



LAW amusements



Intriguing Laws...

**Ireland**  
Any person who shall pretend or exercise to use any type of witchcraft, sorcery, enchantment, or pretend knowledge in any occult or craft or science shall for any such offence suffer imprisonment at the time of one whole year and also shall be obliged to obscurance for his/her good behaviour.

**Israel**  
Bicycles may not ridden without a license.

Raising a pig on Israeli soil will result in the murder of said pig. Why does this law exist? Israel is a Jewish state and pigs are not "kosher" to eat. Therefore, raising of these animals has no purpose for the "good" of the country.

If you have been maintaining an illegal radio station for five or more years, the station becomes legal. Why does this law exist? This law was actually passed by the Knesset (Israeli Parliament), but was immediately petitioned against to the Israeli High Court of Justice, which has power of judicial review concerning the Knesset's legislation. The Court ordered the law temporarily frozen two years ago, in order to allow the parties to plead their case. Meanwhile, no illegal radio stations could be "laundered" and none were legalized. In early 2002, the Court passed down its verdict: the law was declared null and void (the first time in Israeli legal history that the power of judicial review has been so actively used, by the way).

It is against the law to feed animals in public places.

It is considered an offence to operate a mobile spay/neuter clinic - it is considered peddling.

It is forbidden to bring bears to the beach.

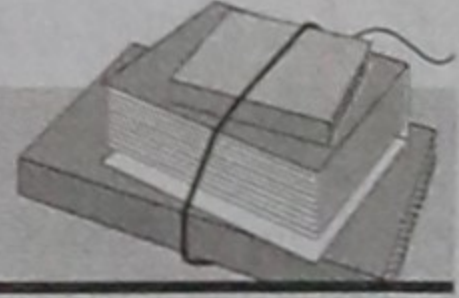
No loud voices or big lights are allowed during weekends.

The raising of Rotweiler dogs is prohibited. Why does this law exist? Two young girls were killed by dogs of the Rottweiler breed, and to hopefully protect other citizens from such attacks, the prohibition of raising Rottweilers was put into effect.

Picking one's nose on the Sabbath is illegal. Why does this law exist? The reports about the prohibition were widely circulated and misunderstood in the secular press in Israel - to say nothing of abroad. The press reported a religious directive, handed down by a Rabbi, prohibiting nose picking on Sabbath. The reasoning behind this directive was the loss of nasal hair, cause for bleeding, etc. which violated the religious code governing the sanctity of the Sabbath. Rabbinical directives, or any other form of religious law, are not legally binding and are not, and cannot, be enforced by the State of Israel. They are directed to believers of the Jewish faith (wherever they may reside), and not to citizens of Israel. Furthermore, they bind only those who feel religiously obliged to seek rabbinical authority on such lofty spiritual issues as boogers.

Source: www.geocities.com.

LAW lexicon



**Personal recognition** - In criminal proceedings, the pre-trial release of a defendant without bail upon his or her promise to return to court.

**Personal representative** - The person who administers an estate. If named in a will, that person's title is an executor. If there is no valid will, that person's title is an administrator.

**Person in need of supervision** - Juvenile found to have committed a "status offence" rather than a crime that would provide a basis for a finding of delinquency.

**Petit jury** - The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case. So called to distinguish it from the grand jury.

**Petitioner** - The person filing an action in a court of original jurisdiction. Also, the person who appeals the judgment of a lower court.

**Plaintiff** - A person who brings an action; the party who complains or sues in a civil action.

**Plea** - The first pleading by a criminal defendant, the defendant's declaration in open court that he or she is guilty or not guilty. The defendant's answer to the charges made in the indictment or information.

**Plea bargaining** - Process where the accused and the prosecutor in a criminal case work out a satisfactory disposition of the case, usually by the accused agreeing to plead guilty to a lesser offence. Such bargains are not binding on the court. Also referred to as plea negotiating.

Source: Jurist International.

RIGHTS corner



Gaza: Effect of conflict on children is 'devastating'

The United Nations body monitoring a key global treaty enshrining the rights of children voiced its deep concern today at the impact of the ongoing conflict in Gaza, which has killed or injured hundreds of young people, and warned that the effects of recent events on an entire generation of children will be severe.

"The United Nations Committee on the Rights of the Child is deeply concerned at the devastating effects that the current military engagement in Gaza is having on children," the 18-member body said in a statement issued in Geneva, where it is currently in session.

"Hundreds of children have been killed or injured, many seriously. Many others have lost their loved ones. The continuous fighting and destruction of livelihoods and basic infrastructures, severely compromise enjoyment of human rights especially in relation to health, education and family life," the Committee added.

Over 40 per cent of the nearly 900 Palestinians killed in the Israeli offensive, launched on 27 December with the stated aim of ending Hamas rocket attacks into Israel, and almost half of the 3,860 wounded, are women and children, according to reports cited as credible by the UN.

The Committee stressed that the rights enshrined in the Convention, including the right of children to life, survival and development and to be protected from all forms of violence, have been "blatantly violated during this crisis." It recalled that human rights law, including the Convention, applies at all times, including in situations of armed conflict.

The Committee said this affirmation is undermined by the fact that many children have lost their lives as a result of "manifest disrespect" for their protection and that of their schools, including some administered by the United Nations itself.

Source: UN News Centre.

LAWS FOR everyday life

The right to have unadulterated food

**A**DULTERATION of food articles is an offence under the Pure Food Ordinance, 1959 providing minor penalties of different kinds. Taking advantage of such minor penalties the unscrupulous traders started mixing injurious materials with almost every food articles like fruits, vegetables, fish, meat, flour etc. which necessitated an amendment of the Pure Food Ordinance, 1959 in 2005 by the Bangladesh Pure Food (Amendment) Act, 2005 widening definition of adulteration and the scope of the law and also enhancing the punishment of the offences.



Drive against adulteration.

Adulteration of foodstuffs is an act of dishonest traders who intend to make maximum profit from minimum investment. Random manufacture of adulterated foodstuffs unsuitable for human consumption led to a resolve to combat this trend in order to maintain a standard of purity for the preservation of public health.

The Pure Food Ordinance, 1959 Chapter II, Manufacture and Sale of food

**Prohibition of manufacture or sale of food not of proper nature, substance or quality**  
6. (1) No person shall, directly or indirectly and whether by himself or by any other person acting on his behalf,  
(a) manufacture or sell any article of food which is adulterated, or  
(b) sell to the prejudice of the purchaser any article of food which is not of the nature, substance or quality demanded by the purchaser.  
(2) An offence shall not be deemed to have been committed under sub-section (1), if the article of food contains the normal constituents prescribed under clause (a) of sub-section (1) of section 5, and if the chemical and physical constants of the article are in accordance with those referred to in the said clause-

(a) where any innocuous substance or ingredient has been added thereto, if such substance or ingredient-  
(i) is required for the production or preparation of such article as an article of commerce in a condition fit for carriage or consumption, and  
(ii) is not so added fraudulently to increase the bulk weight or measure, or to conceal the inferior quality, of such article;  
Provided that the admixture of such substance or ingredient does not render such article to be injurious to health; or  
(b) where any constituent has been abstracted therefrom if such abstraction is required for the production or preparation of such article as an article of commerce fit for carriage or consumption and does not render such article to be injurious to health; or  
(c) where a patent has been granted under any law for the time being in force, if such article is manufactured or sold in the condition required by the specification of the patent.  
(3) The opinion of the public analyst on the question whether any substance or ingredient

is innocuous shall, subject to the provisions of section 32, be conclusive evidence on such question.  
(4) In any prosecution under this section,-  
(a) it shall not be a defence to allege-  
(i) that the purchaser bought for analysis or examination and therefore was not prejudiced, or  
(ii) that the person who manufactured or sold the article of food had no knowledge of, and could not with reasonable diligence have ascertained, its nature, substance or quality; and  
(b) the Court shall, until the contrary is proved, presume that any article of food, which is found in the possession of any person who manufactures or sells similar articles, has been manufactured by that person, or is for sale by him, as the case may be.

**Prohibition of sale or use of poisonous or dangerous chemicals, intoxicating food colour, etc**  
6A. No person shall directly or indirectly and whether by himself or by any other person acting on his behalf-

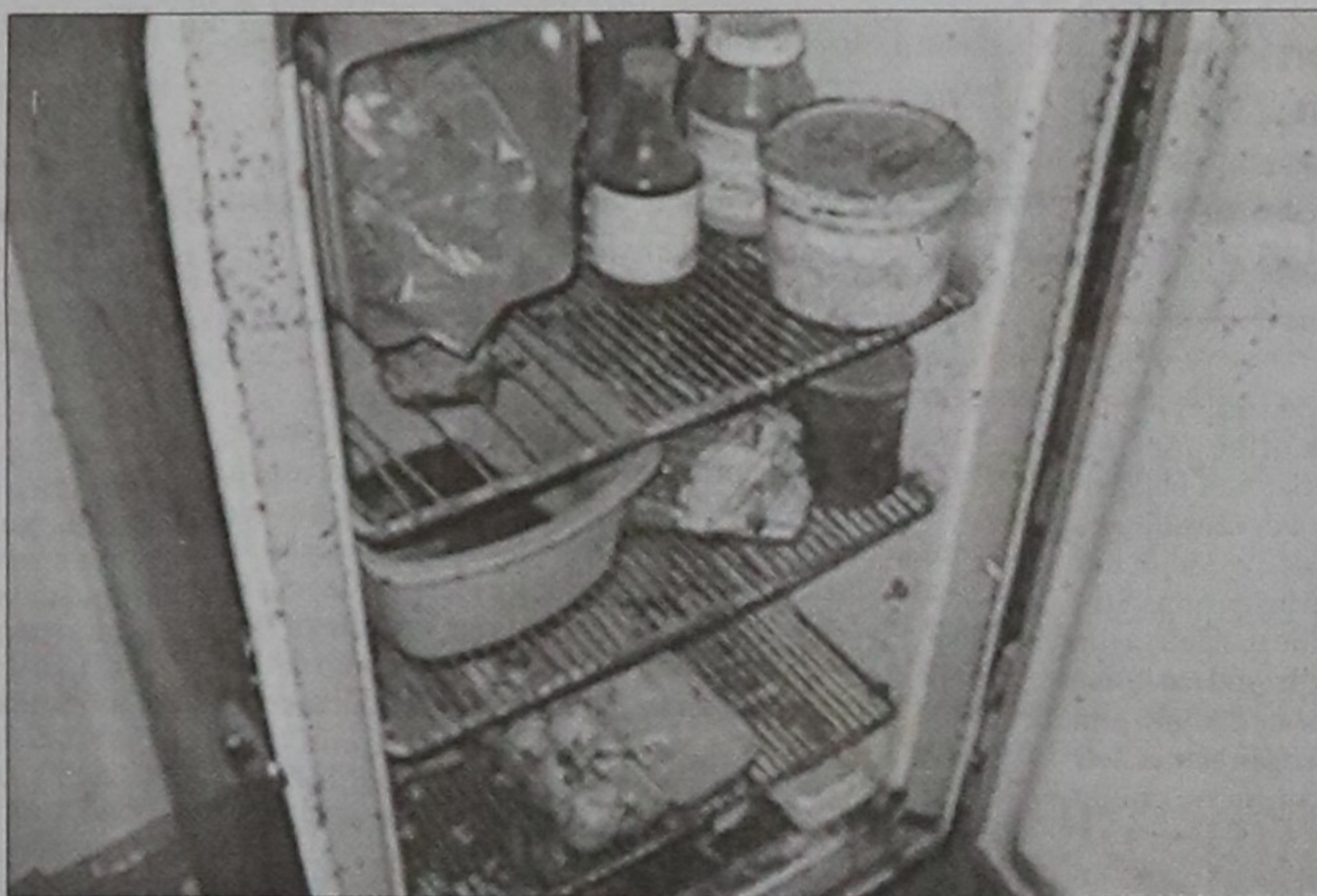
(a) use any poisonous or dangerous chemicals or ingredients or additives or substances like calcium carbide, formalin, pesticides (DDT, PCBs oil etc.), or intoxicated food colour or flavouring matter in any food which may cause injury to human body;  
(b) sale any food in which poisonous or dangerous chemicals or ingredients or additives or substances like calcium carbide, formalin, pesticides (DDT, PCBs oil etc.) or intoxicated food colour or flavouring matter has been used in any food which may cause injury to human body.  
1 Section 6A was inserted by section 5 of the Bangladesh Pure Food (Amendment) Act, 2005 (Act No. XXVII of 2005).  
**Prohibition of manufacture or sale of food not of proper standard of purity**  
7. No person shall, directly or indirectly and whether by himself or by any other person acting on his behalf, manufacture or sell, as the case may be, any milk, butter, ghee, (that is to say, clarified milk fat), wheat flour (that is to say, maida, atta or suji) or mustard or any

other rape seed oil, or any other article of food which may be notified by the Government in this behalf, unless the conditions specified in sections 8, 9, 10, 11, 12 and 13 are respectively fulfilled.

**Standard of purity of milk or skimmed milk or condensed milk or sterilised milk or desiccated milk**  
8. (1) In the case of milk other than skimmed, condensed, sterilised or desiccated milk,-  
(a) the species of animal from which the milk is derived shall be specified by the seller in such manner as the local authority may direct by general or special order in this behalf;  
(b) the article sold shall be the normal, clean and fresh secretion obtained by the complete milking of the udder of a healthy animal of the species specified, not earlier than seven days after the calving and freeing of the colostrums of such animal; and (c) the article sold shall, whether such secretion has been processed or not, be an article from which no ingredient has been extracted and to which no water or other substance (including any preservative) has been added and which contains the normal constituents prescribed under clause (a) or sub-section (1) of section 5.  
(2) In the case of skimmed milk,-  
(a) the container shall be labelled and marked in such manner as may be prescribed;  
(b) the article sold shall contain such proportion of the constituents of milk as may be prescribed; and  
(c) the place at which such article is sold shall be specified by the seller in such manner as the local authority may direct by general or special order in this behalf.  
(3) In the case of condensed, sterilised or desiccated milk,-  
(a) the container shall be hermetically closed, labelled and marked in such manner as may be prescribed; and  
(b) the article manufactured or sold, as the case may be, shall contain such proportion of the constituents of milk as may be prescribed.

Alarming increase of adulteration of foodstuffs created a strong public opinion for combating the ferocity of the offence. There has been a wide circulation of views for controlling different kinds of adulteration of foodstuffs. Mobile courts are now vigilant around the capital and the districts to discover different kinds of food houses, hotels and restaurants which are found to be selling noxious foodstuffs. Electronic media has been giving a wide coverage of various forms of adulteration of foodstuffs consumed by the people at large. Conscious stakeholders have also come forward to express their thoughtful research on the effects of different kinds of adulterated food on human body. Some stakeholders also maintained contact with the Law Commission for making necessary reforms on the laws in force relating to adulteration. Concerned quarters also invited the attention of the Commission for bringing reforms in the Ordinance. Consequently, the Law Commission included different initiatives for bringing necessary reforms.

Reference: The Pure Food Ordinance, 1959.



Adulterated food in the city shop.

LAW week

Permanent Pay Commission to be formed -- says Muhith

The government is mulling over formation of a permanent pay commission for the public servants to adjust their income to inflation.

Finance Minister AMA Muhith disclosed it to reporters yesterday after a meeting with a five-member delegation led by Pay Commission Chairman M Mustafizur Rahman at the minister's office.

The issue of forming a permanent pay commission is being considered as per Awami League's election pledge, Muhith said, adding problems arise as the pay scales are changed after every five or seven years.

In the budget for the current fiscal year, the immediate past caretaker government announced a pay scale and immediately formed a Pay Commission.

Mustafizur Rahman told journalists, "We are trying to present the pay commission's recommendations by March-April. We have several proposals like introducing risk-based salary scale and merit-based salary scale." "Implementation of the pay commission's report means an increase in salary. However, alongside increasing the salary, we are thinking about the areas from where resources can be collected," he added. -The Daily Star, January 15, 2009.

Stashed kickbacks may go way beyond \$200m

A foreign delegation flew into Bangladesh to identify the persons involved in laundering \$200 million dollar to Singapore, and to help Bangladesh recover the money.

The money was allegedly paid in kickbacks to former prime minister Khaleda Zia's younger son Arafat Rahman Koko and several ministers of the last BNP-led four-party alliance government.

The team is having discussions with different government agencies including the Anti-corruption Commission (ACC) about the case of international money laundering involving Koko.

Meanwhile, outgoing Attorney General Salah Uddin Ahmad said the delegation already traced \$200 million dollars of the laundered money, and the Bangladesh government must help them in recovering the amount which might even rise upon further investigation. -The Daily Star, January 13, 2009

Half of ordinances reviewed so far

The 7-member expert committee formed to review the ordinances, promulgated by the military-backed caretaker government, will give its recommendations by January 25 whether the ordinances to be accepted or not.

Law, Justice and Parliamentary Affairs Minister barrister Shafique Ahmed said this to the journalists after a meeting at his office.

"The committee has so far reviewed half of the 120 ordinances but it could not reach any decision. It can't also say whether the constitution needs to be amended in this regard," Shafique said.

He said the committee will recommend the government after completion of its evaluation at its meeting to be held on Thursday (Jan 15) and added that the cabinet and the parliament will take the final decision. -The Daily Star, January 13, 2009

Wives of Quader, Pankaj freed on bail

Fugitive wives of ruling Awami League lawmaker Obaidul Quader and Awami Svecchhasebak League General Secretary Pankaj Devnath were enlarged on bail as they surrendered to the High Court.

Quader's wife Isratunnesa, who was convicted in two corruption cases, including one on tax evasion, got bail for three months each in the two cases on surrender to the court.

Responding to a petition, a division bench comprising Justice M Mozammel Hossain and Justice Afzal Hossain Ahmed passed the order staying the operation of the trial court judgment.

On September 25, 2007 an anti-graft court sentenced Isratunnesa to eight years' jail in a tax evasion case and fined her Tk 2 lakh, in default, to suffer one year more in jail. She was tried in absentia.

The anti-graft court had sentenced her to three years' simple imprisonment under Section 165 of the income tax ordinance for giving "false information" and five years' rigorous imprisonment under Section 166 of the ordinance for concealing information about wealth. -The Daily Star, January 12, 2009

EC sits on election of 45 women MPs

The ninth parliament may convene without the 45 women lawmakers in reserved seats as the Election Commission (EC) does not seem to have any plans to hold election to the

seats before the inaugural session on January 25.

It means the new legislature might have to go into session before its full formation.

According to the constitution, parliament shall consist of lawmakers elected both directly and indirectly.

Citing a High Court (HC) ruling and constitutional provisions, legal experts said the establishment of parliament is never complete without members in the seats earmarked for women. They argue that sittings of the assembly should not commence before the election to reserved seats.

Speaking in return for anonymity, a noted jurist told The Daily Star that the EC should immediately hold election to the seats to avoid legal crisis in future. -The Daily Star, January 11, 2009

Supreme Judicial Commission recommends appointment of 2 judges

Two judges may be appointed to the Appellate Division of the Supreme Court this week as per the recommendations of the Supreme Judicial Commission, paving the way for the disposal of long pending Bangabandhu Sheikh Mujibur Rahman murder case.

Law, Justice and Parliamentary Affairs Minister barrister Shafique Ahmed yesterday told The Daily Star that steps will be taken this week to fill up the two vacant posts of judges in the Appellate Division.

The Supreme Judicial Commission on October 16 recommended four senior most judges of the High Court Division for the two Appellate Division posts that have been lying vacant since July 2 last year. The recommended judges are Justice Shah Abu Nayeem Mominur Rahman, Justice Md Abdul Quddus, Justice Md Abdul Aziz and Justice Bijan Kumar Das.

The president will appoint two of them as the Appellate Division judges. -The Daily Star, January 10, 2009.

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