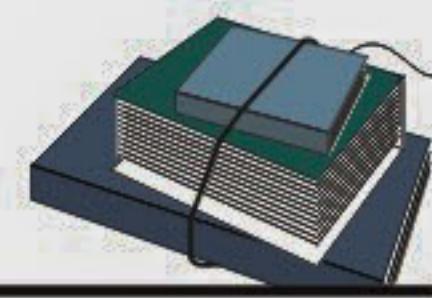


LAW BOOK REVIEW



Simplification of most useful laws

MD. RAISUL ISLAM SOURAV

THIS book is intended to simplify law. Why is simplification necessary? As the author states in preface that, most of the law books in our country are crammed with complex section and sub-section, cases, precedents from superior courts etc. In addition, legal terms and etiquettes in court are strange to us. Further, writers of these books are more strenuous to deal with the provision of law rather than the language or word by which they express their construal.

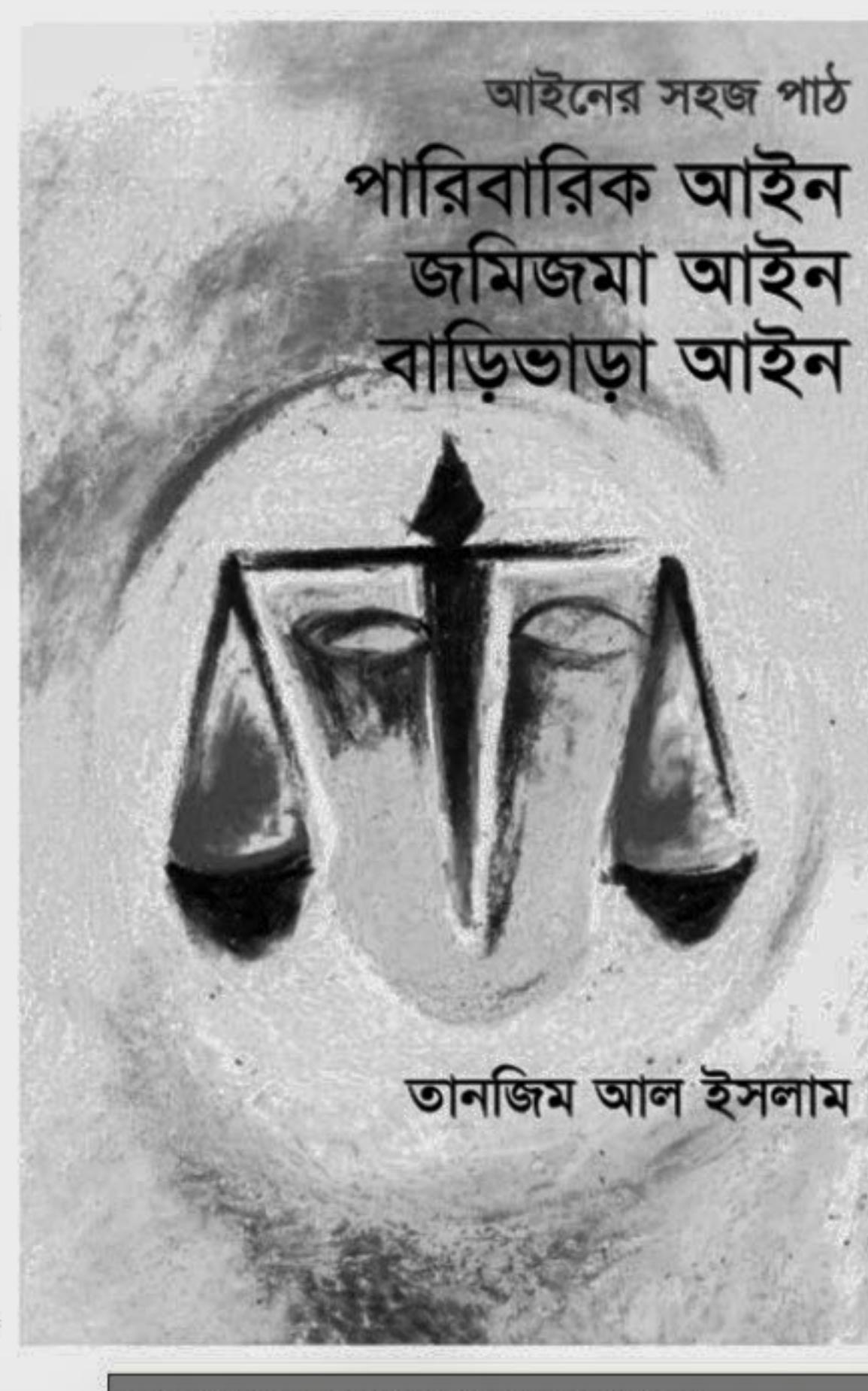
Most of suffered litigants are not conversant with multifaceted procedure of court. Moreover, knotty issues of law are as much as spiky that an erudite person may also not be able to appreciate the actual meaning of legislation.

Consequently, a straightforward presentation excluding core theory is obvious to realize law by mass people. We know the sole aim of law is to ensure justice and welfare of citizens by any means. If we imprison it within a group i.e. Law students, Advocates, Judges, Teachers or Researchers then it would definitely deprive rest of the natives of this soil from getting natural justice.

This new manuscript is first initiative by the author to generalize most frequently used laws. This book will help them who are seeking remedy but not able to understand law, even after passing his whole life at court yard. I trust this initiative will also mitigate curiosity of enthusiastic readers.

Ainer shohoj path is divided into three parts, namely- Family laws, Land laws and House rent law. Introductory portion deals with family matters, more specifically Muslim family matters. However, a little segment cover other religion. In this chapter, Tanzim discusses ingredients of Muslim marriage and registration; detail provision and myth relating to dower; all rules of maintenance including wife, child and parents; child marriage; existing law concerning polygamy; divorce; dissolution of marriage; registration, maintenance and dower after dissolution; legal provision of Hilla marriage; guardianship and custody of minor; restitution of conjugal life; family court; marriage between different religion believer; dowry and rules of inheritance.

In middle part, he furnishes authentic, updated, significant as well as compound issues of real estate laws in plain lexis e.g. office and organization of land; various types of survey and Khatiyat; relief from forgery; caution before purchasing land; verification of title and ownership; stipulation of gift; acquisition of land; rules relating to will; registration; deed registration fees; mutation, application procedure, process when application not granted, vigilance regarding mutation; power of attorney and its cancellation; succession certificate; notary public and its fees; examination of forged deed, pun-



Ainer Sohoj Path (Plain text of law)
Author: Tanzim Al Islam
Publisher: Bhashachitra
First published: Ekushey Boi Mela 2012
Price shown: 200 Tk.

ishment of forgery; cancellation of illegal deed; lease; problem arising out of possession; suit concerning specific performance of deed; partition suit; land devel-

opment tax, pre-emption and waqf estate.

Finally, the essayist inserts House rent law at the concluding part of this book. House rent is a burning issue now a day. Hence, Tanzim wants to inform his readers about actual laws regarding house rent. I believe this portion not only create consciousness among tenant but also build awareness among landlords about regulation of house rent. This chapter includes formation of house rent contract; fixation of standard house rent; receipt must be delivered to tenant; amount of advance rent; relief when landlord not repair the house; eviction of tenant and when rent shall be deposited in court.

Maximum topics of this book are conversed with realistic illustrations. Tanzim Al Islam tries his level best to make each word explicable. He also illustrates some incidents by which a layperson will also be able to understand the theme. His own style of narration is smooth as well as attractive which magnetize unacquainted to explore law by easier method. Author not merely explains these issues in a simpler way rather invent a new way to write law in Bangla. I think this book will be treated as mirror of court for those who are not ever seen court proceeding during their lifetime. He also discloses court fees, notary fees and other expenditures;

which will assist litigants to reduce their cost. Cause we all know that, litigants are mostly unaware of it and a group of Advocates and Notary Publics took this chance of their unawareness.

After finishing this new legal literature, I trust, this book will aid nonprofessionals to conduct their legal problems by themselves. Since the book touches every corner of a problem. Facile and unambiguous language and proper selection of word reach this book at a different stage. Each of the three major topics covers major legal problems in our daily life.

These issues should insert in secondary education syllabus so that everyone can at least resolve their own family or partition matter by their own initiative. This will also reduce back load of our court. Sequential balance is another exclusive feature of this book which will help booklovers to cope up with the subject matter. Tanzim Al Islam formulates all relevant matters in a single document, which requires thanks to him because no one prior to him took such a courageous as well as experimental initiative.

Writing law book is not so easy. Because an author cannot fundamentally change the law, he can merely present it in a different way. Tanzim just do so by his new book. He starts his journey to make law populace friendly by this book and I eagerly waiting for his upcoming initiative to destroy the elite ness of law.

The writer is Lecturer, Department of Law, Dhaka International University (DIU).



SOCIAL justice and human rights are fundamentally linked. Social development and social justice are indispensable for the achievement and maintenance of peace and security within and among nations and cannot be attained in the absence of respect for all human rights and fundamental freedoms.

Social justice is an underlying principle for peaceful and prosperous coexistence within and among nations. We uphold the principles of social justice when we promote gender equality or the rights of indigenous peoples and migrants. We advance social justice when we remove barriers that people face because of gender, age, race, ethnicity, religion, culture or disability. At its core, the idea of social justice affirms the words of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights".

In 2007, the United Nations General Assembly proclaimed 20 February as the World Day of Social Justice. Every year, governments are invited to commemorate the day through national activities supporting the efforts of the international community to eradicate poverty, promote full employment and decent work, achieve gender equity and provide access to social well-being and justice for all.

This year while giving message, UN Secretary-General said that, over the past year, the winds of change have swept across the globe. Citizens by the millions have voiced their discontent around similar themes: inequality, corruption, repression and the absence of decent work. At the heart of this mass mobilization lies a call for social justice.

Achieving social justice for all is integrally linked to realizing the agreed development goals articulated at the Copenhagen Social Summit, the Millennium Summit and elsewhere.

As we look to the upcoming Rio+20 Conference on Sustainable Development, we have a chance to rethink development strategies and business practices so that they point us toward a more sustainable and equitable future.

Sustainability depends on building markets that do a better job of spreading the benefits of development. It means meeting growing consumer demand for greener products and services. And it means laying the foundations for dignity, stability and opportunity for all. As we strive to make this transformation, we must integrate social inclusion into our policies and other efforts.

Let us work together to balance the global economy and build a new social contract for the 21st century. Let us chart a development path that leads to greater social justice and the future we want, the Secretary-General added.

Source: United Nations.

YOUR ADVOCATE

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.

Query

I am Imtiazul Hoda S/O. Late Shaheda Banu living in house #17, Road #1, Block A of Halishahar Housing Estate, Chittagong. The house was allotted to Mr. Abdul Sattar who is my mother late Shaheda Banu's only brother. Our family members are living in first floor of the said house since 1964. In 1971 on 17th December Mr. Abdul Sattar expired and later on his wife also expired two years later at the same house.

My mother was the only legal heir of the said property after the death of both Abdul Sattar and his wife. Accordingly a succession certificate was obtained from court and it was granted to Shaheda Banu.

In 1973 a Navy staff by force occupied our ground floor who is from Barisal and not our relative has filed a case challenging our succession certificate at Chittagong court case #299/82. The matter is pending in the court. During cross examine to that person he has said that he has not seen to Mr. Abdul Sattar, he did not know him and he is not relative of us. My request to you is that please advise me can a person who is not relative of mine can challenge my succession certificate ?? How should I proceed further.

Regards
Imtiaz

Response

I would like to thank you very much for the queries. From the given fact, it appears that the queries are concerning the succession of property. It seems that a case has been filed in 1982 and the case is still pending before the concerned court in Chittagong concerning the matter. We are not clarified as to what kind of case has been filed. Moreover, the subject matter of the case is not clear as to whether it was filed challenging the succession certificate only or whether the issue of the succession certificate has arisen separately as part of a different subject matter concerning the case. Accordingly, it is very difficult to provide any concrete advice without scrutinizing the documents of the case. I am afraid that I should not also provide concrete opinion regarding a pending case without perusing the documents of the case as the advice may be entirely different from the actual subject matter of the case resulting into con-

fusion and consequently the same will be considered as a bad advice.

As far as I can advise, it seems very unlikely that your mother has inherited the entire properties of your uncle. There should have been some other persons from amongst your relatives especially from your aunt's side who have also inherited the said properties.

Considering the acts of the Navy staff in issue, he cannot inherit any of the properties as he is not the relative of your deceased Uncle or Aunt, which has been admitted by him. Accordingly, he may not have any lawful right of ownership and/or possession over the property. You may not be required to file a fresh suit to dispossess him from the property. This is because a case already pending before the Court and as such the issue of illegal occupation is likely to



be considered by the Court in due course.

Given the fact that the case has been pending since 1982, it appears that you have not been very active regarding the matter. I, therefore, suggest you to immediately consult a lawyer with all the case related papers, preferably who deals with property matters including inheritance. Please note that he, who sleeps on the right of the property, may lose the right once he wakes up! You need to be really active and vigilant regarding this matter. I wish you all the best.

For detailed query contact: omar@legalcounselbd.com

LAW WEEK

HC To evict structures

The High Court directed the government on February 22 to demolish all structures situated within the land of Central Shaheed Minar in the capital in 48 hours. The order is not applicable for an old graveyard, which is situated on the land of Shaheed Minar, the court said. In response to a writ petition, the court also asked the government to submit a report to the court in seven days after complying with the order. It also issued a rule upon the government to explain why it should not be directed to protect the land of the Central Shaheed Minar. The HC bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Jahangir Hossain Selim came up with the rule and the order following a writ petition filed by Prof Muntasir Mamun, a teacher of Dhaka University. - *The Daily Star online edition February 22, 2012.*

HC pulls for 2 Old Dhaka structures

The High Court on February 19 asked the authorities concerned why their failure to preserve two archeological structures in Old Dhaka -- 'Shankhadi House' and 'Radha-Krishna Temple' -- should not be declared illegal. In response to a writ petition, the bench of Justice HM Shamsuddin Chowdhury and Justice Jahangir Hossain also asked why the failure of taking legal actions against the demolisher should not be declared illegal either. The rule came after architect Taimur Islam, chief executive of Urban Study Group (USG), filed a writ petition as Ashraf Ali, an influential of the old part of the city, knocked down the aesthetically important establishments in December 2011. - *The Daily Star February 21, 2012.*

Govt given a year to set up museum

The High Court on February 19 gave the government nearly a year to set up a museum along with a library on the western side of the Central Shaheed Minar in Dhaka. During the hearing of a contempt of court rule, the court directed the secretaries to the ministries of cultural affairs, and housing and public works to complete the task by January 31, 2013. Earlier in an August 2010 ruling, the HC asked the authorities concerned to construct a museum with a library at the site by January 31 this year in order to protect the dignity of the Shaheed Minar which had been built to maintain the spirit of the 1952 Language Movement and to pay tribute to its heroes. - *The Daily Star February 21, 2012.*

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 64-65, Kazi Nazrul Islam Avenue, Dhaka-1215; Tel: