



YOUR ADVOCATE

Dear Sir,
I am a regular follower of your advocate column in the Daily Star. I have been facing some problems in my office and was thinking of writing to you. I work for a reputed multinational company in Dhaka in a mid-level position. We do have an open and good working environment otherwise. But, very unfortunately I have been facing some unwanted behaviors from particularly one of my male colleagues. I think this is some kind of eve teasing. He regularly makes adult jokes and makes comments about my dresses and admires my beauty, which is very uncomfortable. At occasions, he tries to unnecessarily come close to me physically. There were more than one occasions, when he touched my body parts and said 'oh sorry', as if it was done inadvertently! While discussing the matter with my other colleagues, I came to know that some of them too are severely facing such problem. Few of them have been directly made indecent proposals. Please advice what shall I do.

**Harassed
Khulna**

Dear reader,
First of all, I think I should thank you for raising the matter. Unfortunately, such from of sexual harassment at workplace is not at all uncommon not only in our country but also across the globe. More unfortunately, in most of the cases these remain unaddressed paving the way for continuance of the same. You deserved to be appreciated for highlighting the problem and showing your willingness to address it. Harassment can take many forms. Sexual harassment is a kind of them, which is based on any act of improper sexuality. This can take many forms, for example: Unwelcome sexual advances, unwelcome sexual comments or remarks, touching someone else's body inappropriately, asking for sexual favors, making unwelcome sexual jokes or jokes about the opposite sex or about individual lifestyle preferences, sexual assault etc. Though the range of such harassment is variable and wide, it is seen that most of the times the male colleagues do the same in a way, which is apparently very light but actually motivated by sexuality. The thumb

This week Your Advocate is Barrister Omar Khan Joy, Advocate, Supreme Court of Bangladesh. He is the head of the chambers of a renowned law firm, namely, 'Legal Counsel', which has expertise mainly in commercial law, corporate law, family law, employment and labor law, land law, banking law, constitutional law, criminal law, IPR and in conducting litigations before courts of different hierarchies. Our civil and criminal law experts from reputed law chambers will provide the legal summary advice.



rule for you is to address any kind of behavior, which you consider inappropriate whether by you male colleagues, your supervisor or even by another female colleague.
Coming to the issue of what you should do now, I would like to clarify that though it is not 'eve teasing', as you have termed in your email, this is certainly a wrong and a crime and we do

have ample laws to address it. As per law, all the companies should have a 'sexual harassment redressal policy' of their own with a designated committee to address and redress the same. Despite such legal obligations, few companies have actually done so. However, as your employer company is a reputed one, I hope and expect that they have a committee to address the matter. In case if

there is such a committee, you should refer the matter to the committee. However, I should advise that before complaining to the committee, you should first address the matter to your colleague, who is trying to harass you. The following may be good ways to directly address the matter. You need to communicate your displeasure or lack of interest in what he is doing or saying. This can be done by simply telling the harasser that you do not welcome his or her comments or behavior, e.g. "I want you to stop doing that now" "I am not interested in going out with you" "I want you to stop bothering me" "I don't find that funny" etc. Tell the harasser you want him to stop and preferably in front of a witness and let the harasser know their behavior is unwelcomed.

If the harasser does not stop the harassment or if you feel uncomfortable saying anything to him/her about it then talk to your supervisor or manager. Remember it is part of the Management's responsibility to ensure that a harassment free workplace is truly maintained. Or you may then lodge a complaint to your company committee for redressal of sexual harassment. In case where there is no such committee, you may report and complain to the HR (Human Resource) department.

We all should expect that once the matter is addressed to the harasser, he would stop behaving in the improper way. Or in case where the HR or the Committee needs to be involved, they should resolve it in the most appropriate manner.

It goes without saying that for such harassment, you can always file a complaint to the police as this kind of behavior violates several provisions of the Penal Code. But, certainly that should be the last course of action that you may like to take. I truly expect that my guideline shall practically help to come out of these awful experiences in the workplace. I will also urge you to share the guideline with your other colleagues to create their alertness.

Have a nice, safe and harassment free workplace and a healthy and wonderful life! Take care.

For detailed query contact
omar@legalcounselbd.com

LAW WEEK

150 SQ Chy's supporters sued in Ctg

Over 150 BNP activists were sued in a case filed for deterring government duty and attack on police on Chittagong court premises after a court rejected BNP lawmaker Salauddin Quader Chowdhury's bail prayer on Wednesday. Sub-Inspector Golam Afsar of Chittagong Kotwali Police Station filed the case with the police station at about 10:00pm Wednesday mentioning the names of 52 activists, including the seven arrested from the court premises. District and Session Judge Abdul Kuddus Miyam denied the bail after Salauddin's lawyers prayed for his bail on Wednesday in a seditious case filed with Fathikchhari Police Station on December 21 last year. Salauddin's family members, BNP workers and Jatiyatabadi Ainjibi Forum brought out a procession in the court area on Wednesday protesting the rejection. Police charged batons on the protestors and held seven people. - *The Daily Star 20 January 2011.*

Sabbir Murder: Charge framing hearing deferred

A Dhaka court on Thursday deferred the hearing on charge framing against Bashundhara Group chairman's son Shafiat Sobhan Sanvir and four others till January 25 in Humayun Kabir Sabbir killing case. Judge Mohammad Rezaul Islam of the Speedy Trial Tribunal-4 passed the order following a time petition submitted on behalf of the two accused.

Of the accused, Sanvir, son of Bashundhara Group Chairman Ahmed Akbar Sobhan Shah Alam, and security guards of Sabbir's house Nure Alam and Humayun Kabir have been on the run since filing of the case. Sanvir's bodyguards Khairul Hassan Ujjal and Shamsuddin Ahmed, now on bail, appeared before the court on Thursday and submitted petition seeking time. The same court on January 10 issued arrest warrants against Sanvir and the two security guards in the case. Mohammad Arman Ali, assistant superintendent of police of Criminal Investigation Department (CID), pressed charges against Sanvir and four others for committing the offence on May 12 in 2008. Sabbir, a director of Bashundhara Telecommunications Network Ltd, was brutally killed on July 5, 2006 and his body was found outside a building in Gulshan. - *The Daily Star 20 January 2011.*

HC summons Gen Nurul Islam Shishu

The High Court yesterday summoned Maj Gen (ret'd) Nurul Islam Shishu who was allegedly involved in forming the military tribunal that passed death sentence on Col Abu Taher in 1976. An HC bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Sheikh Md Zakir Hossain asked him to appear before the court on January 26 and place statement over the trial of Taher. Nurul Islam hailing from Pirojpur lives at Oklahoma in the US along with his family, the government informed the court. The court also ordered the secretaries to cabinet division, ministries of foreign affairs and defence, and Pirojpur deputy commissioner to ensure Nurul Islam's appearance in the court. Additional Attorney General MK Rahman told The Daily Star that the authorities concerned would try to bring Nurul Islam back to country. The bench passed the order during the hearing on a writ petition challenging the legality of martial law regulation under which the military tribunal was constituted. Earlier yesterday, AMM Shawkat Ali, a former deputy commissioner of Dhaka, placed statement before the bench over the trial and execution of Taher.

Abdul Ali, a first class magistrate in 1976 and one of the five judges of the military tribunal, told the court on January 13 Shawkat had directed him to join the tribunal as its member. Shawkat, however, yesterday said he did not know Abdul Ali. Taher's Trial could have been held under the regular legal framework, since he was not a military officer in 1976, said the former DC. - *The Daily Star, 19 January 2010.*

HC stays polls in B'baria

The High Court yesterday postponed today's polls at Brahmanbaria municipality for three weeks upon a writ petition. The petitioner sought the stay on the plea that since the parliamentary by-election to Brahmanbaria constituency-3 would be held on January 27, there is a possibility of violence over campaign activities if the election to the municipality is held on January 18 (today). After the petition hearing, the bench issued a rule upon the Election Commission to explain within two weeks why it should not be directed to postpone the municipality election for later on.

Justice SK Sinha, chamber judge of the Appellate Division of SC, stayed for six weeks a High Court order that had earlier stayed the process for holding election to this municipality. The judge passed the order following a petition filed by the election commission seeking stay on the HC order. - *The Daily Star, 19 January 2010.*

LAW EVENT

Introduce ethics in legal curriculum

DR. UTTAM KUMAR DAS

PRESENTERS, discussants, designated guests and participants at two seminars recommended to introduce ethical issues in the curriculum of law schools and bar examinations. They also recommended an immediate reform of legal education in Bangladesh and urged for a Legal Education Council to monitor and streamline standard of legal and justice education. The seminars also urged for introducing courses on comparative study of South Asian Laws and Constitutions to promote regional cooperation and unity.

It also recommended expanding opportunity to study law and human rights in the country. Dhaka-based organization, South Asian Institute of Advanced Legal and Human Rights Studies (SAILS) organized two seminars on "Ethics in Legal Profession" and "Legal Education in South Asia," respectively on 15 and 16 January 2011 at city's BRAC Center Inn. Barrister Shafique Ahmed, Minister for Law, Justice and Parliamentary Affairs was the Chief Guest at the closing session of the seminar on 15 January. Advocate Abdul Baset Majumder, Vice-Chairman of Bangladesh Bar Council was the Guest of Honour. Eminent Jurist and Chairperson of SAILS, Dr. Kamal Hossain presided over the session.

Professor Dr. M. Shah Alam, Chairman of Law Commission was the Chief Guest at the opening session on 15 January while presided over by Professor Dr. Yubaraj Sangroula, Executive Director of Kathmandu School of Law (KSL) in Nepal. Professor Dr. Mizanur Rahman, Chairman of the National Human Rights Commission of Bangladesh was the Chief Guest at the closing



session of the seminar on "Legal Education in South Asia" on 16 January while Professor Dr. Ainun Nishat, Vice-Chancellor of BRAC University was the Special Guest. Dr. Kamal Hossain presided over the session as well. Country papers on legal education were presented by Professor Dr. M. Shah Alam, Chairman of Law Commission of Bangladesh and Professor M. Zakir Hossain, Dean of the Faculty of Law, University of Chittagong covering Bangladesh; Professor Dr. Deepika Udagama, University of Peradeniya on Sri Lanka; Professor Dr. Yubaraj Sangroula, Executive Director of KSL on Nepal and Dr. Clearance J. Dias, President of the New York-based International Center for Law in Development on Indian legal education.

Dr. Abdullah Al Faruque, Associate Professor and former Chairman of the Department of Law, University of Chittagong; Dr. Faustina Pereira, Director of

Human Rights and Legal Service (HRLS) Programme of BRAC and Dr. Naim Ahmed, Advocate of the Supreme Court of Bangladesh were panel discussants.

Barrister Shafique Ahmed said that for an effective justice system there is a dire need for competent, skilled, honest and sincere lawyers and judges. For this legal education and professional trainings could play a pivotal role. He emphasized on the professional integrity and sincerity of lawyers and judges to ensure justice for poor people. Rejecting the criticism on having over increasing number of lawyers, the Law Minister said that for a country with 160 million people 40,000 or so number of lawyers is not excessive. Rather we need more of them. However, at the same time we have to look into the standard of law graduates who are joining bars and benches; and how sensitive they are to work for the cause of human

rights and justice, he opined.

Professor Mizanur Rahman recommended for a model law university in Bangladesh which would go beyond traditional approach and would teach law covering its broader meaning and concepts which would include people's culture, diversity, rights, aspiration, and hope among others. He also emphasized on the practical teaching of law.

Law Commission Chairman, Professor Dr. Shah Alam urged for more active role of Bangladesh Bar Council in standardizing legal education and promoting ethics in the profession. He also recommended for creating separate cadres for judicial and legal services. Dr. Alam said that if we failed to standardize our legal education immediately incorporating high ethical values and moral standards among others, as a nation we would suffer in future. He urged the government to establish a model law university on

the basis of best practices already there in countries like India and Nepal. Referring to aged-old curriculum, Professor Yubaraj Sangroula of KSL said that legal education should not be confined to studying of legal rules and law books only; rather it should be interdisciplinary and have links to various issues of the society and people. Professor Zakir Hossain of the University of Chittagong urged to set up a national vision for legal education in the country. He also recommended for special training programmes for lawyers and legal professionals and initiate collaboration among law schools, National Human Rights Commission, Law Commission and Judicial Administration Training Institute (JATI). Dr. Kamal Hossain, Chairperson of SAILS, urged for streamlining and standardizing legal education in Bangladesh. He emphasized on the need of consensus, strategy and initiatives immediately in this regard. "We all have to stand up against bad practices in the legal and judicial system," he said. He also emphasized for establishing a South Asian Law University in Bangladesh. SAILS also felicitated Professor Dr. Mizanur Rahman for being honored with "Professor N. R. Madhava Menon Best Law Teacher Award 2010." SAILS Chairperson Dr. Kamal Hossain handed over a crest to Professor Rahman at the closing session of the seminar on legal education.

The writer is Deputy Director, South Asian Institute of Advanced Legal and Human Rights Studies (SAILS).

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