



LAW amusements

Arizona (US) Laws

It is unlawful to refuse a person a glass of water.

Explanation: In the summer-time, with temperatures reaching topping 120 degrees, often people will need water, but may not have the money to pay for it (mainly applies to homeless).

Hence, the law. It is very much in effect today, with businesses being reported (and heavily fined) who refuse to supply water to those who ask for it. Convenience stores are the primary businesses who uphold this law.

No more than six girls may live in any house.

Explanation: The zoning ordinance was intended to crack down on the proliferation of brothels. However, lawmakers did not foresee cultural changes such as groups of girls living together in a sorority house.

Hunting camels is prohibited.

Explanation: The US Army once experimented with camels in the Arizona desert, and eventually gave up. The remaining camels were set free, and are now protected.

There is a possible 25 years in prison for cutting down a cactus.

Explanation: The Saguaro cactus, treasured by Arizonians, has been endangered by those who find pleasure in shooting or cutting down cacti. Thus, a law was passed to protect the cactus.

A class 2 misdemeanour occurs if one places a mark upon a flag which is "likely to provoke retaliation".

Citation: 13-3703. Abuse of venerated objects; classification

A. A person commits abuse of venerated objects by intentionally:

1. Desecrating any public monument, memorial or property of a public park; or
2. In any manner likely to provoke immediate physical retaliation:
 - (a) Exhibiting or displaying, placing or causing to be placed any word, figure, mark, picture, design, drawing or advertisement of any nature upon a flag or exposing or causing to be exposed to public view a flag upon which there is printed, painted or otherwise produced or to which there is attached, appended or annexed any word, figure, mark, picture, design, drawing or advertisement; or
 - (b) Exposing to public view, manufacturing, selling, offering to sell, giving or having in possession for any purpose any article of merchandise or receptacle for holding or carrying merchandise upon or to which there is printed, painted, placed or attached any flag in order to advertise, call attention to, decorate, mark or distinguish the article or substance; or
 - (c) Casting contempt upon, mutilating, defacing, defiling, burning, trampling or otherwise dishonouring or causing to bring dishonour upon a flag.

B. The provisions of this section shall not apply to:

1. Any act permitted by a statute of the United States; or
2. Any act permitted by United States military regulations; or
3. Any act where the United States government has granted permission for the use of such flag; or
4. A newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, commission of appointment to office, ornament, picture, badge or stationery on which shall be printed, painted or placed such flag and which is disconnected from any advertisement for the purpose of sale, barter or trade.

C. For the purposes of this section:

1. "Desecrate" means defacing, damaging, polluting or otherwise doing a physical act in a manner likely to provoke immediate physical retaliation.
2. "Flag" means any emblem, banner or other symbol, of any size, composed of any substance or represented on any substance that evidently purports to be the flag of the United States or of this state.
3. Abuse of venerated objects is a class 2 misdemeanour.

It is illegal to manufacture imitation cocaine.

Citation: 13-3453. Manufacture or distribution of imitation controlled substance; prohibited acts; classification

A. It is unlawful for a person to manufacture, distribute or possess with intent to distribute an imitation controlled substance.

B. It is no defence to prosecution under this section that the defendant believed the imitation controlled substance to be a legitimate controlled substance.

C. A person who violates subsection A by the manufacture, distribution or possession of with intent to distribute an imitation controlled substance as a controlled substance is guilty of a class 6 felony.

D. Any person of the age of eighteen years or older who violates subsection A with respect to any person under the age of eighteen years is guilty of a class 5 felony.

One must be 18 years old to buy spray paint.

Citation: Sec. 22-103. Limiting access to graffiti implements.

(a) No person other than a parent or legal guardian shall sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any person under the age of eighteen (18) years.

(b) Evidence that a person, his or her employee, or agent demanded and was shown acceptable evidence of majority and acted upon such evidence in a transaction or sale shall be a defence to any prosecution under this section. Acceptable evidence of majority shall include, but is not limited to, driver's license, state-issued identification or military identification.

(c) This section does not apply to the transfer of graffiti implements from parent to child, guardian to ward, employer to employee, teacher to student or in any other similar relationship when such transfer is for a lawful purpose.

(d) Violation of this section is a class 1 misdemeanour.

Source: www.crazy-laws.com.

LAW lexicon

Injunction-A prohibitive order or remedy issued by the court at the suit of the complaining party, which forbids the defendant to do some act which he is threatening or attempting to do. Conversely, it may require him to perform an act which he is obligated to perform but refuses to do.

Insolvent-When the total debt of an entity is greater than all of its property.

Instructions-Judge's explanation to the jury before it begins deliberations of the question it must answer and the applicable law governing the case. (Also referred to as charge.)

Intangible assets-Nonphysical items such as stock certificates, bonds, bank accounts, and pension benefits that have value and must be taken into account in estate planning.

Intentional tort-Wrong perpetrated by one who intends to break the law.

Interlocutory-Temporary; provisional; interim; not final.

Internal Revenue Service (IRS)-The federal agency which administers the tax laws of the United States.

Interrogatories-A set or series of written questions propounded to a party, witness, or other person having information or interest in a case; a discovery device.

Intervention-An action by which a third person who may be affected by a lawsuit is permitted to become a party to the suit.

Intestate-The status of a person who dies without leaving a will.

Intestate succession-A succession of property when the deceased has left no will, or when the will has been revoked.

Involuntary bankruptcy-A proceeding initiated by creditors requesting the bankruptcy court to place a debtor in liquidation.

Source: Jurist International.

Star LAW book review

Why people become criminals

SAMAHA M KARIM

CRIMINOLOGY is an emergent field of study which deals mainly with crime and criminals. The book covers a wide range of areas including biology, psychology, sociology, economics, culture, ecology and surrounding circumstances of a society in identifying the causes of crime. In the modern world, knowledge of criminology is vital for realistic purposes as well as for proper understanding of the human behaviour.

The author is an Assistant Professor of the Department of Law in the Dhaka University. In 1996 he was presented with The Reporters' Unity President Award for his investigative reporting. As a student of law, he worked as a journalist in the Daily Ajker Kagoj and the Daily Sangbad, and placed second in first class in his Masters examinations of the Dhaka University. Currently he is a regular contributor to the Daily Star, the Daily Prothom Alo, The Daily Joganor and the Daily Samokal.

The book describes criminal activities as a disease, requiring diagnosis for its proper healing, thus stresses on the causation, prevention and correction of crime. Divided into seventeen chapters, the first two chapters speak about the origin and definition of criminology and provide a historical legacy of the field.

Chapter 3 explores an interesting area regarding the biological factors and criminal behaviour. Various theories have been discussed, such as, whether physical appearance is the distinguishing mark of the criminals or whether criminal behaviours result from joint impact of nature (genes) and nurture. The book covers studies of the relationship between food allergies and anti-social behaviour and the effect of drugs and alcohol. It also covers how DNA tests help identify criminals internationally which is now viable in our country since the set up of Bangladesh National Forensic DNA Profiling Laboratory at Dhaka Medical College Hospital in 2005.

Chapter 4 discusses the female criminality, addressing gender and crime with a view to find their mutual relations. In Bangladesh, in recent years female presence is seen in different types of offences including trafficking, hijacking, smuggling, keeping counterfeit coin, carrying illegal arms and other fraudulent activities. This involvement of women in criminal activities may be attributed to poverty, paying dowry, collecting money for release of husband from jail or for fulfilling expenditures and loans. This chapter discloses much interesting statistical data regarding the female crime rate.

Chapter 5 considers the relationship between economic conditions and crime. This chapter raises the question of whether places of more poor people have higher rate of crimes. Studies made regarding this area seem to have generated contradictory results.

Chapter 6 concentrates on the psychological theories of criminality. It has been provided here that low IQ scores seem to be associated with crime. In the US, personality tests are being used extensively in detecting and solving serial murders. Sadistic acts are such traits, which may be detected, in serial murders. The chapter also discusses the use of insanity as a strong defence under which many defendants may claim immunity from criminal liability.

Sheikh Hafizur Rahman Karzon, Assistant Professor, Department of Law, Dhaka University, *Theoretical and Applied Criminology,* Palal Prokashoni and Empowerment through Law of the Common People (ELCOP), Dhaka 2008



Chapter 7 analyses the sociological theories of criminal behaviour. The chapter raises the question as to why crime rates differ from one neighbourhood to another, from group to group, within large urban areas, or between village and urban areas. Theorists argue that crimes take place in a society and they are the product of social forces.

Chapter 8 discusses the tendency to assuming that poor and less educated people are more likely to commit criminal acts. The chapter discusses 'white collar criminality', as in the practice of chicanery and corruption of highly placed persons. It inquires whether 'white collar crimes' are crimes and identifies 'white collar crimes' in Bangladesh.

Chapter 9 provides updates regarding the police system of Bangladesh and information on various levels of police forces in countries such as Australia, Brazil, Canada, France, the UK and the US. Several functions of the police are highlighted including prevention functions, investigation, interrogation, search and seizure, inquiry and report on suicide and unnatural deaths and function as a prosecutor. The condition and problems of police in Bangladesh are pointed out. The reaction of the Supreme Court of Bangladesh on police abuses has also been discussed briefly according to the cases of BLAST v Bangladesh 55 DLR 363 and Saifuzzaman v State 56 DLR 324.

Chapter 10 provides the meanings of punishment, forms of punishment and related issues of the penal policy of Bangladesh and Constitutional Provisions. In discussing alternative measures to punishment, the chapter recognises that the penal policy of Bangladesh lacks sufficient alternative measures to punishment and imprisonment.

Chapter 11 explores the meaning of capital punishment in the UK and the US. A chart is provided on the execution of death penalty worldwide which illustrates that in 2004 the number of executions was highest in China. The chapter provides a list of informative arguments for and against capital punishment and provisions regarding capital punishment in International Treaties and the responses of various countries to them.

Chapter 12, in discussing the institution of prison, firstly provides the history of prison. The purposes of imprisonment, along with administration of prison, the role of prison staff and the international standards for treatment of prisoners have been provided in this chapter. Facts regarding the prisons in Bangladesh, the conditions there, the food, health and hygiene issues have also been discussed. A lot of statistical data regarding child prisoners, detainees, foreign prisoners, mentally disabled in prisons and the number of death in the prison have also been provided.

Chapter 13 exposes that a good prison institution classifies its prisoners, as they are different in their types from each other. Some offenders ought to be dealt with differently by the police, prison administration and other agencies. A certain amount of flexibility is required in dealing with these

variations for which a number of mechanisms such as probation, parole, pardon, suspension and indeterminate sentences may be implemented. Probation and parole, being two devices of correctional justice, have been contrasted in a comparative study which clarifies their difference from one another.

Chapter 14 focuses entirely on Bangladesh and crime in Bangladesh. Special focus on the rise of extremist terrorist activities of the ultra religious outfit has been given in the chapter. It contains quite a lot of official statistics of crimes of the whole country which may be found to be quite alarming. As provided in the book, "reliable statistics evidenced that serious crimes are increasing gradually in Bangladesh. The rate of crime increase is even more than population growth."

Chapter 15 explores juvenile delinquency and juvenile justice. The young, being the most susceptible segment of society, react sharply to any social chaos. The causes of juvenile delinquency in Bangladesh are discussed broadly supported by further statistical data regarding their number, the nature of offences they mostly commit, age distribution of the offenders and ecological distribution of the offenders. The justice system for the young offenders is also examined, including issues of criminal responsibility, alternative measures and powers, functions and procedure of the juvenile courts.

Chapter 16 looks at genetics in relation to criminal behaviours and criminal justice system. Various questions have been addressed as to how the law ought to respond to new discoveries in genetics and to what extent the relation between genetics and behaviour affects legal doctrines related to privacy, autonomy, non-discrimination and societal opportunities. On April 24, 2008, the Senate of USA passed the Genetic Information Non-discrimination Act (GINA) unanimously. The Act protects health data, and prevents companies from using genetic information in employing someone. It also insures non-discrimination of individuals due to their genetic proclivities.

Chapter 17 concerns cyber crimes which has grown to become rather sinister in modern times since everything is computerised, be it refrigerators or nuclear power plants. It pertains to criminal activities that already exist, such as theft, fraud, forgery, defamation and mischief.

It's a good book. It's well structured, informative, ideal to fulfil the demands of students, teachers, researchers and government functionaries having relation with the subject, as the author has intended. Some of the facts stated in the book are quite amusing, some data are quite shocking and overall it provides a good knowledge regarding the entire topic. The book provides helpful background knowledge regarding each issue discussed in the chapters along with the overall current situation and state of affairs in Bangladesh.

A special feature of this book is that the reality of Bangladesh society has been related to criminology discourses. It emphasises on the requirement of attention on this subject in order to establish an orderly society.

The reviewer is working with Law Desk.

LAW week

Tac asks 11 govt officials to return Tk 5.69cr

The Truth and Accountability Commission (Tac) has ordered 11 government officials as of September 2 to deposit to the state exchequer about Tk 5.69 crore, which they voluntarily admitted before the commission to having amassed by illegal means.

Sources said eight more government staff confessed to the Tac to having amassed illegal wealth worth over Tk 1 crore.

They include former divisional forest officer of Chittagong Zafrul Hasan, a project director and a deputy project director of Chittagong Port Authority, a sub-registrar of the registry department, and a former chief engineer of Bangladesh Inland Water Transport Authority.

Tac Chairman Justice Habibur Rahman Khan said the 11 absolution seekers are officials of the Roads and Highways Department, a sub-registrar from registry department and a chief engineer of Sylhet City Corporation. He, however, did not disclose their names and the details of their ill-gotten wealth. -The Daily Star, September 04, 2008.

Power-loom workers go on rampage, set ablaze 12 cars

Hundreds of power-loom workers in Narsingdi forced into Chouala Palli Bidyut Samity-2 compound in protest at frequent power cuts, setting 12 vehicles on fire and damaging other valuables morning.

Around 700 workers rampaged through the power office at about 5:00am as production disruptions due to frequent power outages affected their wages, witnesses said.

The workers had been demanding uninterrupted power supply for the last two months. Earlier on August 24, they laid siege to the power office and put up barricades on Dhaka-Sylhet Highway to press home their demand, sources said.

Locals joined in vandalism in protest at load shedding during shri, iftar and tarabi namaaj. The police later brought the situation under control.

Witnesses said around 250 locals first went to the REB office around 8:45pm demanding smooth supply of electricity. Later, about 3,000 Muslim devotees and locals joined the demonstration around 9:30pm and went on the rampage. -The Daily Star, September 04, 2008.

National HR Commission launched

The government set up the National Human Rights Commission (NHRC) which would investigate human rights violations and advise the government on the enforcement of international human rights covenants.

The law ministry issued a gazette notification bringing the NHRC into effect. The NHRC will have a chairman and two members. One of the three will be a serving or retired Supreme Court judge.

The NHRC will investigate reports or complaints of human rights violations, negligence of human rights, and maintain the standards of prisons or correction facilities. It will mediate between disputing parties if necessary.

The commission will also review the constitution and the legal system to find human rights violation loopholes and if necessary suggest improvements to the government.

The NHRC will also research and set out the implementation of international human rights covenants and whether local laws are consistent with international human rights agreements. All human rights NGOs and their operations will also be coordinated by the NHRC. -The Daily Star, September 02, 2008.

Amnesty to work little for lack of ID papers

The irregular Bangladeshis without proof of identification in Kuwait will not be able to take advantage of the 45-day amnesty announced Sunday for irregulars there.

Shahriar Kader Siddiky, labour counsellor of the Bangladesh embassy in Kuwait, said, "We can provide temporary travel documents for an illegal against copy of his passport, civil ID or bank card. But it's not possible to do anything without those."

The unscrupulous visa traders taking away passports or civil IDs from the migrant workers has become commonplace in many Middle Eastern countries.

They do it in collusion with employers to force the workers to toil for wages way less than what their job contracts pledge, according to labour watchdogs.

Of around 2.5 lakh Bangladeshis in Kuwait, several thousands are believed to be illegal.

Siddiky said the Bangladesh embassy has started receiving applications seeking temporary travel documents. It has been deluged with calls from irregular Bangladeshi workers enquiring about the amnesty.

He added that the embassy is working to set up a counter for amnesty seekers. Besides, it will soon start leafletting labour camps, urging Bangladeshis to take advantage of the amnesty. -The Daily Star, September 02, 2008.

Call for saving hills

Hillside settlements in Chittagong have to be protected from recurrent landslides through immediate implementation of the protective measures recommended by experts at different times, speakers at a roundtable in the port city said.

They said a legal structure and planning policy are needed for proper management of the hills and called for assigning a body to take care of their implementation.

The Daily Star Chittagong office organised the discussion on Challenges of Development: Hill-Cutting and Landslide, at the Institution of Engineers Bangladesh (IEB), Chittagong. Engineers, architects, academics, government officials, journalists and NGO representatives took part in the discussion, moderated by The Daily Star Editor Mahfuz Anam.

The speakers said stopping hill-cutting and preventing killer landslides are the two major development challenges for Chittagong and called for political commitment, proper enforcement of the law and good governance in this regard. -The Daily Star, August 31, 2008.

S Asian climate change network a must to combat challenges

The International Symposium on Climate Change and Food Security in South Asia in its Dhaka Declaration has recommended creating South Asian Network on Climate Change and Food Security and establishing South Asia Climate Outlook Forum to combat challenges of climatic changes in the region collectively.

The five-day symposium that concluded at Hotel Sonargaon in the capital also emphasised the need for stimulating multi-disciplinary research on the burning issue and identifying effective mitigation and adaptation options, including carbon sequestration in different ecosystems. The programme was jointly sponsored by Ohio State University, World Meteorological Organisation (WMO), Food and Agriculture Organisation, UN Economic and Social Commission for Asia and the Pacific, Dhaka University and the Bangladesh government. Around 250 participants from 17 countries attended the event.

The symposium suggested developing innovative financial mechanisms to scale up technical and financial support for the adaptation efforts of the South Asian countries and strengthening regional institutional and policy mechanisms to promote and facilitate implementation of location-specific adaptation and mitigation practices.

The Declaration says, "Climate Change and Food Security in South Asia Network and South Asia Climate Outlook Forum both to be maintained by the WMO will share information on management of climate change and related science, data, tools and methodologies in South Asia." -The Daily Star, August 31, 2008.

HUMAN RIGHTS watch

Mexican court upholds abortion law

Landmark Decision Confirms Right to an Abortion up to 12th Week of Gestation



LIBERAL COMPASSION at 36 weeks

In a historic decision today, the Mexican Supreme Court ruled that Mexico City's law decriminalising abortion during the first 12 weeks of gestation is constitutional. In a publicly broadcast proceeding, the court voted 8-to-3 in favour of upholding the Mexico City law, which came into force in 2007. A written decision is expected from the court within days.

"This decision ensures Mexico is observing fundamental human rights law," said José Miguel Vivanco, Americas director at Human Rights Watch. "Decriminalising abortion saves women's lives and respects their equality and autonomy. We applaud the court's decision, and hope governments around Latin America take notice."

According to figures from the Federal District, more than 12,000 women have availed themselves of safe and legal abortion services in Mexico City since the law entered into force in April 2007.

In many places in the world where abortion is prohibited or legally restricted, women often seek abortions in clandestine and unsafe conditions, contributing to maternal disability and mortality. Mexico's Supreme Court decision will help to ensure that women in the nation's most populated city have access to this basic health care service and do not have to resort to unsafe and potentially life-threatening procedures.

Source: Human Rights Watch.

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 mail, 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