurious to environment.
2. Section 4 of the Environment Conservation Rules, 1997 states about the vehicles emitting smoke injurious to health and otherwise harmful.
3. Except these, there is another law namely the Brick Burning (Control) Act, 1989 which controls the emitting of smoke. According to the Act, brick burning is strictly prohibited with burning wood.
4. Section 150 of the Motor Vehicle

Schedule 4 - Standards for sound (Table-2)

Note:
1. From 6 am morning to 9 am night is tentative to daytime.
2. From 9 am night to morning at 6 is tentative to nighttime.
3. Quite place means a place where hospitals, schools are situated and where the silent signs are provided there within 100 diameters horn and loudspeaker are strictly prohibited.

Motor vehicle or machine river vehicle's sound level, Schedule -5

At the time of taking measurement, the motor vehicle shall not be in motion and its engine conditions shall be as follows -
• Diesel engine - maximum rotating speed.
• Gasoline engine - at two thirds of its maximum rotating speed and without anyload.
• Motorcycle - If maximum rotating speed is above 5000 rpm, two-thirds of the speed, and its maximum rotating speed is less than 5000 rpm, three-fourth of the speed.

Conclusion: A variety of approaches have been developed to manage existing pollution. These include punishment of polluters through regulation, taxation, fines, tort suits, and other deterrents; encouragement of nonpolluting approaches through tax and other incentives; and education of the public. The increased awareness of the potential harmful effects of pollution has had a major impact on industries and on individuals, particularly the young, who have led the way in activities such as recycling. Risk assessment has developed as a useful technique to estimate the risks of environmental pollutants and to establish priorities for environmental control and remediation efforts. These efforts to manage existing pollution are largely a form of secondary prevention in that the pollution already exists and the focus is on lessening the extent or the effects.

The writer is working with Law Desk.



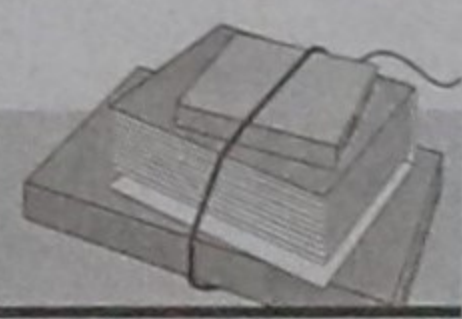
ture, taste, odor, density, or any other characteristics or such other activity which by way of discharging any liquid, gaseous, solid, radioactive or other substance into air, water or soil, or any component of the environment, destroys or causes injury and harm to air, water, soil, livestock, wild animal, bird, fish, plant or other forms of life.

In several laws, emitting of smoke has been stated in different ways. The laws are given below:

Ordinance, 1983 states that whoever drives or causes or allows or lets out a motor vehicle for use in any public place, the smoke of which would constitute a health hazard shall be punishable with fine which may extend to two hundred taka.

Standards for emission from Motor Vehicles: (Table-1)
Sound:
Schedule 4 of the Environment Courts Act, 2000 deals with the level of the sound for different purposes.

LAW lexicon



Overrule - A judge's decision not to allow an objection. Also, a decision by a higher court finding that a lower court decision was in error.
...
Paperbound supplement - A temporary supplement to a book or books to update the serve.
...
Paralegal - Also, legal assistant. A person with legal skills who works under the supervision of a lawyer.
...
Pardon - An act of grace from governing power which mitigates punishment and restores rights and privileges forfeited on account of the offense.
...
Parol evidence - Oral or verbal evidence; evidence given by word of mouth in court.
...
Parole - Supervised release of a prisoner from imprisonment on certain prescribed conditions which entitle him to termination of his sentence.

Source: Jurist International.

LAW event

Educating young lawyers to defend rights

DR. UTTAM KUMAR DAS

RESPECT, recognition and observance of human rights are to be promoted through progressive teaching and education. This is the responsibilities of every individual and, organ as enunciated in the Universal Declaration of Human Rights, 1948 (UDHR). However, the formal teaching and education on human rights is yet to get a momentum in Bangladesh. That should be

beyond question. Given the content, teaching methodology, exposure and practicality of the subject as an independent course, whatever I have studied at my LL.M. programme nearly 13 years back at a public university, now I could realise that that was something else but not a human rights course. I believe the same goes for others who are practitioners on the issue in Bangladesh now (and have had education at home).

Nonetheless, there are initiatives as well.

Center Trust at Koitta, Manikgonj. A total of 48 law students (who already have completed their undergraduate programmes) from Bangladesh, India, Nepal and Iran took part in the course. The resource persons include renowned academics, researchers, practitioners and activists from home and abroad.

The curriculum is designed in such a way that theory and practical aspects are blended equally. There is moot court as well. As part of the programme, ELCOP has published a manual, which is a compiled volume of scholarly writings. It is edited by Dr. Mizanur Rahman, a Professor of Law at the University of Dhaka and the Director of the HRSS. The theme of this year's publication is "Human Rights: 60 years after the UDHR" which is very time-bound.

This year, International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR) and United Nations Children's Fund (UNICEF) have collaborated with ELCOP to have their respective issues in the curricula of the course. According to ELCOP, the HRSS focuses on the development of advocacy skills among the participating law students so that they can, during their academic life as well as in the professional career, contribute to the securing of the fundamental human rights of the common people. The course aims to transforming the prevailing system of legal education to a more society-friendly form of justice education by providing the participants with a scope to supplement their training on issues relating to the fundamental human rights and freedoms.

On the background of the initiation of the programme, Dr. Mizanur Rahman comments that the traditional legal education (which covers human rights as well) in Bangladesh does produce "traditional lawyers". The existing curriculum and teaching technique are not aimed to produce human rights lawyers. However, there is a dire need for an alternative lawyering that will be pro-poor. According to Dr. Rahman, pro-poor lawyering means justice lawyering.

To produce a pool of young professionals

who will excel in human rights lawyering in near future, the HRSS is initiated. However, Dr. Rahman acknowledges that two weeks is not enough to cover what some one is to learn over three-four years. However, those who under go the course, their way of thinking, attitude, approach and judgment on a given issue is different from the others, he comments.

The good thing is that now almost all of the NGOs working with human rights issues in the capital have at least an alumnus of the HRSS. They are also joining the academia, judiciary, legal practices, UN agencies and international organisations.

Dr. Rahman lives with a hope which he loves to call as an "arithmetic dream". His point is convincing: every year, there come out around 50 alumni from the HRSS. Among them, if, on an average, 12 to 15 become human rights lawyers, after next 10 years, there will be 100 to 150 of them in the legal practice in the Supreme Court of Bangladesh. Those through their 'rebellious lawyering' will definitely bring a positive change in the judicial activism in the country. This will contribute positively to the pro-poor judgments from our courts.

Dr. Rahman hopes to have his initiative translated into an institutional framework. Referring to the example of India, he recommends to the government for immediate setting up of universities and national centers devoted to law and human rights. Those would be center of excellence for studying and researching law and human rights from our own contexts. We need efficient practitioners and experts on the various branches of law and human rights namely international migration law, refugee law, environment law, trade law, criminal law, cyber law, health and human rights, HIV and human rights among others.

Those institutions will be a place to study law and human rights not from the viewpoint of text books only rather from the perspectives of real life situations and sorting solutions out.

The writer, an Advocate of the Supreme Court of Bangladesh, is a resource person to the HRSS.

LAW week



Trial in people's court

It was a quick trial in people's court and the verdict was simple and clear with a message attached to it. It said it is the masses that hold the ultimate power in a republic. The result of the ninth parliamentary election is a reflection of people's resentment and anger for what the 4-party alliance did during its 5-year tenure from 2001 to 2006. They have not forgotten the brutal repression of the cadres, and of a very partisan police force loyal to the rulers, on common people and activists of other political parties. They have not forgotten the baton charges on and mass arrests of people returning home from work. They have not forgotten the premeditated murder of Shah A.M.S. Kibria, Ahsanullah Master, a number of university teachers and journalists and especially the monstrous grenade attack on an Awami League meeting on 21 August in 2004 that killed 23 people. They have not forgotten also that the government had shown all signs of reluctance to try the known culprits in a court of justice. -The Daily Star, December 31, 2008.

Five sent to jail

Two separate metropolitan magistrate courts in Dhaka framed charges indicting five people who were arrested on charges of violating code of electoral conduct during the polling in Dhaka on December 29.

The magistrates sent the accused to jail and fixed January 5, 2009 for deposition with rejecting the bail prayers in the cases. The accused are Eklas, Md Kamrul Hasan, Harunur Rashid, Shahabuddin and Abdur Rahim. Metropolitan magistrate Abdur Rahim arrested Eklas, Md Kamrul Hasan, Harunur Rashid and Shahabuddin from the polling centre of Kaliganj Government Primary School at Keraniganj on charges of campaigning for four-party alliance candidate being fake polling agents on the election day. -The Daily Star, December 31, 2008.

Nizami's ex-PS caught red-handed

At least eight workers of Jamaat-e-Islami including a former personal secretary of its Ameer Motiur Rahman Nizami were arrested in Pabna while 15 workers of BNP and Jatiya Party were held in three other districts for distributing money among voters.

Our correspondent in Pabna reports that locals caught Nizami's former personal secretary Shafiqul Islam Ratan and other party men red-handed distributing money among voters in Haria village of Santhia upazila. The other arrested Jamaat men were identified as Ratan's brothers Mahfuzur Rahman, Mizanur Rahman and Anwar Hossain, and Sakhawat Hossain, Hannan Sardar, Mahafuzur Rahman and Mehedi Hasan. -The Daily Star, December 30, 2008.

100 illegal Bangladeshi migrants rescued

Donning a humanitarian role, the Indian Navy and Coast Guard have rescued about 100 Bangladeshis, who were illegally taken to Thailand for fishing, and were drifting in the Indian Ocean for 12 days, an official in New Delhi said.

The Bangladeshis, rescued off the Andaman and Nicobar islands, were being interrogated at the Little Andaman Island. "These boys, 412 in number, from Cox's Bazar in Bangladesh were hired by a local person for fishing in Thai waters. However, as soon as they arrived, they were caught by the Thai police," a defence official of the Integrated Defence Command in the Andaman and Nicobar Islands told IANS by telephone. -The Daily Star, December 30, 2008.

Campaign goes haywire

The worst of election scandals could not be averted after all this year either, as Chittagong police recovered a large sum of money allegedly to be used for buying votes, while quite a few people were arrested almost all over the rest of the country too on charges of attempting to buy votes and other violations of the electoral code of conduct.

Our Chittagong correspondent reported that the port city police spotted and confiscated Tk 41.5 lakh hidden in cartons of soybean oil cans, as it was being transported by a car. The discovery was made when the driver of the car stopped at a police check post at Andorkilla intersection. According to law enforcers, the vehicle belongs to a man named Javed, son-in-law of Shamsul Alam, a four-party nominee in Chittagong-8 constituency also a leader of BNP. -The Daily Star, December 29, 2008.

Over 300 migrants feared drowned near Andaman

Around 300 people are feared drowned after jumping from a boat and trying to swim ashore in the Bay of Bengal.

The Indian coast guard said 88 people, mostly Bangladeshi illegal migrants, had been rescued from a small boat near Little Andaman island which lies around 90km (55 miles) south of Port Blair - about 1,200km (750 miles) off India's east coast. Another 11 men were found on nearby Sandy Point island. One survivor, identified as Mohammad Ismail Arafat, said he and others had paid a Bangladeshi agent for promised jobs. -The Daily Star, December 29, 2008.

Judicial magistrates won't be in field

The Election Commission (EC) has finally decided that judicial magistrates assigned to try electoral offences concerning the parliamentary polls would do the job in their offices.

Even on the polling day, they will not move around in the constituencies where they are deployed to take into cognizance electoral offences for trial. "There is no plan for mobile courts comprised of judicial magistrates," the EC Secretariat said in a circular sent to chief judicial magistrates. Earlier, the establishment ministry had appointed 319 government officials as executive magistrates and vested them with the authority of running mobile courts for trial of polls offences. -The Daily Star, December 28, 2008.

Indian ships leave Bangladesh waters

Tension over India's trespassing into Bangladeshi maritime boundary diffused as the three Indian oil and gas survey ships withdrew from Bangladeshi waters. Meanwhile, the Indian high commissioner to Dhaka was summoned to the foreign ministry and handed Dhaka's protest note.

Navy sources said immediately after the survey ships left, an Indian coastguard vessel went to the spot and asked the Bangladeshi offshore patrol vessels there to leave the spot claiming it to be Indian waters. -The Daily Star, December 28, 2008.

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national priority for various reasons. Up to now, a few of the law schools are offering human rights as an independent course. Only a private university in Dhaka has so far introduced a two-year masters programme on human rights. Certain courses under the social sciences disciplines have incorporated the subject partially.

However, the quality and standard of the existing curriculum on human rights is not

And the foremost one is the annual two-week long teaching programme organised by the Empowerment through Law of the Common People (ELCOP), a research and advocacy NGO in Dhaka. The course is known as the Human Rights Summer School (HRSS), although it is organised during the winter.

This year (17 to 27 December 2008), the 9th session of the programme was organised at the Proshika Human Resource Development