



THE LEGAL COUNSEL

# NEWS BULLETIN

## EDITORIAL

As a part of our continuing effort to disseminate important legal information, we are pleased to publish the tenth issue of the quarterly 'Legal Counsel News Bulletin' with some important updates.

## ON A SERIOUS NOTE

Santa Claus, the tooth fairy, an honest lawyer and an old drunk are walking down the street together when they simultaneously spot a hundred dollar bill. Who gets it? The old drunk, of course, the other 03 (three) are fantasy creatures.



## The Evolution of Laws of Bangladesh over its 50 Years of Independence

Bangladesh marked 50 years of its independence in the year 2021. The golden jubilee of independence is the biggest milestone for the nation to celebrate. During this period of 50 years of independence, the legal system of Bangladesh has seen significant positive changes in the enactment and adaptation in the laws of Bangladesh. At present, Bangladesh is enriched with a number of pieces of legislations that are unique to the country, with no neighbouring countries having laws made on such matters, ensuring better rights to its citizens. The rich series of laws also include the legislations enacted prior to the independence in 1971, and also during the British Rule prior to 1947, such as **The Contract Act, 1872**, the **Penal Code, 1860**, **Code of Civil Procedure, 1908** etc. **The Contract Act, 1872**, for instance, was first enacted in the 19th century for the Indian sub-continent, and the Government of Bangladesh adopted it after independence and from time to time, has taken steps to adapt the law in the context of Bangladesh in order to meet the requirements of the new country. Interestingly, although British initiated making of this piece of legislation for this sub-continent, United Kingdom still does not have a single legislation on Contract laws. Similarly, **The Penal Code, 1860**, which was made for this sub-continent, which Bangladesh adopted after independence and has been amending from time to time, most recently being in the year 2004. The other countries use the same Penal Code with necessary amendments to suit their country's requirement.

After independence, Bangladesh has seen a massive development in the arena of laws. Over the years, the Government of Bangladesh enacted many specialized laws in order to protect vulnerable and special communities, persons or matters, a great examples being the **Prevention of Women and Child Repression Act 2000 and The Children Act 2013**. The Prevention of Women and Child Repression Act was introduced with great expectations to reduce and remove the violence against women as well as children and the Government has successfully and significantly minimized the rate of violence against women as well as children ever since. Similarly, the introduction of the **Artha Rin Adalat Ain, 2003** brought changes to a great extent in the administration of justice delivery system for regulating suits for the recovery of money by financial institutions. It is pertinent to mention that there are separate tribunals for cases filed under Prevention of Women and Child Repression Act 2000 and **Artha Rin Adalat Ain, 2003** in order to expedite trials. Besides, for the purpose of ensuring that mothers and families receive accurate and unbiased information about the healthiest way to feed their infants and young children—free of commercial influence, there is a law named **The Bangladesh Breastmilk Substitutes, Infant Foods, Commercially Manufactured Complementary Foods, and the Accessories Thereof (Regulation of Marketing) Act (the Bangladesh BMS Act)2013**, and there are additional bylaws of 2017, which cannot be found in other countries across the world. In addition, Bangladesh passes Finance Act every year which contains multiple provisions as to taxes, duties, exemption as well as reliefs and every year after the national budget is formed the provisions of the Finance Act are amended accordingly. Even, **The Parents Care Act 2013** obligates the children to take good of their parents which includes providing food as well as shelter to their parents if they live with them or to provide 10% of their income if they do not live with them. With a view to eradicate the consumption of illegal drugs **The Narcotics Control Act 1990** was introduced that regulates narcotics including production, distribution, transaction, possession, transportation, cultivation, etc.

Amongst others, **The International Crimes (Tribunals) Act, 1973 (as amended)** which is a domestic war crimes tribunal in Bangladesh was set up to investigate and prosecute suspects for the genocide committed in 1971 by the Pakistan Army and their local collaborators during the Bangladesh Liberation War. Bangladesh has a history of producing huge and affordable workforce. In many jurisdictions the matters regarding employment are dispersed into different laws as oppose to a single law like Bangladesh. The Bangladesh Labour Act 2006 (“Act”) as well as **the Bangladesh Labour Rules, 2015** (“Rules”) codify all matters associated with labour and workforce in one place. The comprehensive nature of the law can immediately be gleaned from its coverage such as conditions of service and employment, youth employment, maternity benefit, health hygiene, safety, working hours and leave, wages and payment, workers’ compensation for injury, trade unions and industrial relations and disputes, workers’ participation in companies profits, provident funds, etc. The Act also established separate labour courts and labour appellate tribunals to deliver fast-tracked trials, to promote industrial peace and to establish a harmonious and cordial relationship between labour and capital by means of conciliation, mediation and adjudication.

The emergence of digitalization around the globe necessitated the institution of new cyber laws as the provisions of Penal Code, 1860 fell short to deal with crimes related to cyber matters. As a consequence, the Government took a radical approach and firstly established the **Information and Communication Technology Act (ICT) of 2006** famously known as **ICT Act 2006** to prevent cybercrimes and regulate e-commerce. Thereafter, the **Digital Security Act, 2018** was passed with the aim of preventing the spread of racism; sectarianism; extremism; terrorist propaganda; and hatred against religious or ethnic minorities through social media, print media or any other electronic media. Even, any content over the internet or any other media that was deemed pornographic or otherwise inappropriate by the Government can be punished by fines or prison terms of various lengths under the Digital Security Act, 2018.

Since the independence of Bangladesh in 1971, the Government of Bangladesh has adopted laws in accordance with the demands and needs of the society as well as to prevent crimes and corruptions within the jurisdiction.

**NEW IMPORTANT LEGISLATIONS  
(OCTOBER 2021-DECEMBER 2021)**

- Bangladesh House Building Finance Corporation (Amendment) Act, 2021
- Bangladesh Tour Operator & Tour Guide (Registration & Operation) Act 2021
- Territorial Waters & Maritime Zones (Amendment) Act, 2021.

**DID YOU KNOW**



It's a must that every establishment should provide such means of exit including at least 01 (one) alternative staircase connecting with every floor at the time of fire and requisite number of firefighting equipment in every floor and no exit of a room shall be kept locked or fastened and no exit shall be hindered or no barrier shall be put on the way, while work is going on.

**CURRENT AFFAIRS**



**Digital Transaction Platform (IDTP)**

The government is set to launch the Interoperable Digital Transaction Platform (IDTP) soon allowing people to move funds effortlessly within the financial sector such as banks, mobile financial service operators (MFSP) and payment service providers (PSPs) and at lower costs.

- ✓ Recently, 09 (nine) members committee was formed for necessary amendment, incorporation, review, and reform of the Code of Criminal Procedure, 1898, aiming to make it a time-befitting and modernized one, and formulate it in Bangla.

**Bangladesh Public Service Commission Act 2021**



Draft Bangladesh Public Service Commission Act 2021 has found its initial approval, with the provision of up to 10 (ten) years in prison for leaking question papers, a minimum 03 (three) years in prison and financial penalties for leaking question papers of recruitment tests for government jobs administered by the Bangladesh Public Service Commission and Mobile courts will be allowed to conduct drives and punish offenders during recruitment tests, up to 02 (two) years in prison or financial penalty or both for adopting unfair means during the tests, anyone obstructing the examinations to be held will get a year in jail, including the exam conductor if he/she is found guilty of irregularities, will get 02 (two) years in jail.

**LEGAL COUNSEL NEWS**



3

New lawyers joined the LC family in 2021



4

News Bulletins published



1450+

Client instructions/briefs received throughout 2021



49

New clients instructed LC in 2021



225+

Free legal advice, opinions, services in 2021



31

Internal and external capacity building training sessions and talks held at LC



Legal Counsel Chattogram Branch at the World Trade Centre, Agrabad, is open and operational since late October, with a view to come closer to Chattogram clients and prospects and better serve them



7th Dec 2021 witnessed the Opening Ceremony of CCCI Japan Desk, in collaboration with JETRO and JBCCI, to be operated by Legal Counsel. This is a strategic initiative to intensify private sector engagement between Japan and Bangladesh and facilitating Japanese Investment in Chattogram region.

## OUTING & CELEBRATIONS



PROJECT HILSHA

## BIJOY DIBOSH



## PRO-BONO WORKS: PUBLICATIONS AND TV SHOWS (OCTOBER 2021 - DECEMBER 2021)

### PUBLICATIONS AND INTERVIEWS

- ✓ Divorce & Dower | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo (Fortnightly column) | October 02, 2021. <https://legalcounselbd.com/12211>
- ✓ Gratuity Scheme | Barrister Omar H. Khan, Managing Partner of Legal Counsel | The Daily Star | October 05, 2021. <https://legalcounselbd.com/12212>
- ✓ Retrenchment | Barrister Omar H. Khan, Managing Partner of Legal Counsel | The Daily Star | November 03, 2021. <https://legalcounselbd.com/12213>
- ✓ Disclosure of the confidential information | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo (Fortnightly column) | November 10, 2021. <https://legalcounselbd.com/12214>
- ✓ Rape | Barrister Miti Sanjana, Partner of Legal Counsel | Somoy TV | November 11, 2021. <https://legalcounselbd.com/12215>
- ✓ Muslim Marriage | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo (Fortnightly column) | December 01, 2021. <https://legalcounselbd.com/12216>

### TV SHOWS AND INTERVIEWS

- ▶ ICT platform of Bangladesh and its development | Barrister Miti Sanjana, Partner of Legal Counsel | Channel -i | October 09, 2021. <https://legalcounselbd.com/v12211>
- ▶ Corporate Law, Economic Growth & Foreign Direct Investment (FDI) | Barrister Omar H. Khan, Managing Partner of Legal Counsel | Channel i | October 09, 2021. <https://legalcounselbd.com/v12212>
- ▶ Maintenance under Muslim Law | Barrister Miti Sanjana, Partner of Legal Counsel | NewsBangla24.com | October 09, 2021. <https://legalcounselbd.com/v12213>
- ▶ Business Law | Barrister Omar H. Khan, Managing Partner of Legal Counsel | DBC News | October 18, 2021. <https://legalcounselbd.com/v12214>
- ▶ Cyber Law | Barrister Miti Sanjana, Partner of Legal Counsel | Ekattor TV | October 19, 2021. <https://legalcounselbd.com/v12215>
- ▶ Various aspects of Mr. Omar H. Khan's personal and professional life as a change maker in the society | Barrister Omar H. Khan, Managing Partner of Legal Counsel | NewsBangla24.com | October 19, 2021. <https://legalcounselbd.com/v12216>
- ▶ Muslim Marriage Registration | Barrister Miti Sanjana, Partner of Legal Counsel | NewsBangla24.com | October 30, 2021. <https://legalcounselbd.com/v12217>
- ▶ Different areas of laws | Barrister Miti Sanjana, Partner of Legal Counsel | Channel-i TV | November 01, 2021. <https://legalcounselbd.com/v12218>
- ▶ Juvenile gang crime obstructed by Shishu Ain, 2013 | Barrister Miti Sanjana, Partner of Legal Counsel | Ekattor TV | November 03, 2021. <https://legalcounselbd.com/v12219>
- ▶ Rape | Barrister Miti Sanjana, Partner of Legal Counsel | DhakaTribune.com | November 16, 2021. <https://legalcounselbd.com/v122110>

- ▶ Foreign Direct Investment (FDI) in Bangladesh | Barrister Omar H. Khan, Managing Partner of Legal Counsel | News24 | November 21, 2021. <https://legalcounselbd.com/v122111>
- ▶ Consumer Protection Act| Barrister Miti Sanjana, Partner of Legal Counsel |NewsBangla24.com | November 23, 2021. <https://legalcounselbd.com/v122112>
- ▶ International Day for the Elimination of Violence against Women| Barrister Miti Sanjana, Partner of Legal Counsel |Jagonews24.com| November 25, 2021. <https://legalcounselbd.com/v122113>
- ▶ Sexual harassment of women at Public place| Barrister Miti Sanjana, Partner of Legal Counsel |Ekattor Tv| November 26, 2021. <https://legalcounselbd.com/v122114>
- ▶ International Day for the Elimination of Violence against Women | Barrister Miti Sanjana, Partner of Legal Counsel | NewsBangla24.com| November 27, 2021. <https://legalcounselbd.com/v122115>
- ▶ Rape| Barrister Miti Sanjana, Partner of Legal Counsel | Ntv | December 1, 2021. <https://legalcounselbd.com/v122116>
- ▶ Evidence Act | Barrister Miti Sanjana, Partner of Legal Counsel | NewsBangla24.com | December 4, 2021. <https://legalcounselbd.com/v122117>
- ▶ Entrepreneurship development | Barrister Miti Sanjana, Partner of Legal Counsel | Channel-I | December 4, 2021. <https://legalcounselbd.com/v122118>
- ▶ Commercial Law, E-commerce, International Arbitration Bangladesh | Barrister Omar H. Khan, Managing Partner of Legal Counsel |Channel-I | December 5, 2021. <https://legalcounselbd.com/v122119>
- ▶ Child Labour| Barrister Miti Sanjana, Partner of Legal Counsel | NewsBangla24.com | December 18, 2021. <https://legalcounselbd.com/v122120>
- ▶ Legality / illegality of battery regulated motor vehicle| Barrister Miti Sanjana, Partner of Legal Counsel |BBC Bangla News | December 21, 2021. <https://legalcounselbd.com/v122121>
- ▶ Road Safety| Barrister Miti Sanjana, Partner of Legal Counsel | Maasranga News | December 21, 2021. <https://legalcounselbd.com/v122122>
- ▶ 'Violence against Women'| Barrister Miti Sanjana, Partner of Legal Counsel | Ekattor TV | December 23, 2021. <https://legalcounselbd.com/v122123>
- ▶ Economy and development of Bangladesh ' | Barrister Miti Sanjana, Partner of Legal Counsel |Channel-i | December 26, 2021. <https://legalcounselbd.com/v122124>
- ▶ Children Act, 2013 ' | Barrister Miti Sanjana, Partner of Legal Counsel | DBC News | December 27, 2021. <https://legalcounselbd.com/v122125>



Watch what Legal Counsel Family has to say on New Year's Eve!



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