

LAW amusements



Surreal law facts

The truth is always stranger than fiction.

50 year sentence for a whistle

Seldon was followed by the strange case of the 22-year old Marie-Augustin, Marquis de Pélér of Brittany who whistled at Marie-Antoinette as she took her seat in a Paris theatre, circa 1786. Again, a lettre de cachet and Marie-Augustin found himself on the inside of a French prison, with his property forfeited to the French Crown.

Marie-Antoinette and the signatory of the lettre de cachet, Louis XVI has both been beheaded and the French Revolution came and went and still the Marquis de Pélér languished in jail, forgotten.

In 1814, he was ordered released but as Napoleon made his break for a second tour as emperor, the Marquis was again forgotten. Finally, in 1834, at the age of 72, after 50 years in prison, he was released. As a belated act of decency, his property in Brittany was restored to him.

From dungeon to law-maker in minutes

The beginnings of the future Byzantine Emperor Michael II were inauspicious but while he was a nobody, he had the fortune of befriending a man who became Leo V. Once Leo ascended to the throne, he and Michael had a falling-out and Michael was sentenced to death. He was chained and jailed while awaiting his execution, set for just after Christmas 820. And thus occurred the events which thrust Michael onto the throne of the Byzantine Empire.

On Christmas Day, 820, Michael was rescued by his allies but they were unable to completely remove the chains from his wrists and ankles. But Michael's mob found Leo at the altar of the great church Haiga Sophia (still stands in present-day Istanbul), after first killing his guards. Leo V fought valiantly but soon succumbed and Michael was quickly proclaimed emperor, styled Michael II, with his prison chains still dangling.

Rum-loving lawmaker

Sir John Robertson (1816-1891) was five times premier of New South Wales, Australia, from 1860 to 1886. He lived in Watson's Bay, seven-mile horseback ride he took every morning and night, back and forth from the seat of the NSW legislative assembly in Sydney.

But this lawmaker was, well, different. He loved his rum and visitors to the legislative assembly noted the strong smell of liquor. Of him was said that his "voice (was) the loudest, his language the most violent and his attitudes the most distorted."

Everyday, before embarking on this long ride, Premier Robertson would buy three pints of rum at the King Street Tea Rooms in Sydney. One, he would drink on the spot. The other he would give to his horse, and the third he would pour into his tall riding boots to prevent rheumatism.

Source: www.duhaime.org.

LAW letter

Dreams of a flat and the reality

It's quite natural that people can have a sweet dream to be the owner of a beautiful flat for better living. To fulfill the dream people don't hesitate to collect money by any means e.g. selling valuable properties, availing bank loans etc. But many flat purchasers fall into great problem in respect of land and size of the flat as per specification and sometimes not get handed over the flat at the stipulated time by the developers. Therefore people suffer a lot and gather a bitter experience in this regard. Even sometimes legal complexities regarding land and ownership are found after long period. In many cases the title of land of the flat concerned are not good enough. But how can the miseries of the flat purchaser be terminated? It may furnish in two ways viz.,

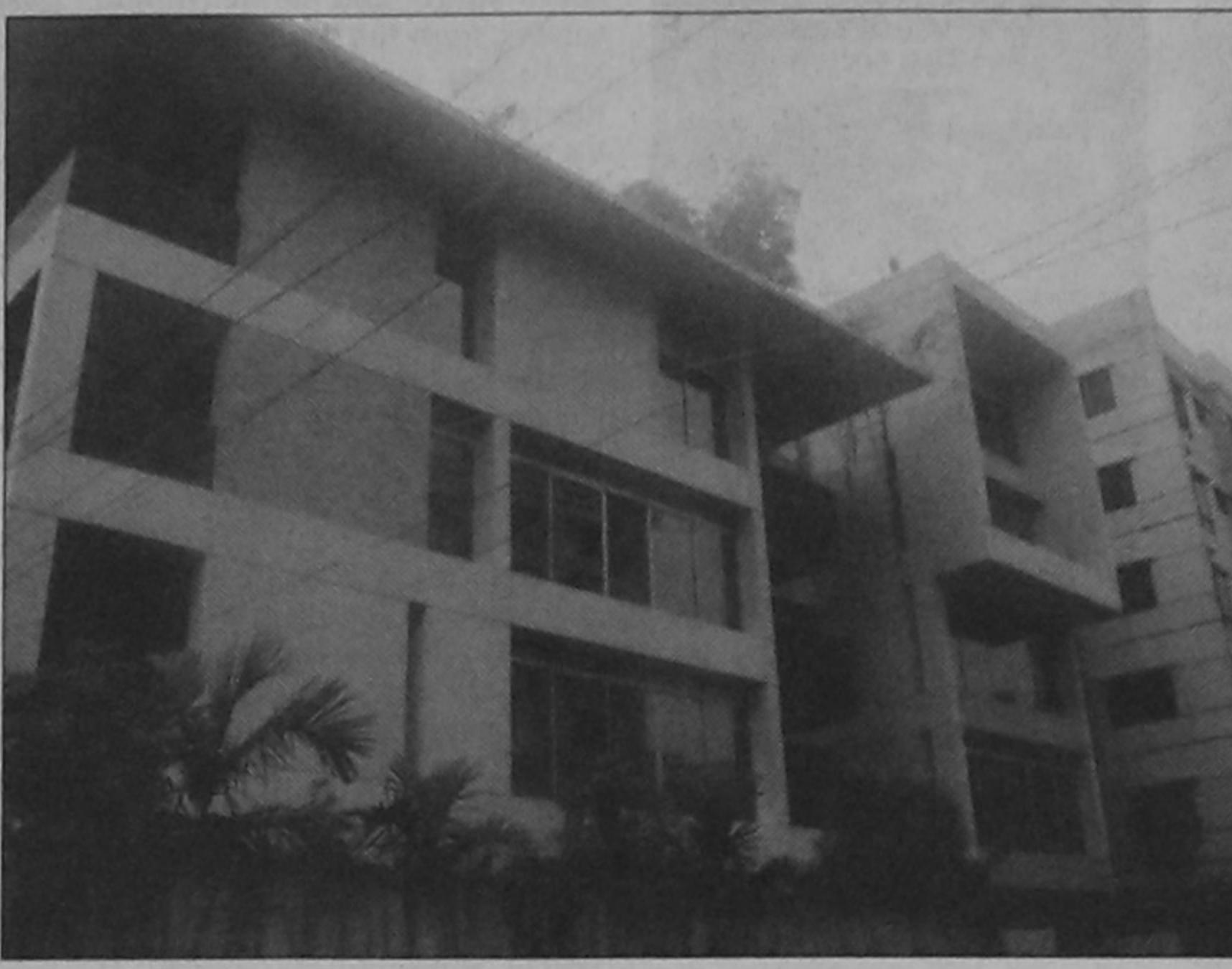
1. By proper searching and identification of land as well as flat specification
2. Effective rules for protecting flat purchasers' rights as well as developers' responsibilities

Everybody should remember the well said proverb, "Buyer be aware". Because after selling of a property the liability lies to the buyer in case of any previous defect. Therefore, it is the first and foremost duty of a flat purchaser to verify the land along with all required documents. Following vital measures to be taken for an immovable land identification:

1. Collection of a set of all required documents of the land and flat
2. Approaching to a good civil lawyer to check the genuinity of the documents as well as vetting thereof
3. Ensuring proper approval from the concerned authorities.

4. Physical verification of the land from the concern land office in respect of name and title of the existing owner up to date payment of rent.
5. Proper checking from the concern registration office in respect of any type of encumbrance on the land

At least one can verify the Mutation Certificate of the last owner from the land office concern along with DCR and rent receipt of current year to minimize the risk.



If we give a little bit effort to verify the title and ownership of the land and we can get rid of the miseries of legally defective flats. One can go to a good civil lawyer from the very beginning of purchasing any flat along with all relevant land documents.

There are also some measures has already been taken by the Government to minimize the hassle of the flat purchasers by enacting appropriate laws regarding the protection of flat purchasers rights e.g. the Govt. has already taken some initiatives to enact laws concerning this issue which has already been protested by the REHAB. But it should not be, cause there is not any strong law concerning these issues.

Although, some laws were enacted for land improvement viz., The Building Construction Act, 1952, Town Improvement Act, 1953 etc., but there was no specific provisions in this regard.

After a long period, a significant attempt was made in 2008 through Dhaka Metropolitan Building (Construction, Development, Protection and Removal)

regulation, 2008, published in Bangladesh Gazette on May 29 of 2008 which is an attempt to eradicate the irregularities of this sector.

Thereafter The Real Estate Development and Management Ordinance 2008 which is a dynamic step towards protection of land/apartment purchasers rights. As per clause 6 sub clause 4 of the aforesaid Act enumerates that, each developer will provide all the documents relating to the approval of the authorities as well as the ownership of the land to the purchaser. Land/Apartment purchasers also need to observe the corroboration of two vital clauses i.e. clause 9, 10 and 11 of the aforesaid ordinance for ensuring the ownership as well as other facilities.

In fine we can consider the aforementioned vital matters must be considered before purchasing a land/ flat rather than being emotional which may help us to put on smile forever.

Md. Anwar Hussain
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HUMAN RIGHTS monitor



First Commemoration of World Humanitarian Day

The United Nations held its first World Humanitarian Day on 19 August in an attempt to increase support for relief workers, as well as calling attention to the growing dangers they face.

In 2008, 260 humanitarian aid workers were killed, kidnapped or seriously injured in violent attacks. This toll is the highest on record. The overall number of attacks against aid workers has risen steeply over the past three years, with an annual average almost three times higher than the previous nine years. Relative rates of attacks per numbers of aid workers in the field have also increased by 61 percent. The 2008 fatality rate for international aid workers exceeds that of UN peacekeeping troops.

On 19 August and for the first time, the international community paid tribute to the brave humanitarian workers who devote their time and energy to come to the rescue of innocent victims of war and natural catastrophes across the world.

To honour all humanitarian and increase

while making sure those who provide that help are kept safe?

Why 19 August?

Six years ago, on 19 August 2003, the United Nations Office in Iraq was bombed and 22 people lost their lives. Among them was Sergio Vieira de Mello, at that time the UN's High Commissioner for Human Rights and the Special Representative of the Secretary-General to Iraq. While there have been many other fatal incidents involving humanitarian personnel the General Assembly decided to use the anniversary of this incident as World Humanitarian Day.

The General Assembly of the United Nations adopted in its Plenary Session on 11th December 2008, the Swedish sponsored Omnibus Resolution on "Strengthening of the

major historic landmark for the Humanitarian Sphere and a great gain for all victims of armed conflict.

As a background to this landmark resolution, the family of Sergio Vieira de Mello, the late Special Representative of the Secretary General in Iraq, deeply moved by the tragic bombing of the Headquarters of United Nations in Baghdad on 19th August 2003 that killed Sergio and 21 of his humanitarian colleagues, resolved to work towards having the day recognized as a befitting tribute to all humanitarian personnel. In 2004 Madame Annie Vieira de Mello the widow of Sergio initiated discussions with key personalities in the United Nations and a number of governments to designate the day as the World Humanitarian Day. Based on this concept, in early April 2008 the Board of the Sergio Vieira de Mello Foundation prepared a draft Resolution to be sponsored and adopted by the General Assembly designating 19th August as World Humanitarian Day. France, Switzerland, Japan and Brazil, contacted with the draft Resolution, agreed to co-sponsor it. They led its long and extensive debate and revision in the General Assembly. The family of Sergio and the Board of the Foundation remained engaged with following up the process. Eventually the draft Resolution was folded by the co-sponsors into the omnibus Swedish draft Resolution that was adopted by the General Assembly on 11th December.

The family of Sergio Vieira de Mello supported by the Board of the Sergio Vieira de Mello Foundation is deeply grateful to all the Member States for adopting the historic Resolution and to the Governments of France, Switzerland, Japan, Brazil and Sweden for co-sponsoring the Resolution. The Board is committed to working closely with all governments, the United Nations, International Organizations and Non-Governmental Organizations to give the day a meaningful observance every year.

In its Plenary Session on 11th December 2008, the General Assembly adopted the Swedish sponsored Omnibus Resolution on "Strengthening of the Coordination of Emergency Humanitarian Assistance of the United Nations". The resolution included the decision to designate 19 August as World Humanitarian Day to honour all humanitarian, UN and associated personnel who have lost their lives in the cause of duty and those who have worked in the promotion of the humanitarian cause. The resolution invites all member states, as well as NGOs and other international organizations to observe the day annually in an appropriate manner.

The General Assembly instructed that the Day be marked "within existing resources" which means no additional staff or other items have been budgeted for the day. For 2010 and beyond it is anticipated that World Humanitarian Day will be used to focus on particular humanitarian themes, such as the following:



public understanding of humanitarian assistance activities worldwide, the United Nations General Assembly has chosen to dedicate the 19th of August to commemorate World Humanitarian Day.

On this day we will pause to remember the hundreds of UN and non-governmental organization workers who have lost their lives while carrying out their duties and to acknowledge the ongoing work of humanitarian staff.

Generally, this event reminds us of the major dilemma facing humanitarian agencies around the world - how do we meet the life-or-death needs of the world's most vulnerable people

Coordination of Emergency Humanitarian Assistance of the United Nations", that carried the historic decision by the world body, to designate the 19th August as World Humanitarian Day to honour all humanitarian and the United Nations and associated personnel who have lost their lives in the cause of duty and those who have worked in the promotion of the humanitarian cause. The resolution invites all Member States, the United Nations system, within existing resources, as well as other international organizations and non-governmental organizations to observe the day in an appropriate manner.

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Gender-based violence

Women and girls are the victims of gender-based violence, including sexual violence. In many places, men and boys are also victims of sexual violence, but this is often not reported. Many are abducted to serve as sex slaves; pregnant women are physically assaulted; and many women and girls have been infected with HIV/AIDS.

Source: UN Observers/Radio Netherlands Worldwide

LAW week



Mobile court rules go against SC opinion

Empowering the executive magistrates to hold trials of people for electoral offences through the newly promulgated mobile court ordinance goes against a Supreme Court opinion. In line with the government's decision, President Zillur Rahman promulgated the ordinance on July 23 empowering executive magistrates to run mobile courts to maintain law and order and try people for electoral offences. The general administrative committee of the SC, headed by the chief justice, unanimously decided in December that only experienced judicial magistrates should be engaged to administer justice in cases filed for electoral offences. - *The Daily Star*, Aug 20, 2009.

SC appoints 10 amici curiae for opinions

The Supreme Court (SC) appointed 10 senior lawyers as amici curiae (friend of court) for their expert opinions on a reference seeking the apex court's view on whether the people charged with mutiny and massacre at the BDR headquarters can be tried under the military law. The amici curiae are Dr Kamal Hossain, advocate Khondoker Mahbubuddin Ahmed, barrister Rafiqul Haque, advocate TH Khan, barrister M Ameen Ul Islam, advocate Mahmudul Islam, barrister Rokon Uddin Mahmud, advocate AF Hassan Arif, barrister Ajmal Hossain and advocate AFM Mesbahuddin. - *The Daily Star*, Aug 20, 2009.

Act tough on extortion

Prime Minister Sheikh Hasina directed the authorities concerned to take immediate stern actions to stop rampant extortions in the country. At a regular cabinet meeting she warned that none including ministers, state ministers, lawmakers and political leaders irrespective of party affiliations will be spared if found involved in extortions. "Stern actions will be taken against whoever is involved in extortion," Hasina was quoted to *The Daily Star* as saying by a minister who requested anonymity.

- *The Daily Star*, Aug 18, 2009.

Lease of 8,000 acres hill land cancelled

Leases of 8,175 acres of land in the Chittagong Hill Tracts (CHT), given years back for horticulture and rubber plantation, have been cancelled for violation of lease agreements. Official sources said leases of 15,000 acres more await immediate cancellation. The leases of CHT land cancelled until last Sunday include 7,450 acres in Bandarban, 425 acres in Khagrachari and 300 acres in Rangamati. The lessees include influential people like ex-adviser to the caretaker government Major General (retd) MA Matin, former ministers and civil and military bureaucrats.

- *The Daily Star*, Aug 18, 2009.

Trial reference sent to SC for opinion

President Zillur Rahman sent a reference to the Supreme Court (SC) for its opinion on whether the people charged with mutiny and massacre at the BDR headquarters can be tried under the military law. The civilians and BDR officials including assistant directors and deputy assistant directors, allegedly involved in the BDR mutiny and the massacre, can not be tried under the BDR law, said the reference. Quoting the reference, an official press release said the highest punishment under the BDR law is seven years' imprisonment while it's death penalty under the military law. - *The Daily Star*, Aug 18, 2009.

Sircar files writ against JS body formation

Former speaker Jamiruddin Sircar filed a writ petition with the High Court (HC) challenging the formation of a parliamentary subcommittee to investigate graft allegations against him. The BNP leader in his petition also prayed to the court to stay the proceedings and recommendations made by the parliamentary subcommittee against him. The recommendations include cancellation of the House membership of Jamiruddin and legal actions against him on graft charges. - *The Daily Star*, Aug 17, 2009.

DMP to go hi-tech

Dhaka Metropolitan Police starts centrally monitoring important intersections of the capital with modern equipment from September 1 to curb street crime and ease congestion, a major headache for city dwellers. The DMP has set up a control room-Command, Control and Communication System, known as C3S-installed closed-circuit television cameras and dot matrix displays at key intersections. This modern system is now on its month-long trials. - *The Daily Star*, Aug 16, 2009.

Drug trafficker snatched

A drug trafficker in handcuffs was snatched by a mob allegedly at the instigation of his accomplices from police at Mirpur area, leaving two informers injured. The arrestee, identified as Shahid, 30, is a stranded Pakistani living at the Bihari camp of Mirpur-11. Locals said a police team led by Sub-Inspector (SI) Mohammad Jasim nabbed Shahid from inside the camp at around 4:00pm. As the detainee started shouting seeking the help of his accomplices, around 150 women and men from the densely populated camp thronged the spot and took away Shahid in handcuffs, locals said. - *The Daily Star*, Aug 16, 2009.

Govt plans to appoint 50 more HC judges

The government is planning to appoint 50 more judges to the High Court (HC) Division and a few judges to the Appellate Division of the Supreme Court (SC) to deal with a huge backlog of cases. Sources said the process of appointing new judges will start next year when a number of judges of both the divisions of the apex court will retire. Talking to *The Daily Star*, Law Minister Shafiq Ahmed recently said that at least 50 more judges should be appointed to the High Court Division in order to reduce the number of pending cases and to ensure fair justice. The judges will be appointed after arranging office rooms and other logistic supports for them, he said. - *The Daily Star*, Aug 15, 2009.

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