



## LAW amusements



## Outrageous Lawsuits

## Loophole

A woman was playing golf and hit a shot, which ricocheted off railroad tracks that run through the course.

The ball hit her in the nose and she won \$40,000 because the golf course had a "free lift" rule (this allows golfers to toss balls which land near the rails to the other side). The woman alleged that because the course allowed a free lift, they were, in effect, acknowledging the rails to be a hazard.

## How dare you!

A surfer recently sued another surfer for "taking his wave."

The case was ultimately dismissed because they were unable to put a price on "pain and suffering" endured by watching someone ride the wave that was "intended for you."

## Gravity? What's gravity?

A woman went into a Northridge discount department store to buy a blender. She decided to take the bottom box from a stack of four blenders from an upper shelf used to store extra stock.

When she pulled out the bottom box, the rest of the boxes fell. She sued the store for not warning customers from taking stock from the upper shelf and for stacking the boxes so high. She claimed to sustain carpal tunnel syndrome and neck, shoulder and back pain.

## Baby-la-la!

A Los Angeles attorney sued another attorney who had hung a cardboard tombstone in his office that read, "R.I.P./Jerry Garcia (a few too many parties perhaps?)."

The plaintiff lawyer, a Garcia groupie, alleged this joke caused him "humiliation, mental anguish, and emotional and physical distress" after seeing the sign. He further added that he had suffered injury to his mind and body (specifics were not listed in the suit).

## Danger! Dumb people beware!

A college student in Idaho decided to "moon" someone from his 4th story dorm room window. He lost his balance, fell out of his window, and injured himself in the fall. Now the student expects the University to take the fall; he is suing them for "not warning him of the dangers of falling on the 4th floor".

## Oh! The humanity!

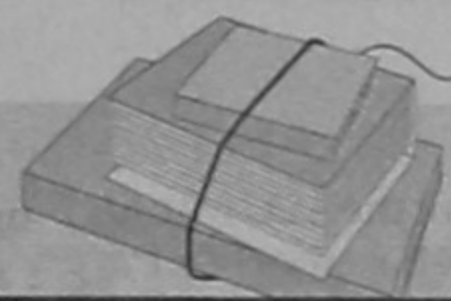
A jury awarded \$178,000 in damages to a woman who sued her former fiancé for breaking their seven-week engagement. The breakdown: \$93,000 for pain & suffering; \$60,000 for loss of income from her legal practice, and \$25,000 for psychiatric counselling expenses.

## Heartless

A woman driving a car collided with a man who was riding a snowmobile. The man died at the scene. Since his snowmobile had suddenly cut in front of her, police said she was free of blame. She sued the man's widow for the psychological injuries she suffered from watching the man die.

Source: www.duhaime.org

## LAW lexicon



**Robinson-Patman Act** - An amendment to the Clayton Act which deals with price discrimination.

**Robbery** - Felonious taking of another's property, from his or her person or immediate presence and against his or her will, by means of force or fear.

**Rules** - Established standards, guides, or regulations set up by authority.

**Rules of evidence** - Standards governing whether evidence in a civil or criminal case is admissible.

**Search warrant** - A written order issued by a judge that directs a law enforcement officer to search a specific area for a particular piece of evidence.

**Seal** - To mark a document with a seal; to authenticate or make binding by affixing a seal. Court seal, corporate seal.

**Sealing** - The closure of court records to inspection, except to the parties.

**Secondary authority** - Legal encyclopaedias, treatises, legal texts, law review articles, and citators. Writings which set forth the opinion of the writer as to the law.

**Secured debts** - In bankruptcy, a debt is secured if the debtor gave the creditor a right to repossess the property or goods used as collateral.

Source: Jurist International.

## LAW update



The House passed the much-awaited **Right to Information (RTI) Act 2009** on March 30, 2009. The government had placed the bill in parliament seeking to enact a law to ensure people's empowerment by allowing them to have access to their right to information.

The House on March 31, 2009 passed two bills titled **Sylhet Metropolitan Police Act 2009** and **Barisal Metropolitan Police Act 2009** for continuation of their functions that began in 2006.

The bill titled **Upazila Parishad (Reintroduction of the Repealed Act and Amendment) Bill 2009** was placed in parliament on February 24 and unanimously passed on April 6, 2009. Two other bills, **Begum Rokeya University Rangpur Act 2009** and **Bangladesh University of Professionals Act 2009**, were also passed.

The parliament passed the bill titled **Code of Criminal Procedure (amendment) Act, 2009** on April 7, 2009, empowering the executive magistrates to take cognisance of offences. The House also passed another bill titled **Padma Multipurpose Bridge (land requisition) Act 2009** on the same day.

Three bills were placed in parliament on March 30, 2009, titled-

- Law and Order Disruption Offence (Speedy Trial) (Amendment) Act 2009,
- Padma Multipurpose Bridge Project (Land Requisition) Act 2009, and
- Public Procurement (Amendment) Act 2009.

—Compiled by Law Desk.

## LAWS FOR everyday life

## National legislation on combating human trafficking

**T**RAFFICKING in persons, specially in children and women is an extreme form of violation of human rights. As such, the Government of Bangladesh is very careful in dealing with these matters. Bangladesh has several laws relating to children's and women's rights, such as, the Penal Code, 1860, the Children's Act 1974, the Women and Children Repression Prevention Act 2000, the Emigration Ordinance 1982, etc. The following legal provisions are found in the legislations of Bangladesh to combat human trafficking:

## Constitutional provisions

## Article 18(2)

The State shall adopt effective measures to prevent prostitution.

## Article 27

All citizens are equal before law and are entitled to equal protection of law.

## Article 28(2)

Women shall have equal rights with men in all spheres of the State and public life.

## Article 32

No person shall be deprived of life or personal liberty save in accordance with law.

## Article 34(1)

All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

## The Penal code, 1860

## Section 360

This section defines the offence of kidnapping from Bangladesh.

## Section 366A

Procurement of minor girl under the age of 18 years with intent that she will be forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years.

## Section 366B

Importation of girl from foreign country under the age of 21 years for illicit intercourse or prostitution. Punishment maximum 10 years with fine.

Both the Sections 366A & 366B were incorporated in the Penal Code to effect the certain article of the International Covenant for the Suppression of Trafficking in Women and Children and to punish people involved in the export and import of girls for the purpose of prostitution.

## Section 369

Kidnapping or abducting child under ten years with intent to steal from its persons. Punishment maximum 7 years and fine.

## Section 370

Buying or disposing of any person as a slave. This section was enacted for the suppression of slavery.

## Section 371

Habitual dealing in slaves. This Section seeks to punish a habitual dealer of slaves. Punishment maximum 10 years and fine.

## Section 372

Selling minor under age of 18 years for



purpose of prostitution etc. Punishment Maximum 10 years and fine.

## Section 373

Buying minor under the age of 18 years for purposes of prostitution etc. Punishment Maximum 10 years and fine.

## Section 374

Whoever unlawfully compels any person to labor against the will of that person shall be punished with imprisonment which may extend to 1 year.

## Section 375

Definition of 'rape' has been given in this Section.

## Section 496

This Section punishes fraudulent mock marriage. Punishment maximum 7 years and fine.

**The Women and children repression prevention Act 2000 and Women and children repression prevention (amendment) Act 2003**

**Section 5 - Punishment for trafficking of women**

This Section contains specific penalties for the persons, whoever sells, imports or exports, lets to hire or buys any women of any age with intent that such women shall be employed or used for the purpose of prostitution or illicit intercourse with any person. Punishment: Death or imprisonment for life or imprisonment which may extend to 20 years but not less than 10 years.

**Section 6 - Punishment for child trafficking**

This section contains specific penalties for child trafficking. Punishment: Death or imprisonment for life.

**Section 7 - Punishment for abduction of women and children**

If any person abducts any women or children without any purpose mentioned in Section 5 of this Act shall be punished with imprisonment for life or

minimum 14 years.

Besides, Sections 9, 10, 18 and 20 are related with this subject matter.

## Child prostitution

According to the Suppression of Immoral Traffic Act, 1933 no girl under 18 years of age may be engaged in sex trade. According to Section 42 of the Children Act, 1974 no girl under 16 years of age either willingly or coercion is permitted to work as a sex worker.

## The Bangladesh passport Order, 1973

## Section 3

No person shall depart or attempt to depart from Bangladesh unless he holds a valid passport or travel document.

## Section 11

Whoever contravenes the provisions of Article 3 or knowingly furnishes false information with a view to obtaining a passport or uses a passport issued to another person or allows another person to use a passport issued to him shall be punished with imprisonment for a term which may extend to 6 months.

## The passport (offences) Act, 1952

## Section 3

Any person who forgoes, alters or tampers with any passport or uses a passport which he knows to be forged altered or tampered or traffic in passports shall be punished with imprisonment which may extend to 2 years.

## The emigration ordinance, 1982

## Section 20

Whoever except in conformity with the provision of this ordinance, emigrants or attempts to emigrate or departs or attempts to depart shall be punished with imprisonment for a term which may extend to one year.

Source: Socio Legal Aspects O/TIP Cases.

## LAW news

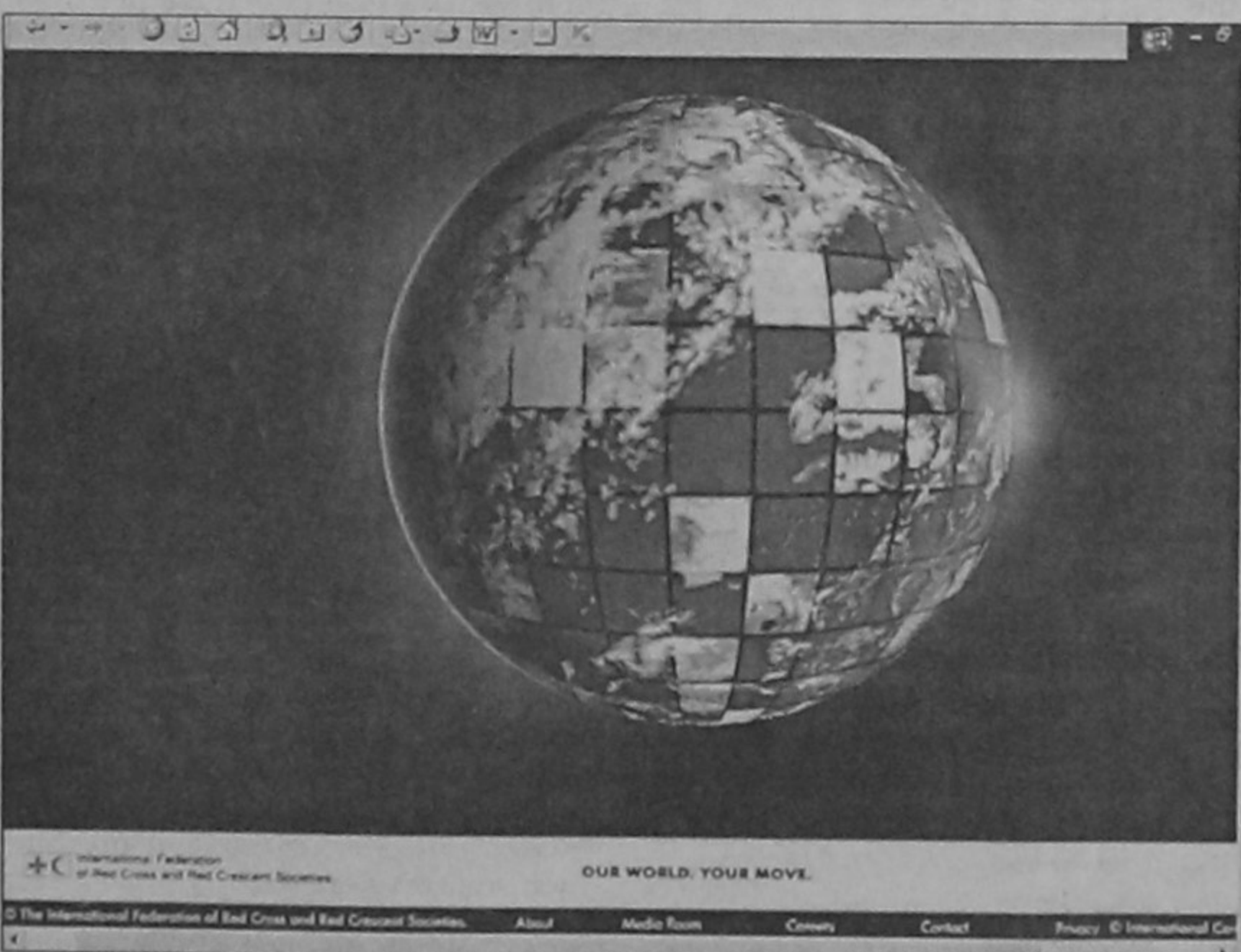
## New web portal to address humanitarian challenges

**T**HE International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) are launching a joint online initiative on 8 April to raise awareness of the world's most pressing humanitarian challenges and to show what individuals are doing to make a meaningful difference.

The new web portal, [www.ourworld-yourmove.org](http://www.ourworld-yourmove.org), puts the spotlight on the human cost of wars, climate change, displacement, disease, food insecurity and forgotten crises. It also invites members of the public to post videos and photos, and write about what they are doing to help others. The online gateway features images from award-winning photographers such as James Nachtwey and Ron Haviv, personal accounts from conflict and disaster survivors, and a wealth of ideas for anyone looking for ways to be involved.

The site's launch in 2009 coincides with the 150th anniversary of the battle of Solferino, which led to the creation of the International Red Cross and Red Crescent Movement.

"The idea of the Red Cross was born 150 years ago when one individual, Henry Dunant, decided to take action to help thousands of soldiers, who were wounded near Solferino in northern Italy. His legacy lives on today in the selfless acts of all those around the world who offer hope in a moment of need or despair," said Yves Daccord, the ICRC's director of communications. "Each day, there are countless stories of unsung courage and achievement just waiting to be told. We want the web portal to be a place where someone who is making a difference in one corner of



the world can inspire someone on the opposite side of the globe."

The [www.ourworld-yourmove.org](http://www.ourworld-yourmove.org) web portal exists in English, French, Spanish and Arabic and serves as an online gateway for individuals looking to make a difference. For the first time, the IFRC and ICRC have placed special emphasis on engaging social media sites in an effort to connect with a broader global audience.

"We've made a real effort to capitalize on the tremendous scope of social networking and new media sites in order to reach beyond our typical support base and build a partnership with the public," said Pierre Kremer, the head of communications for the IFRC. "We hope to generate a lot of excitement

around what we do and why it matters, and encourage people to join us in taking action in their communities, and to make a difference in the lives of people around them."

As part of the online initiative, a new 60-second 3D video will launch on YouTube on 8 April. An innovative technique that renders still photographs into animation was used to make the video. Both the online clip and the [www.ourworld-yourmove.org](http://www.ourworld-yourmove.org) site offer a sneak preview of what the public can expect when the "Our world, Your move." campaign officially launches on 8 May, which is World Red Cross Red Crescent Day.

Source: International Committee of the Red Cross.

## LAW week



## Faisal's JMB link found in probe

Bangladesh-born British citizen Faisal Mostafa, now detained in Dhaka, has close links with banned Islamist outfit Jama'atul Mujahideen Bangladesh, said investigators. He had met executed JMB supremo Shaekh Abdur Rahman several times, and kept in contact with Saidur Rahman, now-on-the-run boss of the militant organisation. On quite a few occasions, Saidur visited Faisal's Green Crescent madrasa-cum-orphanage at Ramkeshob village in Borhanuddin upazila of Bhola, where the Rapid Action Battalion (Rab) discovered a mini-munitions factory and seized a huge cache of arms, ammunition and explosives on March 26. - *The Daily Star*, April 14, 2009.

## JS probe digs out more graft by Sircar

Former speaker Jamiruddin Sircar had appointed more than 300 employees to the Parliament Secretariat ignoring district quotas and purchased furniture worth Tk 12 lakh for his residence in a year ignoring rules. The all-party parliamentary probe body disclosed these cases of "misappropriation of money, anomalies and misuse of power" during its third meeting held at the Sangsad Bhaban. The probe committee revealed that Tk 17 lakh was spent to buy stationery items for the parliament in 2007-08 when it was inactive. Tk 30 lakh was also spent for lights, electrical work and gardening at the Sangsad Bhaban during the tenure of the former speaker. - *The Daily Star*, April 14, 2009.

## Court will decide fate of Khaleda's house: Delwar

BNP Secretary General Khandaker Delwar Hossain said the court would decide whether Khaleda Zia would have to give up her house in cantonment. "The government has no other way but to go to the court to resolve the issue," Delwar told reporters at his residence adding "BNP will respect the court verdict in this regard." The BNP leader also criticised Law Minister Shafigue Ahmed for his comments on serving a notice to Opposition Leader Khaleda Zia to leave the house in cantonment within a week. - *The Daily Star*, April 14, 2009.

## ACC accused of contempt of JS

The Parliamentary Standing Committee on Public Undertakings accused the immediate past chief of Anti-Corruption Commission (ACC), its incumbent acting chief, the other incumbent commissioner, and one of its former secretaries of contempt of the parliament. The parliamentary committee also questioned the legality of some of ACC's moves under the regime of the immediate past caretaker government over almost the last two years. Despite being summoned by the parliamentary committee to be present at a committee meeting, former ACC chief Hasan Mashhud Chowdhury, incumbent Acting ACC Chairman M Habibur Rahman, incumbent Commissioner Abul Hasan Manzur Mannan, and former ACC secretary Delwar Hossain who is now the land secretary were absent from the meeting. - *The Daily Star*, April 13, 2009.

## Sircar drew Tk 28 lakh illegally, finds JS probe

A parliamentary probe body has found that immediate past speaker Jamiruddin Sircar "illegally" drew Tk 27.86 lakh as medical bill. "After examining documents, the committee finds that Sircar unlawfully drew the amount of money," advocate Fazle Rabbi Mia told reporters after a meeting of the probe committee at the parliament building. "The probe body revealed that violating the law, the then speaker Jamiruddin Sircar drew Tk 27.86 lakh as medical bill without the then prime minister Khaleda Zia's consent and ignoring her opinion," Rabbi added. - *The Daily Star*, April 13, 2009.

## Govt decides to form jt working group with UK

The government decided in principle to form a Joint Working Group (JWG) on counter terrorism with the UK next month for exchanging information and training on counter-terrorism. The decision came at an inter-ministerial meeting between Foreign Minister Dipu Moni, state ministers and high-ups of foreign and home ministries. A memorandum of understanding (MoU) will be signed between the two countries during UK Parliamentary Under-Secretary of State (Security and Counter-terrorism) Lord West of Spithead's visit to Bangladesh next month, said government sources. Various issues including counter-terrorism, border security, money laundering, the funding of militant organisations, human and drug trafficking were also discussed at the meeting. - *The Daily Star*, April 13, 2009.

## JS body may go for contempt move

The parliamentary committee on public undertakings sits today to decide the next course of action regarding the Anti-Corruption Commission's (ACC) refusal to allow it to scrutinise the anti-graft body's activities. "If the anti-graft body does not appear before the committee, it will undermine parliament. Contempt of parliament proceedings might be initiated against them," committee Chairman Mohiuddin Khan Alamgir told *The Daily Star*. He said the committee itself might initiate the contempt proceedings or will report to the House for it. - *The Daily Star*, April 12, 2009.

## Tobacco lure

Violating the Narcotics Control Act, 2005, a number of local tobacco companies are offering smokers on the outskirts of the capital and elsewhere in the country "gift items" as incentives to choose their products. Even though tobacco-product advertisement and offering incentives to tobacco consumers are prohibited under the law, the companies are offering items like cellphones, bicycles, household utensils and free cigarettes in exchange for empty cigarette packs or part of the packs. According to Clause-4 of the Narcotics Control Act, 2005, "No one is allowed to provide any gift, incentive, scholarship or hold any tournament with the aim to encourage the use of tobacco products." If anyone violates this law, he or she would be awarded three months' simple imprisonment or fined Tk 1,000, the law reads. - *The Daily Star*, April 12, 2009.

## Strict enforcement of rules a must for safety

Strict enforcement of fire safety rules and compliance with Bangladesh National Building Code (BNBC) in construction of high-rise buildings must be ensured to protect them from fire, experts told a discussion. Speaking at the discussion, State Minister for Housing and Public Works Abdul Mannan Khan said the government will take action against 'errant practice' in building construction in the city. He was speaking at the discussion on Fire Safety in High-Rise Buildings and Provisions of BNBC, organised by Institution of Engineers, Bangladesh (IEB) with IEB Dhaka Centre Chairman Md Nurul Huda in the chair. - *The Daily Star*, April 12, 2009.

## 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: LawDesk, The Daily Star, 19 Karwan Bazar, Dhaka-1215; telephone: 8124944, 8124955, fax 8125155; email: ds.lawdesk@yahoo.co.uk, lawdesk@thedailystar.net