

LAW NEWS



Minority communities must be protected and arsonists face justice



AMNESTY INTERNATIONAL

THE perpetrators of arson attacks on temples and Buddhist villages in the south of Bangladesh must be brought to justice and steps taken to ensure ethnic minorities are protected, Amnesty International said. More than 20 Buddhist temples and monasteries and at least one Hindu temple, along with scores of homes and shops, were set on fire during attacks in southern cities of Cox's Bazar and Chittagong over the last week and on September 1 after thousands of people protested against the posting of an allegedly derogatory image of the Quran on social network site Facebook.

The scale and ferocity of these appalling attacks on ethnic communities have shocked Muslims and non-Muslims alike and the entire civil society in the country. The Bangladeshi authorities must ensure this does not happen again," said Abbas Faiz, Amnesty International's Bangladesh researcher. "Amnesty International calls on the leaders of all political parties to condemn publicly the violence against minorities and urge their members not to take part in such acts."

"Reports that police failed to ensure the protection of minority communities - even though they had received news about imminent attacks are disturbing, and must be investigated."

The Deputy Inspector General of Police for Chittagong told Amnesty International on September 2 an investigation had been launched into allegations that the officer in charge of Ramu police station in Cox's Bazar had neglected his duty to ensure the safety of minority communities. He also said that up to 300 people had been arrested.

"The terms of reference for the investigation, called for by the Home Minister, must be made public and strong measures must be put in place to protect Buddhist, Hindu and all other witnesses who give evidence," Faiz said.

"Those identified as responsible for the attack should be brought to justice in adherence to international fair trial standards and all people affected by the violence must be provided with shelter, and assistance to rebuild their homes and places of worship." The attacks are believed to be the first to have taken place on such a large scale against minority places of worship in Bangladesh.

Source: Amnesty International (<http://www.amnesty.org/en/news>).



Talk of the world

ESHITA TASMIN

RECENTLY in YouTube short clips of a film "innocence of Muslims" have been uploaded by the film maker, Nakoula Basseley Nakoula who is Coptic Christian which has just created a chaos all over the world. Because this is just a film which will surely hurt the sentiment of any Muslim if he/she watches even just 1 minute of this film. YouTube has restricted access to the film "innocence of Muslims" in Libya and Egypt, after the attack on the United States consulate in Benghazi. In Pakistan the government has declared a national holiday in honor of prophet and call for peaceful protest against the film and most importantly they have closed the website (YouTube) in Pakistan. But Bangladesh has been able to avoid all kinds of violent activities. At first our honorable Prime Minister Sheikh Hasina criticized the video orally and asked BTRC to write a letter to Google for the purpose of withdrawing the video from YouTube. But no response from Google was found and therefore BTRC had to close the website (YouTube). Closing the website was the only option left for us. Because YouTube doesn't have any policy to withdraw any video uploaded except pornography. But if we look in our domestic law there is a very acceptable provision provided to handle this kind of situation. Section 57 of the Information and Communication Technology Act, 2006 says - "whoever publishes or transmits or causes to be published or transmitted in electronic form any material which is obscene or its effect is such as to tend to deprave and corrupt persons and which may harm the religious sentiment of the religious community and who are likely, having regard to all relevant circumstances, to read, see or hear matter contained or embodied in it, then the work of that person shall be considered as a crime".

You tube is an international website which cannot be fetched under the cyber law provisions of Bangladesh. Perhaps the government has taken the right decision to close the website because certainly it could have created an unwanted situation which is just not expected. And this kind of initiative was most gentle, peaceful and silent protest. Hopefully BTRC will be playing this kind of perfect and appropriate role when the situation demands. Cutting the head while headache is not a good solution but sometimes just no other way remains left.

The writer is a Lecturer, Department of law, Uttara University.

LAW EVENT



In quest of rebuilding Justice delivery system

MOHAMMAD GOLAM SARWAR

IN Bangladesh the prevailing justice system is relatively inaccessible for the vast majority of the people. Rights of individuals are violated tremendously without incurring the sense of justice. There are about 2 million backlog cases in the district courts putting considerable pressure on the management of court system and hindering access to justice.

The paucity of judges, lack of infrastructural facilities, procedural complexities and lack of effective case management are contributing factors for delayed justice which is tantamount to denial of justice. The denial of justice is more acute among vulnerable sections of the society including women and children causing human poverty to a large extent.

To come out from this scenario, the Supreme Court of Bangladesh with the support of United Nations Development Programme (UNDP) has taken initiatives to strengthen the capacity of the court and to reduce the case backlog. The project under the title of Judicial Strengthening (JUST) has undertaken with the belief that the reduction of the case backlog would provide sustainable foundation to improve access to justice to the public particularly vulnerable groups of people. This project primarily selects three pilot districts namely Kishoreganj, Rangamati, and Dhaka considering the burden of case backlog within the locality.

On part of this, Judicial Strengthening (JUST) Project Pilot District Inception workshop was held on September 27, 2012 at Kishoreganj for creating broader understanding and disseminating information on the project activities.

Mr. Justice Md. Muzammel Hossain,

Hon'able Chief Justice of Bangladesh graced the occasion as the Chief Guest while Mr. Stefan Priesner, Country Director, UNDP Bangladesh, among others attended as Special Guest.

The only true principle for humanity is justice; and protection of rights of the vulnerable groups that is women, children, and persons with disability is the true manifestation of justice in a society. Judiciary should aggressively pursue this to establish



rule of law, peace and prosperity in the society, said Mr. Justice Md. Muzammel Hossain while addressing the gathering.

Mr. Stefan Priesner stressed in his speech on a well-functioning justice sector which is a pre-condition for social peace and harmony to expedite human development and economic growth. He added that, Justice is an area of increasing importance in development cooperation and UNDP views it as closely related human development and poverty eradication and as a support for human rights.

While talking with this writer Mr. Priesner informed about the successful functioning of village courts in Kishoreganj which is undertaken to enable the poor, women and vulnerable groups to seek reme-

dies for injustices and access a fair and effective justice system at the local level, where disputes can be resolved in a prompt, transparent and affordable manner.

Village Courts are also playing a strong role in reducing case backlog by reducing the burden on the formal justice system and at the same playing complementing role in terms of access to justice. With the strong commitment from Supreme Court case backlog have reduced by 80,000 within one year in the Dhaka District, he informed.

About raising capability approach of local people and empowering their voice against discrimination and injustice, UNDP has taken awareness raising campaign in the locality through courtyard meeting which is arranged fortnightly, local field worker informed.

Within the village courts, justice is delivered in the consonance with the process of restorative justice without incurring stigma or sanction upon the parties where parties have an active role and right to participate in the adjudication process, Mr. Priesner told.

Making a justice system affordable and successful is a formidable challenge which can be ensured through the cooperation of concerned person. With the words of Mr. Priesner it can be concluded that proper and effective functioning of village courts and making the case management system effective and sustainable, Bangladesh can come out from the curse of case backlog and can get rid of the delayed justice process. Only then the justice delivery system of this country can bring light in imparting justice without making any delay because it is profound that "Justice delayed is Justice denied."

The writer works with Law desk, *The Daily Star*.

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

My grandfather had died fifteen years ago leaving two sons and one daughter. But he had not distributed his property among his sons and daughters while he was alive. After passing of my grandfather my father bought a piece of land while we were in joint family. Now my aunt wants to take away her property from my father and uncle. My query is what would be the proper procedure of distribution of my

death of your grandfather. However, it has to be kept in mind that in Muslim law, daughters are entitled to half of the share to any property compared to the sons. If your grandmother is alive, she is also entitled to a particular share of your Grandfather's property. However, if your grandmother is not alive, in that case her shares to your Grandfather's property have also passed into succession to her legal heirs. You are advised to tell your father, uncle and aunt to amicably distrib-



grandfather's property? Whether my uncle and aunt will get any share from that piece of land which was bought by my father's sole income.

Muhammad Mustafiz
Thakurpara, Comilla.

Response

I would like to thank you very much for your queries. Your queries are concerning inheritance of property. Since you are a Muslim, the distribution of property is governed by the Muslim law of inheritance. As far as the distribution of your grandfather's property is concerned, his successors have already become the co-owners of his property following his death as the right to own such properties has been automatically triggered with the

ute your grandfather's property by way of a registered partition deed. Thereafter, each of them can mutate their respective names against their respective portions of properties.

Considering the piece of land purchased by your father, your uncle and aunt are not at all entitled to it as per Muslim law of inheritance or otherwise. It will be distributed among his successors of your father (i.e. your mother, you and your siblings) upon his death. However, during his lifetime, your father has the lawful right to deal with his property in any lawful manner as per his desire.

I hope you will have answer to your queries from the aforesaid opinion.

For detailed query contact:
omar@legalcounselbd.com

LAW WEEK

ACC sues 27 Sonali, Hall-Mark officials

The Anti-Corruption Commission (ACC) on October 04 filed 11 cases against 27 senior officials of the Sonali Bank and Hall-Mark Group for the Tk 2,686-crore loan scam. Of the accused, 21 are from Sonali Bank while remaining six from Hall-Mark Group. A six-member enquiry team of the anti-graft body led by its Deputy Director Mir Mohammad Zainul Abedin Shibli filed the cases with Ramna Police Station. Hall-Mark Group Managing Director Tanvir Mahmud and former managing director of the state-run bank Humayun Kabir are among the accused. *-The Daily Star online edition October 04 2012.*

HC asks govt to ensure security of all places of worship

The High Court on October 03 directed the government to provide all mosques, temples, churches, pagodas and other places of worship across the country with adequate security measures. It expressed concern about the recent violence in Cox's Bazar and Chittagong during which several pagodas and homes of Buddhists were burnt down. In response to two writ petitions, it also asked the government to explain within a week as to why its "failure" to ensure security of the citizens of the country, including people of religious minorities, should not be declared illegal. The home secretary, inspector general of police, deputy commissioners and superintendents of police of Cox's Bazar and Chittagong and officers-in-charge of Ramu, Ukhia, Teknaf and Patiya police stations were ordered to respond to the rule. *-The Daily Star October 04 2012.*

Court issues freeze order

A Dhaka court on October 02 asked the Anti-Corruption Commission to take steps to freeze 532 bank accounts of Destiny Group and Destiny-2000 Ltd in connection with two money laundering cases. Judge Md Zahirul Haque of the Senior Special Judge's Court passed the order after a brief hearing on two petitions filed by ACC Deputy Director Mojahar Ali Sardar and its Assistant Director Touqiful Islam. The account holders are Destiny Group Managing Director Rafiqul Amin, its Director Lt Gen (retd) M Harun-Ar Rashid, Destiny-2000 Chairman Mohammad Hossain, and its two directors Gofranul Huq and Sayed-ur Rahman. The accounts were opened in 31 banks, including the state-owned Janata, Sonali and Agrani banks. *- The Daily Star October 03 2012.*

SC gives one more month to govt to raise salaries

The Supreme Court on October 01 gave one more month to the government to raise salaries and other facilities of lower court judges as per recommendations of the Judicial Service Pay Commission (JSPC). In 2008, the JSPC suggested providing allowances to the lower court judges equal to basic of their monthly salaries and increase other facilities. During hearing of Masdar Hossain Case, popularly known as judiciary

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, 64-65, Kazi Nazrul Islam Avenue, Dhaka-1215; tel: 9144330, 8124944, fax 9144332; email: dslawdesk@yahoo.co.uk.