



LAW amusements



Surreal law facts

The truth is always stranger than fiction.

Hammurabi, beer drinker

Hammurabi (1810-1750 BC), to whom is credited one of the first and greatest law codes ever, was fond of his beer (which they called dida or sikaru).

Numerous clay engravings show citizens of his empire drinking beer.

Indeed, his Code itself contains harsh penalties for tavern-keepers who cheat their customers. There was a goddess of brewing (Ninkasi) and one clay tablet dated to about 3,000 BC, has a recipe for beer. A song called Hymn to Ninkasi actually includes a recipe for beer.

According to the British Museum, the clay tablet pictured is dated about 3,000 BC and:

"The symbol for beer, an upright jar with pointed base, appears three times on the tablet. Beer was the most popular drink in Mesopotamia...."

He liked it so much - he bought the prison

Thomas Handford liked the prison he was so often thrown in that as soon as it was put up for sale by the local government, he bought it and lived in it until his death.

111 High Street, New Mills, England is the address (previously, Dye House Lane). A plaque on the building reads "A Drunkard's Reform".

Handford was a local petty criminal, a poacher and a habitual drunkard. He was often incarcerated at 111 High Street, the New Mills municipal prison.

Handford was out drinking with a buddy at a pub right next to the New Mills prison when the buddy suddenly fell down, dead. It scared Handford into becoming an immediate teetotaler; he never drank alcohol again right up to his death 35 years later, in 1877.

In 1854, a decade into his purge, the prison was put up for sale and Handford bought it and had the plaque put up.

Source: www.duhalme.org

LAW lexicon



Abatement of action - A suit which has been quashed and ended.

Abstract of record - A short, abbreviated form of the case as found in the record.

Abstract of title - A chronological summary of all official records and recorded documents affecting the title to a parcel of real property.

Acceptance - The taking and receiving of anything in good faith with the intention of retaining it.

Accessory - A person who assists in the commission of a crime, either before or after the fact.

Accomplice - 1. A partner in a crime. 2. A person who knowingly and voluntarily participates with another in a criminal activity.

Accord and satisfaction - A method of discharging a claim upon agreement by the parties to give and accept something in settlement of the claim.

Acquittal - The legal certification of the innocence of a person who has been charged with a crime, setting the person free from a charge of guilty by a finding of not guilty.

Source: Jurist International.

LAW event

Ensure peoples' right to know

TABASSUM MOKHDUMA

THE emergence of Right to Information (RTI) Act 2009 that came into effect on the 6th of April 2009 is undoubtedly a landmark in the legal arena of the country. This law supersedes several inconsistent provisions in other laws like the Official Secrets Act 1923, the Evidence Act 1872, the Rules of Business 1996 and the Government Servants (Conduct) Rules 1979 among others. The law also provides an independent Information Commission with broad powers to provide remedies to the failures to implement the law.

Under the Article 15(1) of the Act the government appointed a three-member Information

Commission which has already done the necessary works to prepare the rules of business for the proper functioning of the commission as well as implementation of the Act. Enactment of the RTI Act is an important march towards ensuring peoples' access to information, and establishing their rights of the public information.

ward towards its implementations at different levels, and at local level in particular where both the media and civil societies have crucial roles to play. Raising awareness at local level is crucial to the implementation of the law. Thus, in the process of implementation most functional aspects of the law will be recognized and lapses will be identified and remedied.

Under the Act, organizations that run with public money and the NGOs using foreign funds will have to disclose information as categorized. People will be able to get information they have asked for in 20 days, and in emergency cases within 24 hours. The Act suggests that in case of issues concerning a person's life and death, arrest and release from jail, the officials will have to provide primary information within 24 hours. The Act would not however covers eight security and intelligence agencies, which includes National Security Intelligence (NSI), Directorate General of Forces Intelligence (DGFI), Defence Intelligence Units, Special Security Forces (SSF), Criminal Investigation Department (CID), Bangladesh Police and Central Intelligence Cell of the National Board of Revenue. However if the information sought is related to corruption or violation of human rights in these agencies, they will have to provide the information within 30 days. In order for the media and civil society stakeholders to facilitate the implementation of the act they should remain vigilant of other provisions of the Act.

To ensure the best out of the RTI act, Mass-line Media Centre (MMC) organized a daylong workshop with the support of PROGATI (USAID) on Right to Information Act and Peoples' Right to Know on October 14, 2009 at Engineer Abdul Khaleque Hall of Press Club, Chittagong. The Chief Guest of the event was Professor Dr Abu Yusuf, Vice-Chancellor, University of Chittagong (CU) while the keynote paper titled "Raising Awareness at Local Level on the Implementation of Right to Information Act: Role of Media and Civil Society" was presented by Communication and Information Policy Specialist SM Shameem Reza, Assistant Professor, Department of Mass Communication and Journalism, University of Dhaka (DU). Among others, Chittagong Press Club Chair Abu Sufiyan, General Secretary Rashed Rauf, MMC Executive Director Kamrul Hasan Manju, City Editor of the Daily Suprobhat Bangladesh M Nasirul Haque, Dean of Faculty of Law of CU Professor Zakir Hossain were also present. The major participants included journalists, students, social activists, representatives from civil society and local government.

Among other relevant issues, this paper discussed the potential roles of media and civil society as two key stakeholders to the implementation of the law and also to ensure effective delivery of the benefits of the Act. The keynote paper mentioned that journalists are one of the primary stakeholders who will be the most frequent users of the law. They are in central position in the public discourse on RTI Act. News media will help build trust between supply and demand sides, which is between the government (and public-funded organizations) and the people. They can also elucidate and construe the benefits of using the information law and contribute greatly to the promotion of the culture of ingenueness. Among other issues, media can explain the law in terms of its strength, limitations and possible areas of applications. Mass media's surveillance and monitoring role will be crucial in establishing governance, skirmishing corruption, and ensuring disclosures of essential public information. Informing key policy makers what concerns the public and what they want and need to know, the news media can play a central role in creating efficient demand for information and thus putting pressure on the supply side for developing effectual information dissemination system.

The paper also included that one of the primary roles of Civil Society Organisations and NGOs in implementing the RTI law should be to demystify the concept and use of 'information'. Demystification is a prerequisite to creating demands for information at the grass root level; and thus, in future, the ordinary and poor people would be conscious enough to make freedom of information and access as socio-political agenda.

The workshop also included panel discussions, group works and question answer session where the panelist discussed about different facades of the law and participants showed several problems through their group presentations in implementing the RTI Act in different spheres of life and also tried to come up with possible solutions.

Freedom of information and admittance is a continuing process. An RTI Act alone cannot ensure peoples' freedom of expression and right to have the control over the production of information. However, stakeholders in the civil society and media should look forward to finding effective ways to contribute to ensuring transparency and accountability in bureaucracy, help take ahead the government's anti-corruption actions and NGO mandates for pro-poor progress and social boost up.

The writer is a student of LL.M, Department of Law, University of Chittagong

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LAW letter

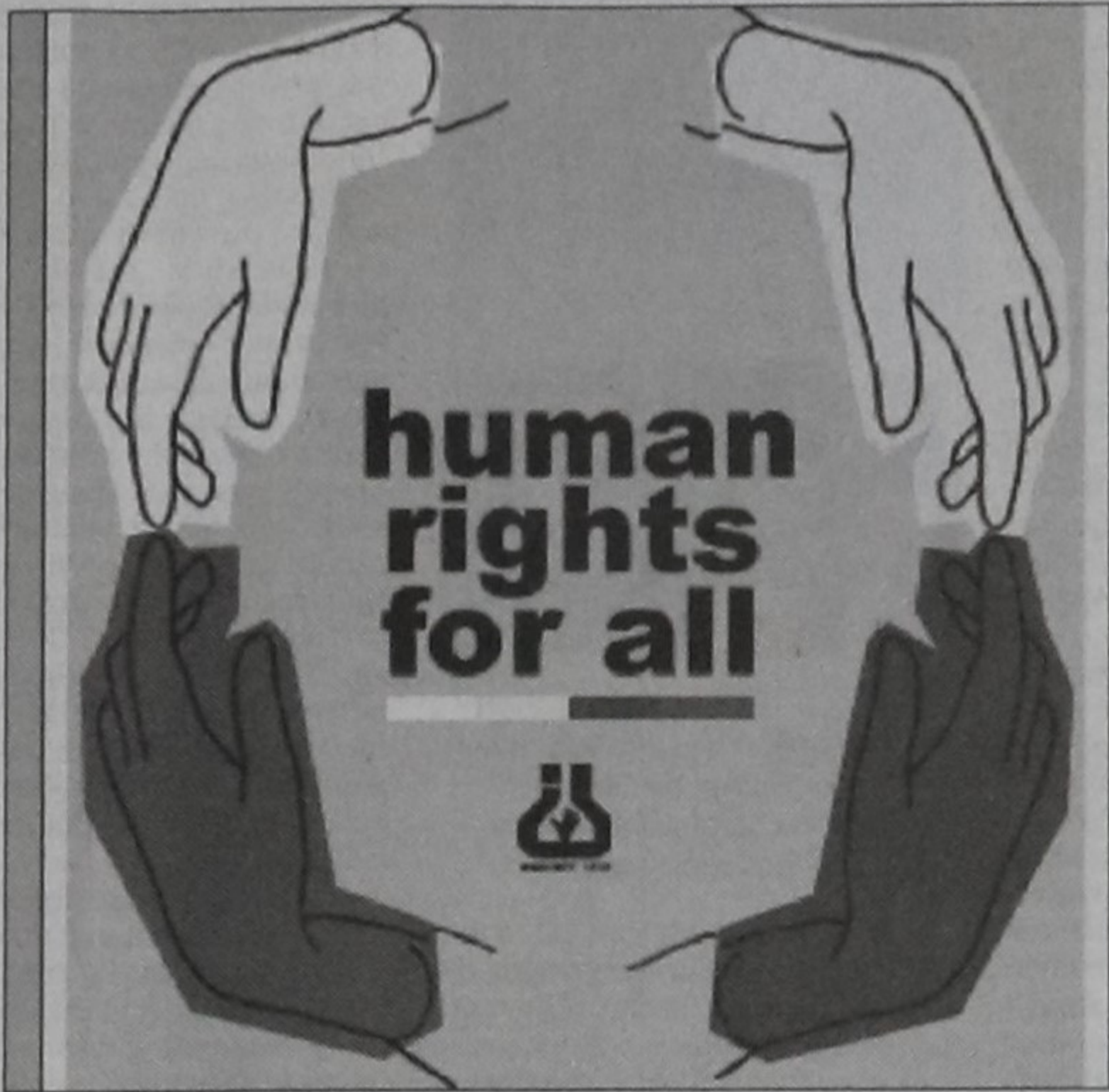
Human Rights Action Plan for Bangladesh

IF Bangladesh is to become a country in which fundamental human rights are respected and the law is applied equally to the poor and the powerful, the existing brat culture has to be overhauled and an achievable national human rights action plan for a stipulated ahead of period is needed which provides a practical and constructive commitments to the rights set out in the Universal Declaration of Human Rights. Besides, the United Nations convention on human rights held in Vienna in 1993 called on member nations to promote a culture that respects human rights and it appealed for national plans be formed and implemented effectively to protect and promote such rights.

The National Human Rights Action Plan (NHRAP) will define the Bangladesh government's goals in promoting and protecting human rights, and the specific measures it is taking to this end being formulated through a participatory process shall be involved discussions and consultations at the district, regional, and national levels.

The representatives of governmental organizations, non-governmental organizations, human rights organizations, civil societies, labor organizations and social organizations legal practitioners, media people, other experts and professionals and general people can contribute in the formulation steps, unlike all party participation in the process the donors money and the job shall be carried out by the newly formed Human Rights Commission of Bangladesh government will be meaningless. The action plan will clearly recognizes about government has specific responsibilities for the promotion and protection of human rights, responsibilities extends beyond the State to regional and local government to the business and community sectors, to voluntary groups and organizations. Indeed, each of us has responsibility to respect and protect the rights of others. This is crucial in the case of children, and of those adults who are dependent on others for their care and survival. For people and planet concern, Human rights are not limited to a single subject, topic, sector, or body. In general, it cuts across all subjects, a variety of sectors, and many agencies.

State will take proactive and effective measures to offset the negative impacts of international financial crisis, and ensure the economic, social and cultural rights of all members of society including right to work, right to living conditions, guarantee of human rights in the reconstruction of areas hit by the devastating earthquake, floods, droughts, landslides, river erosions, cyclone, and other climate change relevant impacts. Bangladesh national plan for human rights will take further measures to protect the rights and interests of ethnic minorities, women, children, elderly people and the disabled. Bangladesh is a unified country composed of 40 ethnic; all ethnic groups are equal, and the state protects the lawful rights and interests of ethnic minorities by promoting economic development in areas inhabited by ethnic minorities and raising the standard of living of the ethnic minorities. Substantial number of people with various kinds of disabilities lives in Bangladesh, accounting for 6% percent of the total population. The state shall be made great efforts to develop undertakings relating to the disabled and to beef up the building of the social security and service systems for them, providing guarantees for the legitimate rights and interests of the disabled; the govern-



ment will strengthen employment training for the disabled and the construction of an employment service network, standardize and develop business that offer jobs to a considerable number of disabled people at one go. It will promote compulsory hiring of disabled people in accordance with their proportion to the population at large. The protective employment system for the disabled will be improved, which includes tax deduction and exemption, and the special production and marketing of certain products by the disabled.

The dissemination of knowledge of the law among the general public, the action plan will do actively rely on the present systems of compulsory education, secondary education, higher education and vocational education, training organizations in state agencies, as well as the media, including radio, television, news-papers, magazines and the Internet, to carry out education in human rights in various forms in a planned way, popularizing and spreading knowledge of the law and human rights.

By making good use of the courses of Ideological and moral standards, State will foster students' awareness of the obligations and rights of citizens, tutoring them in the ideas of democracy, rule of law, freedom, equality, fairness and justice, as well as a healthy concept about interpersonal relations, collectivism, nation and society. Bangladesh will continue to fulfill its obligations to the international human rights conventions to which it has acceded, and initiate and actively participate in exchanges and cooperation in the field of international human rights.

In many countries such action plan has been undertaken by the government even in China; Bangladesh cannot ignore. Also getting an opportunity from climate change negotiation and environmental justice on polluters pay - an action plan for human rights is a must.

Radyan Rahave

Social entrepreneur and development worker.

LAW week



Govt strictly against it

Prime Minister Sheikh Hasina said if anyone of the country's law-enforcement agencies is found guilty of extra-judicial killings, they would be given stringent punishment. She made the remark when Human Rights Ambassadors of the Netherlands, Denmark and Germany-Arjan Hamburger, Arnold de Fine Skibsted and Gunter Nooke--paid a courtesy call on her at her office. The envoys discussed human rights situation and parliamentary affairs among other matters of common interest during the meet. The PM told the ambassadors that everyone of the land has equal rights to get legal assistance and justice. -The Daily Star, Oct 15, 2009.

Bashundhara designs false case against two editors for arson

The Bashundhara Group lodged a general diary (GD) with the Tejgaon Police Station against eight people, including editors and publishers of the daily Prothom Alo and daily Samakal, and Transcom Group Chairman Latifur Rahman, on charge of arson. Chairman of the group Ahmed Akbar Sobhan tried all day to file a false case, alleging that the eight set fire to the Bashundhara shopping mall. But police refused to record the complaint as a case because the allegations were not found authentic. -The Daily Star, Oct 15, 2009.

2 cases against Tarique, Ershad to be dropped

The government decided to withdraw an extortion case against Senior Joint Secretary General of BNP Tarique Rahman, and a corruption case against Jatiya Party Chairman and former president HM Ershad for misuse of state power. The scrutiny committee formed for withdrawal of 'politically motivated' cases at its eighth meeting at the home ministry also recommended dropping 295 more cases against leaders of different political parties. The case against Ershad was filed by the now-defunct Bureau of Anti-Corruption on August 31, 1998. -The Daily Star, Oct 14, 2009.

Pasha shot dead Begum Mujib, Jamal, 2 in-laws

Quoting from a High Court (HC) verdict, Barrister Abdullah-al Mamun told the Supreme Court (SC) that Maj (ret'd) Aziz Pasha took a sten gun from the hands of Risaldar (ret'd) Moslemuddin and gunned down Begum Fajlatunnesa Mujib, wife of Bangabandhu Sheikh Mujibur Rahman, on August 15, 1975. Aziz Pasha also killed Bangabandhu's son Sheikh Jamal and two daughters-in-law, Mamun added. Sheikh Russell, youngest son of Bangabandhu, was brought down from upstairs to the ground floor of the Dhanmondi house, but then taken back to upstairs and killed on the order of Aziz Pasha, Mamun quoted from the verdict delivered by erstwhile HC Division Judge ABM Khairul Haque, who is now at the Appellate Division of SC. -The Daily Star, Oct 14, 2009.

Rid boss surrenders to court with HC shield

Rid Pharmaceuticals Limited Managing Director Mizanur Rahman surrendered before a Dhaka court and sought bail in a case filed for manufacturing toxic paracetamol syrup that claimed lives of at least 28 children across the country. The children died of renal failures, caused by intake of Rid's paracetamol syrup and suspension, from June to August. Judge ANM Bashir Ullah of the Metropolitan Sessions Judge's court fixed October 19 for hearing on the bail petition submitted by Mizanur in his presence. -The Daily Star, Oct 13, 2009.

AL lawmakers complain of rise in crime

A number of ruling Awami League (AL) lawmakers said criminal activities including killing, robbery and theft are increasing in their constituencies, and demanded setting up more police camps to improve the situation. In a scripted answer, Home Minister Sahara Khatun however informed the House that the law and order is under government control, and it is determined to ensure security of people's lives and properties. On curbing outlaws' activities, she said the government would soon implement its announcement that outlaws in south-western region of the country would be given a scope to surrender to the authorities and return to normal life. -The Daily Star, Oct 13, 2009.

Aide to Ctg MP's son freed on bail

The bodyguard of SM Al Mamun, son of Awami League lawmaker ABM Abul Kashem, was released on bail a few hours after his arrest in connection with the case filed for assaulting journalists. Sitakunda police arrested Mahmud Hasan Manna from Dhaka-Chittagong bus counter at Dampara in the city at around 1:15am after the lawmaker on Saturday apologised before the journalists for the attack. Manna got the bail following a prayer when he was produced before the court of Chief Judicial Magistrate KM Shamsul Alam at about 12:00 noon. Earlier, two other accused--Golam Mostafa and Shahabuddin who were arrested in the case on Thursday night--were also freed on bail on Friday. -The Daily Star, Oct 12, 2009.

4 JMB men jailed

A court sentenced five years' rigorous imprisonment each to four members of Jama'atul Mujahideen Bangladesh (JMB) in an explosives case filed with the Cox's Bazar Police Station. The convicted were JMB Chittagong divisional chief Javed Iqbal alias Mohammad, its explosives expert Zahidul Islam alias Boma Mizan, Ayub Ali alias Abu Jar and Naimuzzaman alias Shohag. Judge Shafiqul Karim of Chittagong Divisional Speedy Trial Tribunal also penalised each with a fine of Tk 5,000 in default of which they will have to suffer another year's imprisonment. -The Daily Star, Oct 12, 2009.

Move on to clip ACC wings

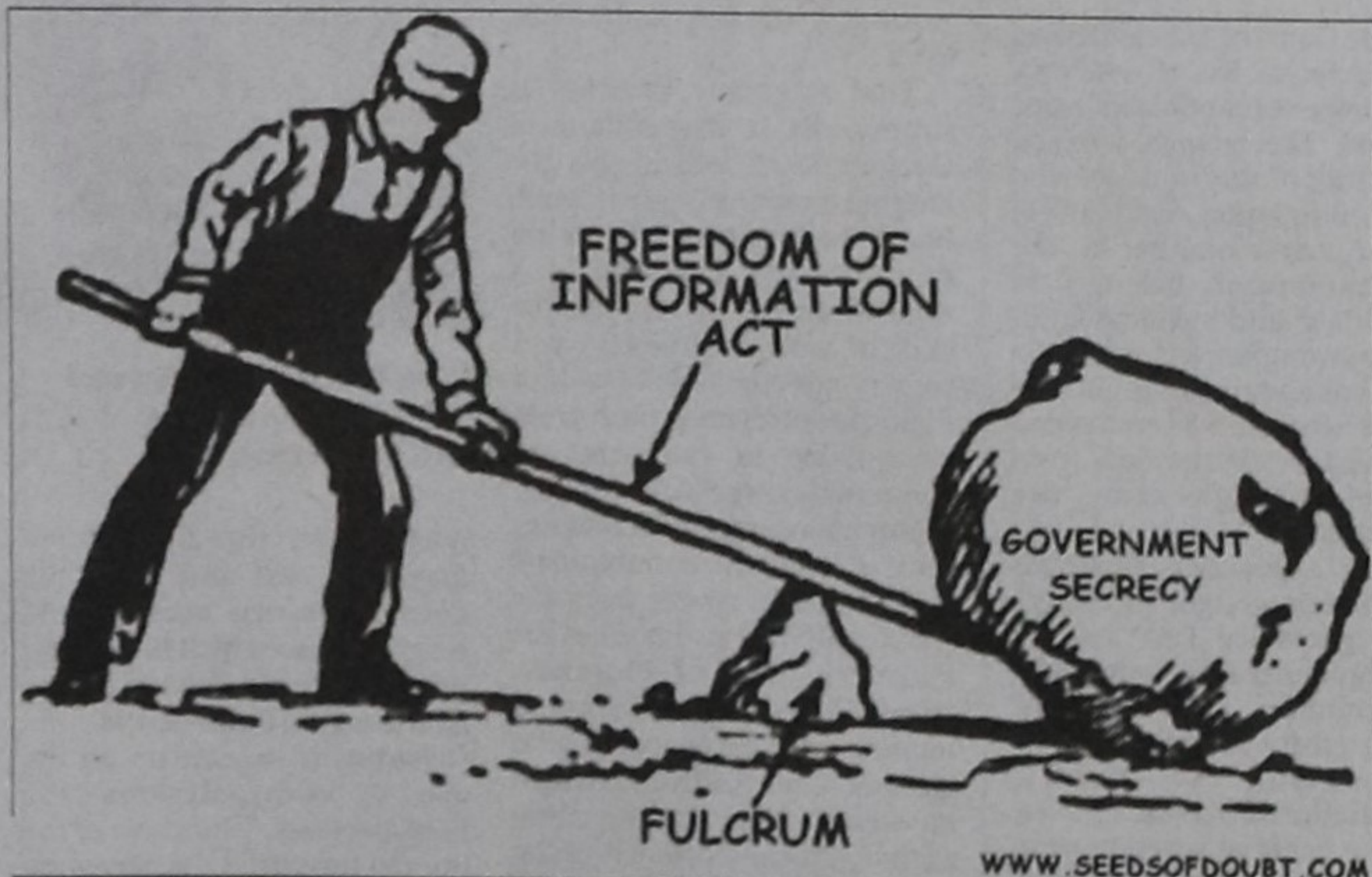
The government plans to curb the Anti-Corruption Commission's mandate so it cannot act unilaterally to file graft cases against public officials, policymakers, lawmakers and local body representatives. The cabinet committee, formed in March to review the ACC act and recommend changes necessary to make the anti-graft body more effective and pro-people, has already drafted some proposals to that end and forwarded those to the commission for opinion. -The Daily Star, Oct 11, 2009.

Information Commission left out in the cold

The Information Commission formed more than three months ago is facing difficulties in enforcing the Right to Information (RTI) Act since it is yet to have a permanent office, required manpower and logistics. The government has not also framed rules necessary for proper implementation of the act that came into effect on 1 July to ensure people's access to information. Setting up of an information delivery unit in every government office and appointment of an officer to provide citizens with their required information are also going on at a slow pace. -The Daily Star, Oct 11, 2009.

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Commission which has already done the necessary works to prepare the rules of business for the proper functioning of the commission as well as implementation of the Act. Enactment of the RTI Act is an important march towards ensuring peoples' access to information, and establishing their rights of the public information.

Espousal of this Act in Bangladesh is the outcome of the multi-faceted efforts of campaign and advocacy by stakeholders in public, private and non-government sectors. Freedom