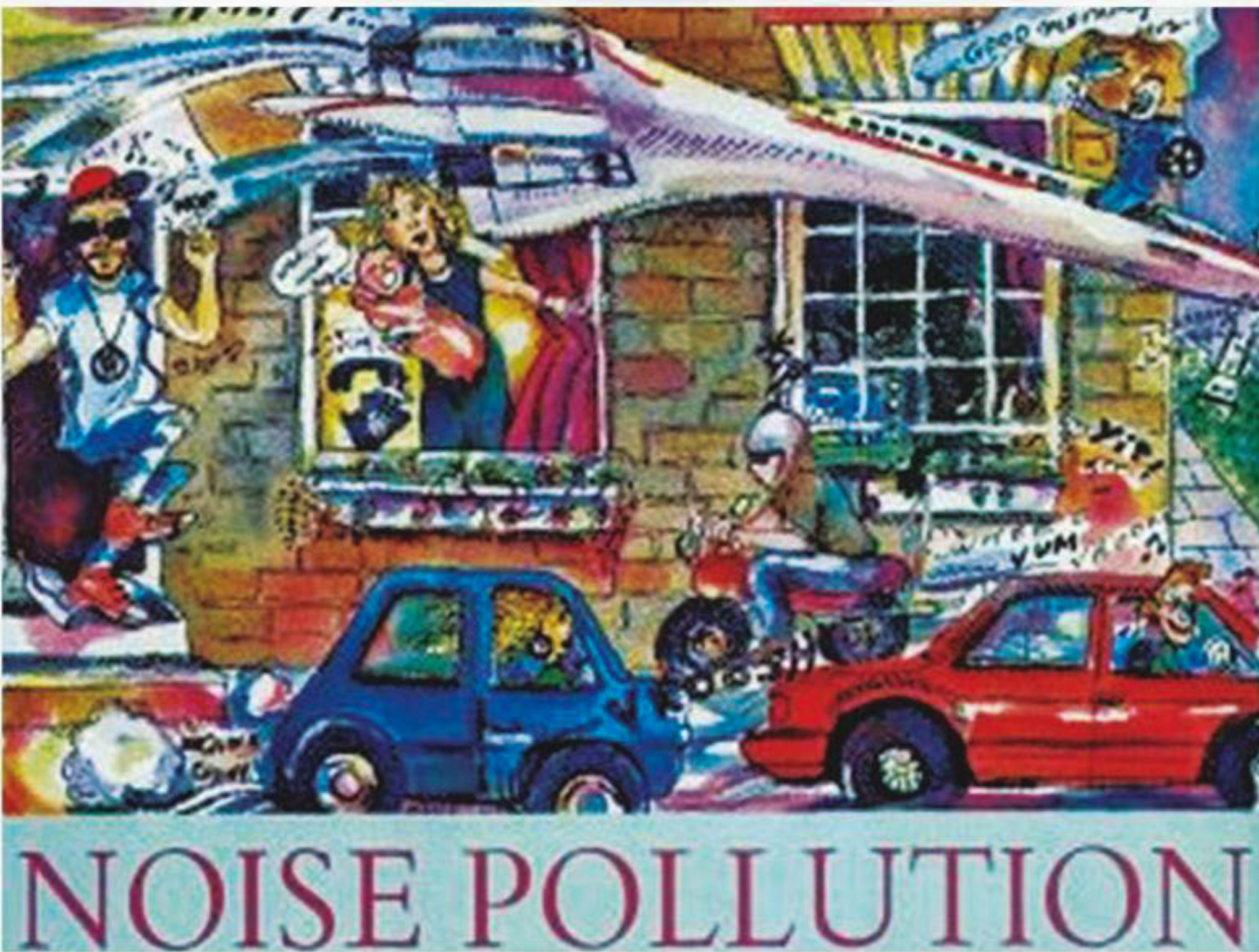


LAW VISION

MD. ERSHADUL KARIM and MOHAMMAD ABU TAHER

DHAKA, the capital of Bangladesh, is one of the densely populated cities in the world. Being an overcrowded city, Dhaka has a high level of noise pollution. The survey report of WBB (Work for Better Bangladesh) highlights that 86% inhabitants of Dhaka consider noise pollution is a great problem for them. In fact, noise pollution affects their lives in various ways and it is considered as a threat to their right to life.

Life is the most precious thing for every human



being and thus right to life is the root of all human rights. The right to life is a right which indicates much more than mere animal existence of a human being. The right to life means to have intact all limbs and faculties through which life is enjoyed. It would, obviously, be deprivation of life if the body is mutilated or any part of it is amputated or if any organ of the body, such as

taking out of an eye, is destroyed.

In *Kharak Singh v State of U.P.*, AIR 1963 SC 1295, the Supreme Court of India observed that the right to life does not mean the right to the continuance of a person’s animal existence, but a right to the possession of all organs-his arms, legs, etc.

The word noise is derived from the Latin term “nausea”. It has been defined as “unwanted sound, a potential hazard to health and communication dumped into the environment with regard to the adverse effect it may have on unwilling ears.” Sound which pleases the listen-

tioned in Schedule-1 or 2 and which is or may be harmful for the environment. A survey, carried out by Department of Environment (DoE) in the mega city from April to May 2012, shows that the sound level in the capital is beyond the permissible limit. It is more than double the limit in some cases.

Noise Pollution is a very serious menace that the people are facing. The health hazards of noise pollution can be categorised into physiological and psychological hazards. While the former includes hearing loss, hypertension, disturbance in sleep patterns etc., the later includes problems such as annoyance, aggression and stress. It may cause interruption of sleep, affect communication, loss of efficiency, hearing loss or deafness, high blood pressure, depression, irritability, fatigue, gastro-intestinal problems, allergy, distraction, mental stress and annoyance etc. Noise induced hearing loss is one of the most harmful effects of noise pollution. The link between excessive noise and hearing loss is obvious.

A.G.GARDINER in his lively piece “On the Rule of the Road” with particular reference to horns says “When I hear the aggressive, bullying horn which some motorists deliberately use, I confess that I feel something boiling up in me which is very like what I felt when Germany came trampling like a bully over Belgium.”

Life is not functional with silence. Soundless life is the life near death. However, the excessive sounds which is regarded as noise pollution has become a threat to the right to life. It is submitted that noise cannot be stopped forever, nonetheless it can be controlled. The law enforcement agencies should be vigilant and well-trained in this regard. Plantation of trees, restricted use of pressure horns, loud speakers, and record players will definitely lessen the magnitude of the problem.

There are two remedies available against all unwanted noise. First to suppress noise at the source, where such a possibility exists and secondly to prevent its transmission into places where it is unwanted. On the whole, the government should be more active in implementation of the rules relating to the control of noise pollution with a view to ensuring right to life of the people of Dhaka.

THE WRITERS ARE PHD CANDIDATES AT THE FACULTY OF LAW, UNIVERSITY OF MALAYA, MALAYSIA.

LAW NEWS

Contribution of forests to end hunger

A new United Nations-backed report on the link between forests and food production and nutrition says that woodlands could be the key to ending hunger and will be intimately linked to the global fight against climate change.

On 6 May 2015, the 11th session of the UN Forum on Forests, held in UN Headquarters in New York, where, the Forests, Trees and Landscapes for Food Security and Nutrition report outlines the potential of forests to improve food security and nutrition, and to ensure the livelihoods of the world’s most vulnerable people.

“What the report is trying to get us to focus on is the relatively neglected contribution that forests and trees make to food security and nutrition,” said Bhaskar Vira, who serves as Chair of the Expert Panel on Forests and Food Security.

He stressed that it was understood in the report that conventional agriculture would remain the major source of people’s nutrition needs but underlined the

complementary role that forests and tree-based systems would also play in feeding the world.

“We’re not trying to suggest that forests and tree-based systems will

detail is the role that forests and tree-based systems already play in supplementing people’s diets and the important roles they play in supplying people with a nutrition-



replace agricultural in relation the critical relationship between crops and food,” said Mr. Vira. “But what we document in extensive

ally balanced diet” he added. Apart from the importance of forests and trees to food security and nutrition, the report’s other

key messages are that integrated governance is important in the interaction between different areas of land-use, that local control of forests are vital to their well-being and to food security as a whole, and that there is a need going forward to reimagining forests and food security.

The report, which is based on existing knowledge, was put together by more than 60 renowned scientists who are part of the Global Forest Expert Panel (GFEP) on Forests and Food Security. The initiative was led by the International Union of Forest Research Organizations (IUFRO) - a world-wide organization devoted to forest research and related sciences, and a member of the Collaborative Partnership on Forests (CPF), which is an informal arrangement among 14 international organizations and secretariats with substantial programmes on forests.

SOURCE: UN PRESS, COMPILED BY LAW DESK.

LAW EDUCATION

MD MUSTAKIMUR RAHMAN

DOING legal research in an appropriate method is an indispensable research skill of any legal researcher. It does not matter whether you are a law student or a law academic professional; your main target of conducting legal research is to find out the answer of one or more legal questions. A comprehensive and meticulous legal research will show that you have done some good research.

Legal research in Bangladesh is not too old to us, but of course not even too new either. As

Understanding legal research methods

a law student or a legal academic professional, we know more or less how to do legal research. However, is your research knowledge enough to conduct a quality research paper? Do you think your research paper will convince the targeted readers? Do you think your paper will contribute something new to the society? Recently, these questions have risen by the research team of Bangladesh Institute of Law and International Affairs (BILIA). From their recent experience, they have found out that most of young researchers of Bangladesh are not doing research in appropriate method. The quality and standard of

most of the papers are very poor graded and also not publishable. To ensure better understanding of research methods, BILIA has taken an initiative to conduct workshop on research methodology.

On 9th May, 2015, the workshop on research methodology has been conducted at the auditorium of Bangladesh Institute of Law and International Affairs (BILIA). It was jointly organised by BILIA and School of Law, BRAC University. Dr. Shahdeen Malik who is the honorary Director of BILIA has given an introductory speech and talked about the necessity and importance of research method in legal writing. Later on, Dr. Rizwanul Islam, an Assistant Professor of Law, BRAC University has given the main lecture on legal research method. In his lecture, he discussed about the ethics of a researcher, originality of research, plagiarism, paraphrase, sources of information, footnote/endnote etc. The participants of the workshop have said that it was very resourceful and it will help them to do better research.

THE WRITER IS LEGAL RESEARCH ASSISTANT AT BANGLADESH INSTITUTE OF LAW AND INTERNATIONAL AFFAIRS (BILIA).



RIGHTS WATCH

Safe motherhood is a human right

A. Z. M. ARMAN HABIB

SAFE motherhood means ensuring that all women receive the care they need to be safe and healthy throughout pregnancy and childbirth. Woman right to safe motherhood is not only a right to health; it is a right to life. It is a right to which governments are to be held accountable in monitoring the implementation of human rights treaties.

According to UN and WHO estimates, every day about 800 young women in the prime of their lives give up their life in the process of giving us a new life. In 2013, 289,000 women died of complications of pregnancy and childbirth. At least 7 million women who survive childbirth suffer serious health problems, and a further 50 million women suffer adverse health consequences after childbirth. Of which, 99% occur in developing countries. In Bangladesh every year 12,000 women die due to pregnancy or pregnancy-related causes.

The human right to health was proclaimed in the international human rights treaty, the International Covenant on Economic, Social and Cultural Rights (Article 12) and also United Nations General Assembly Resolution (A/61/338, 13 September, 2006) are recognising the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and also Article 25 (2) of the UDHR states that, motherhood and childhood are entitled to special care and protection. More specifically, the Convention on the Elimination of All Forms of Discrimination against Women, commits governments to “ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period as well as adequate nutrition during pregnancy and lactation.” The UN Human Rights Council Resolution on Preventable Maternal Mortality and Morbidity and Human Rights (A/HRC/11/L. 16/Rev.1, 16 June 2009) recognises eliminating preventable maternal mortality and morbidity, development and human rights



challenge, and that a human rights analysis of preventable maternal mortality and morbidity. Two treaty bodies, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Human Rights Committee (HRC), have framed maternal mortality as a violation of women’s right to life. In *Air India Etc. Etc vs Nergesh Meerza & Ors. Etc. Etc.*, 1981 AIR 1829, 1982 SCR (1) 438, the Supreme Court of India held that, right to safe motherhood is the part of right to life and liberty, subsequently in *Laxmi Mandal v. Deen Dayal Harinagar Hospital & Ors.* (W.P. © 8852/2008), the Delhi High Court held that, maternal mortality is a violation of a woman’s fundamental right to life.

Bangladesh is on its way to achieving the Millennium Development (MDG 5) target of reducing the maternal mortality ratio by three-quarters between 1990 and 2015, but the rate of decline needs to speed up over the next decade. Though Bangladesh has national policies and programme to reduce the maternal mortality ratio but yet we have no national legislation to ensure the safe motherhood. Also there is no specific constitutional provision to uphold the safe motherhood. Woman’s takes a solemn duty to give birth a new life, so we must recognise their fundamental right to safe motherhood by constitutional way. The state has rigorous responsibility in making motherhood safety for all women. Though Bangladesh has ratified and agreed with above mentioned international instruments but to ensure safe motherhood we have to incorporate with domestic legislation.

Women have the right not to die needlessly in pregnancy or childbirth. When women are risking death to give life, they are entitled to have their own right to life and health protected. A pregnant woman carries the future generation of a country. Due to ensure healthy and good future generation at first we must ensure the safe motherhood. Government has an obligation to ensure the provision of pregnancy-related care in a way that respects the dignity and rights of all women and families, and respect the principles of non-discrimination, equity, transparency, accountability, and participation. Carol Bellamy, Executive Director, UNICEF says that, “Women and girls are the key. If we fail them, we fail their children, we fail their communities, and we fail the very idea of human progress”

THE WRITER IS A STUDENT OF LL.M. AT SOUTH ASIAN UNIVERSITY, NEW DELHI, INDIA.

LAW QUOTATIONS

“Governments in South East Asia must act immediately to stop the unfolding humanitarian crisis. It is crucial that countries in the region launch coordinated search and rescue operations to save those at sea – anything less could be a death sentence for thousands of people,”... “It’s harrowing to think that hundreds of people are right now drifting in a boat perilously close to dying, without food or water, and without even knowing where they are.”

- Kate Schuetze, Amnesty International Asia Pacific Researcher.

“I urge the participating governments to ensure that their responses are based on international human rights and refugee law,”... “This is a complex and multi-dimensional issue requiring a holistic response, which will include stepped-up search and rescue efforts, the timely and safe disembarkation of migrants in distress, and access to appropriate human rights protection safeguards. Dangerous interception practices, including pushing back boats that are trying to land, must be scrupulously avoided.”

-Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights