



# An overview of the laws passed by the Parliament in 2013



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IN 2013 the Parliament of Bangladesh has passed 69 laws. Of them, 25 were new general laws, 33 were amending laws, 5 were reintroduced laws, 3 were special laws and 3 were miscellaneous laws.

The first Act of the National Parliament is the Co-operation Society Act. It is an amending Act of the previous Act of 2001.

Some important Acts of 2013 are the International Crimes(Tribunal)(Amendment) Act,2013;The Contempt of Courts (Amendment) Act ,2013;The Anti-corruption Commission (Amendment)Act,2013 ; The Information and Communication Technology Act,2013 Etc.

In Legal view, Acts no 06 and 07 of 2013 are very important as these have given the enforcement of the ordinances promulgated during President Ziaur Rahman and Mohammad Ershad periods.

As the 5th Amendment and 7th amendment of the Constitution have been repealed; so the question arose what may be the status of the ordinances of those periods. So, both the Acts have been given the enforcement power of the ordinances.

The Government has made an excellent Act named as the Statistics Act , 2013 to measure the population, agriculture, economy and others matter accurately.The another important Act named as Bangladesh Water Act, 2013 has been made for the improvement, management, collection,distribution , usage , protection and preservation of the water. The Act shall be enforceable when the Government fixes any specific date for any specific area in the official Gazette of the Government.The different dates may be fixed for the enforcement of the distinguished sections of the Act.

The Drugs Control (Amendment)Act, 2013 has been made to make the Act more timely. It has forbidden the drugs advertisement and this activity has been made punishable. Another important Act named as the Bnagladesh Rubber Board Act, 2013 has been passed for the improvement of the Rubber Industry in Bangladesh.

Another much debated Act is the Anti-terrorism (Amendment)Act, 2013.Some people have marked it as the most suppressive Act as it may be abused to suppress to opposite parties and anti-ideologies. The Act declared some parties banned as referred in the 2nd

schedule . Another important Act named as the Children Act, 2013 has been passed as to give effect of the UN Children Rights Convention.The Act has made provision for the National Children welfare Board. For the children, it has more provisions of children welfare than the previous Act.

The Bank Company (Amendment) Act, 2013 has been made to modernize the existing Act keeping space with existing appeals of time. Another Act named as the Roads Maintenance Fund Board Act, 2013 passed for the maintenance of the roads under the Department of

Only new 25 laws (with 3 special laws) are categorized:

Criminal Laws	Civil Laws
3	25

Other categories of the enacted laws:

General laws	Amending laws	Miscellaneous Laws	Special Laws	Reintroduced laws
25	33	3	3	5

Total laws passed in 2013=69

Roads and Highways. The National River Protection Commission Act, 2013 has been made to prevent the illegal possession of the river,water and environment. Its another purpose is to restitute the normal flow of the river, the proper maintenance of the river and making the river socio-economically important and instituting a river commission to give effect to this Act.

Bangladesh Labour (Amendment)Act, 2013 has been made to comply with the existing appeals of the workers. It may provide them more benefits for their work.

The Bangla Academy Ordinance, 1978 has also been amended to make it more timely.The Bengali spelling of the Bangla Academy has been changed.The Breast Milk Substitutes (Regulation of Marketing) Ordinance,1984 has been amended.The Act has been reintroduced marketing of the substituted breast milk.The

Village Courts Act 2000 has been amended to make it more timely. The amount of punishment of the offences in the Act has been increased.

The Information and Communication Technology (ICT)Act 2006 has been changed.Tramendously, the amendment has been criticized by many experts. Many concerned experts term it as a draconian Act. Specially section 57 of the Act has been amended to make the Act more oppressive and to suppress the opposite ideologies and anti-governmental movement. The Act may also violate the freedom of expression;one of the most important constitutional guaranteed rights.

The Pure Food Act has been reintroduced to make complete security of the pure food. This is absolutely a good Act. Its implementation may develop our food security. The Vested

ment or a fine of Tk100, 000. In addition, they must compensate family members of the affected with Tk 200,000.

The Geographical Indication (GI) Act 2013 has been passed. It may protect our own heritage.This is absolutely a good initiative. According to the law, a separate unit will be formed under the Department of Patent, Design and Trademark to operate on works related to the GI products. The unit will conserve a detailed list of the GI products from across the country as a primary database of the local products. The Act may protect the country's claims to commodities such as jamdani saree, hilsa fish, pineapple, nakshi ,kantha, fazli mango and some other famous foods of Bangladesh etc.

Another much debated Act named as the Grameen Bank Act, 2013 has been reintroduced. The Rural Electrification Board Act has been reintroduced to provide more electricity for the rural people.The most debated the Anti-Commission (Amendment)Act, 2013 has also been passed. Many people critised the Act for making an unconstitutional and discriminatory amendment.The Legal Aid Act has also been amended and its aims is to cope with the existing demand of time. Some laws were also about academic institution too.

A public welfare law named the Fulfillment of Vitamin A in Mineral Oil, 2013 has been passed firstly in Bangladesh. The last Act was an amendment of the International Mother language Institute Act. It has also modernized the law with the existing demands of time.

Lastly it may be said that in 2013 the parliament has enacted many laws of which some were nationally important and welfare but some were much debated and callous. The parliament should be much more cautious about its own accountability and transparency to the citizens. It should enact any law for the welfare of the nation as well as the citizens.

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## No more bullying witness

SHEKH MD. MUHIBBULLAH

WITNESS bullying has an intense and serious impact on the aptitude of government to enforce its laws and on society's poise in the ability of government to protect its citizens. By depriving crime investigators and prosecutors of critical evidence, witness intimidation undermines the criminal justice system's ability to protect its citizens and ultimately undermines the confidence citizens have in their government. 3 weeks back Mostafa Howlader a recorded prosecution witness of ICT has been killed by aggrieved reprobates while asleep in his own house has again brought to light how insecure and unprotected the witness of the ICT and other related cases.



A criminal case is built on edifice of evidence, evidence that is admissible in law, for that reasons witness is required whether it is direct evidence or circumstantial evidence, intimidated witness turns into hostile improvises miscarriage of justice. Therefore it is good practice for criminal justice systems to provide assistance and support measures to victims and other witnesses in order to facilitate their abilities and confidence to participate in criminal justice system towards naissance of justice. There are hardly enough laws regulating witness protection in Bangladesh, except section 151,152(forbiddance of indecent, scandalous and insulting questions) of Evidence Act (barely suggests inter-court protection only), there are no specific laws as to witness and victim protection. Though article 35 of the constitution prescribes safeguards for only accused person during trial, it has no provision for protecting the rights of witness and victim.

Later on February 2011 law commission of Bangladesh has submitted a final report recommending legislation

on victim and witness protection issue. The recommendations was presented upon considering draft of UNODC e.g. model of witness protection bill, good practices for the protection of witness in criminal proceeding involving organized crime, UN declaration of basic principles of justice for victims of crime and abuse of power, 1985. We can call this report an amendment and correction of weakness of a previous draft of law commission of Bangladesh proposed in 2006. Firstly this report tires to define the term 'victim', 'witness' and 'witness protection program' but unfortunately the definition of witness does not expressly cover 'experts' 'judges' 'police' 'prosecutors' 'journalists' 'whistle-blower' as persons entitled to witness protection. This report overall includes services to victims as to vulner-

inescapable for that particular case, he is in immense risk of security etc.

After getting protection under protection-program such protected person shall have some specific rights such as getting protection for his security, relocation assistance if necessary, identity protection, monetary, Medical and general maintenance assistance, social and psychological support, transportation facilities both for home to court yard, non-disclosure of protection program of that person to public, right to get assistance of law enforcers at any stage of protection period. For getting those facilities the protection-seeker witness shall have to promise in written agreement that he shall give deposition and information and shall comply with other discipline as to non-disclosure of identity.

For female and child witness there shall be special protection and camera trial if necessary, such witness can be separated from the accused by using modern technologies e.g close circuit camera so that deposition can be given free of horror. In respect of international crime such as crime against humanity, genocide, war crime, state shall give protection for the respective witness both inside and outside of country.

This report also prescribes rules for termination of protection in these following cases: e.g. no more risk sustaining, alternative measure taken, circumstance for which protection program has been taken ceased to exist, protected person has violated written agreement of his promise, or when the person himself seeks the termination. And in any of the following cases before final termination such protected person shall be heard with due notice. There shall be a fund for smooth functioning of the program may come from both government and external donation and in due cases such victim and witness can be compensated. And every such witnesses come under protection program will be registered in a register book with authentic address.

In India In a recent case namely Kirpalsingh Jungbahadursingh ... v. State of Gujarat on 5 July, 2013 (famous Gujrat riot case) the court sou motu ordered the appropriate authority to relocate the witness with security if necessary. However, it has been 42 years since independence Bangladesh has no Legislation on witness and victim protection. Now time has come, both inside and outside of court protection for witness is a must. Time immensely demands that the government take necessary steps to enact a law on 'witness and victim protection' without time consumption to satisfy the debt and sacrifice of a witness.



## Defending freedom of expression

MOHAMMAD GOLAM SARWAR

THIS is an evident truth in the present context of Bangladesh that the people of this motherland are deprived from basic fundamental human rights including freedom of expression. While the people of this country are taking the curse of politics and scarifying their freedom and human rights, ARTICLE 19 Bangladesh organised a consultation programme on Freedom of expression and National Institutions on December 30 2013 at Shahida Quadir Auditorium Shyamoli, Dhaka.

ARTICLE 19 in South Asia is increasingly engaging with human rights activists and national and international actors to ensure that human rights practices of countries in South Asia are open to public examination and scrutiny and to hold governments accountable for the protection of freedom of expression and information.

Initial calls for effective human rights mechanism in South Asia needs to be further explored with regard to the extent to which such an instrument or body can address challenges to freedom of expression and information in the region, complement the role of National Human Rights Institutions', address cross border issues and enhance civil society engagement on these issues at the sub-regional level.

In this backdrop ARTICLE 19 is trying to identify the issues which hamper the realization of freedom of expression not only in Bangladesh but also in south Asia.

The aforesaid consultation programme focused on freedom of expression issues in Bangladesh and the role of National Human Rights Institutions in the Sub-region particularly the role of National Human Rights Commission Bangladesh. The objective of this consultation is to conduct study on the monitoring mechanisms conducted by National Human Rights Institutions and to portray the actual scenario in this regard.

Mr Sayeed Ahmed, Country Programme Manager,

Forum-Asia stressed on the necessity of vibrant role which needs to be played by NHRC Bangladesh to stimulate human rights movement on the issue of freedom of expression.

He underscored the underlying significance of creating balance between the restrictions attached with freedom of expression and the actual realization of this right.

Mr Jahid Hossain, Expert Monitoring and Investigation at National Human Rights Commission Capacity Development Project said that it is very much unfortunate to describe that despite being a party to the International Covenants, the Government of Bangladesh amended the ICT law which contains provisions curtailing the freedom of expression.

Dr. Mahbubur Rahman, Associate professor of Law



University of Dhaka, highlighted the importance of contribution by Non-State Actors to address and mobilize the freedom of expression movement effectively.

Participants from various stakeholders submitted their recommendations to strengthen the movement which includes removal of anti-freedom and anti-human rights elements in the law making process, to take and implement project at grassroots level, to coordinate and engage with the South Asian movement regarding freedom of expression etc.

Tahmina Rahman, Director, ARTICLE 19 Bangladesh and South Asia, said that it is very clear that till now freedom of expression is not being prioritised with the agenda of the National Human Rights Institutions in South Asia.

About the recent political rampage disregarding fundamental rights, Mr Sayeed Ahmed remarked that in this situation we can at least expect from the NHRC Bangladesh to conduct an analysis whether the activities of the wrongdoers are within or beyond limitation imposed by state action which restricts fundamental rights including freedom of assembly and association.



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