

NEWS BULLETIN



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EDITORIAL

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

ON A SERIOUS NOTE

The lawyer's son wanted to follow in his father's footsteps, so he went to law school and graduated with honors. Then he went home to join his father's firm.

At the end of his first day at work, he rushed into his father's office and said, "Father, father! In one day I broke the Smith case that you've been working on for so long!"

His father yelled, "You idiot! We've been living on the funding of that case for ten years!"



Advancement of Women: Rights and Privileges under the Laws of Bangladesh

"No nation can be worthy of its existence that does not take its women alongside the men. No struggle can at any point prevail without women partaking next to each other with men." Gender inequality, which remains pervasive worldwide, tends to lower the productivity of labor, intensifying the unequal distribution of resources. Women in Bangladesh previously felt the most important and most direct costs of those inequalities. Bangladesh, after its independence in 1971, however, has slowly but surely enforced and empowered women. At present day, women in Bangladesh enjoy a plethora of protections and privileges accorded by the law. The starting point being the **1972 Constitution of the People's Republic of Bangladesh**.

Article 27 of the Constitution states that "all citizens are equal before law and are entitled to equal protection of law". Sub-articles (1) through (4) of Article 28 further guarantee the fundamental rights of women and forbid any form of discrimination on the basis of sex.

While the Constitution is meant for any citizen in general, specific women-centric protections are accorded in general legislations as well, such as the Code of Civil Procedures, the **Code of Criminal Procedures Code of Bangladesh, the Penal Code, the Bangladesh Labour Act**, etc.



Apart from the above, the Legislature has also felt the need for making special laws for women to address special circumstances. **Promulgation of the Dowry Prohibition Act of 2018** has helped extirpate dowry from society. The goal of such legislation is to put an end to the practice of the bride's family making a financial contribution to the groom's family after a marriage. Section 3 of the Act makes it illegal to demand a dowry, directly or indirectly, and it is punishable by up to 5 (five) years in prison and/or a hefty fine. Giving or receiving a dowry is illegal under Section 4 of the Act, which carries a penalty of up to 5 (five) years in prison and/or a fine. Any arrangement for the gift or acceptance of a dowry is void under Section 5 of the Act.

Domestic violence is defined by the **Domestic Violence (Prevention and Protection) Act 2010** as physical, psychological, sexual, or economic abuse against a woman or a child of a family by any other member of that family with whom the victim is, or has been, in a familial relationship. It also governs the roles and obligations of police officers, enforcement officers, and service providers (chapter 3); victim rights and remedies (chapter 4); application, trial, and appeal procedures (chapter 5); and offenses and punishments (chapter 6).

Nari-O- Shishu Nirjatan Daman Ain 2000 (also referred to as the “**Prevention of Women and Child Repression Act 2000**”) is playing a key role in women’s acknowledgement and thereby extermination of violence and oppression against them from their lives. Women and children are protected under this law against horrific crimes such as rape, dowry, and grave injury. Sexual abuse and sexual harassment are both punishable under the Act. The media is also subjected to restrictions in order to preserve the victims’ privacy. This statute was amended in 2020 to include “death or rigorous life imprisonment” for raping women and children. It also mandates fast trial, i.e. the investigation is to be completed within 60 days of the order by a magistrate or filing of the case and the trial process is to be completed within 180 days. The rapist will have to pay for the upkeep of a child born as consequence of rape.



The Penal Code of 1860 has provisions which deter oppression against women. Section 354 states that anyone who assaults or uses criminal force to a woman to outrage her modesty shall be punished with imprisonment up to 2 (two) years and/or with a fine. Section 366 imposes up to 10 years’ imprisonment for abducting or abducting a woman with the intention of marrying, forcing, or seducing illegal sexual intercourse against her will. Section 375 defines rape and section 376 also provides for the punishment for rape in general. While sections 493 to 496 cover protection of women in relation to marriage and cohabitation, section 509 makes it an offence to utter any word, make any sound or gesture, or exhibit any object, intending to insult the modesty of any woman, punishable with simple imprisonment for up to one year and/ or with fine.

The labour laws in Bangladesh also have special provisions on women, for instance, it prohibits any person to behave with any woman in his/her workplace in a way which may seem to be indecent or unmannerly or which is repugnant to the modesty or honour of that woman; it prohibits employers to engage pregnant women in arduous works for ten weeks before and after childbirth, etc. The laws state that every woman employed in any establishment shall be entitled to maternity leave in respect of the period of eight weeks preceding the possible date of her delivery and eight weeks immediately following the day of her delivery. For these 16 weeks of leave, she may also be entitled to maternity benefit which consists of a payment aimed at safe delivery and her and the child’s wellbeing. Furthermore, under the labour laws, women cannot be made to work between 10 pm and 6 am in any establishment without her authorization.

The protections afforded under laws of Bangladesh seem adequate, but the same still need more implementation at grass roots level to ensure that the women at all echelons are treated with the proper levels of respect and dignity.

NEW IMPORTANT LEGISLATIONS (JANUARY 2022 - MARCH 2022)

DID YOU KNOW



In Bangladesh, there are a total number of 69 Subordinate Courts spread in 08 districts (i.e.: Dhaka, Chittagong, Khulna, Rajshahi, Barisal Sylhet, Mymensingh, Rangpur). There are 08 Tribunals, namely 1. International Crime Tribunals; 2. Administrative Appellate Tribunal; 3. Labour Appellate Tribunal; 4. Cyber Tribunal; 5. Customs, Excise and VAT Appellate Tribunal; 6. Taxes Appellate Tribunal; 7. Court of Settlement; 8. Special Tribunal, Securities and Exchange Commission). In contrast, there is only 01 Supreme Court, located in Dhaka. The Supreme Court of Bangladesh has 2 divisions: High Court Division and Appellate Division.



On 7th February 2022, the Hon'ble Prime Minister approved the draft of a new law in Bangladesh, which stipulates that permission from the local authorities would henceforth be required for cutting down trees (including the ones on an individual's private property). This new law is inspired by similar laws in foreign countries, such as Saudi Arabia and India. The incentive of the new proposed law is to protect the greenery of Bangladesh.

LEGAL COUNSEL NEWS



Legal Counsel Team, before going to their Destination Annual Dinner 2021 in Chattogram on 13th January 2022



Snippets from Legal Counsel Team visiting their Chattogram Chambers and celebrating their Annual Picnic 2021 in January, 2022.

- ✓ Barrister Omar H. Khan, Managing Partner & Head of Chambers of Legal Counsel, has been ranked as one of **Bangladesh's Top 50 A-List Lawyers by Asia Business Law Journal**, making Legal Counsel proud yet again.
- ✓ Legal Counsel is delighted to announce that Barrister Omar H. Khan (Advocate, Supreme Court of Bangladesh), Managing Partner of Legal Counsel, and Barrister Miti Sanjana (Advocate, Supreme Court of Bangladesh), Partner of Legal Counsel, have **jointly received "Bangladesh Excellence Award 2021" in 'Lawyer' category.**
- ✓ Legal Counsel is thrilled to share the news of Barrister Miti Sanjana (Advocate, Supreme Court of Bangladesh), Partner of Legal Counsel receiving an **award from "International Advisory Experts" in 2022.**
- ✓ Legal Counsel participated in a **webinar for Japanese Investors on February 16, 2022**, held to attract investment in Bangladesh and particularly in Chattogram and also presented a presentation on business investment climate in Bangladesh. The webinar witnessed participation from around 160 people from 100+ Japanese companies.

PRO-BONO WORKS: PUBLICATIONS AND TV SHOWS (JANUARY 2022 - MARCH 2022)

PUBLICATIONS AND INTERVIEWS

- ✓ Divorce in Muslim law | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo | January 16, 2022; <https://legalcounselbd.com/03221>
- ✓ Divorce in Muslim law | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo | January 26, 2022; <https://legalcounselbd.com/03222>
- ✓ Arbitrary arrest and detention | Barrister Miti Sanjana, Partner of Legal Counsel | BBC Bangla | January 31, 2022; <https://legalcounselbd.com/03223>
- ✓ Surrogacy | Barrister Miti Sanjana, Partner of Legal Counsel | BBC Bangla | January 31, 2022; <https://legalcounselbd.com/03224>
- ✓ Penal law and punishment | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo | February 09, 2022; <https://legalcounselbd.com/03225>
- ✓ Formation and functions of a Collective Bargaining Agent| Barrister Omar H. Khan, Managing Partner of Legal Counsel | The Daily Star | February 12, 2022; <https://legalcounselbd.com/03226>
- ✓ Law and punishment in terms of false accusation | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo | February 27, 2022; <https://legalcounselbd.com/03227>
- ✓ Law and punishment regarding defamation and perjury | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo | March 02, 2022; <https://legalcounselbd.com/03228>
- ✓ Discrimination against women | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Jugantor Protibedon | March 08, 2022; <https://legalcounselbd.com/03229>
- ✓ Discrimination against women | Barrister Miti Sanjana, Partner of Legal Counsel | Grameenphone and The Daily Star Talk show | March 14, 2022; <https://legalcounselbd.com/032210>
- ✓ Domestic Violence (Prevention and Protection) Act 2010 and Hindu Divorce Law | Barrister Miti Sanjana, Partner of Legal Counsel | The Daily Prothom Alo (Fortnightly column) | March 23, 2022; <https://legalcounselbd.com/032211>
- ✓ Domestic Violence and Mental Health| Barrister Miti Sanjana, Partner of Legal Counsel | Voice of America | March 29, 2022; <https://legalcounselbd.com/032212>

TV SHOWS AND INTERVIEWS

- ▶ Necessity of law| Barrister Omar H. Khan, Managing Partner of Legal Counsel and Barrister Miti Sanjana, the Partner of Legal Counsel | NewsBangla24. | January 01, 2022; <https://legalcounselbd.com/v03221>
- ▶ Legal and social perspectives of divorce in Bangladesh| Barrister Omar H. Khan, Managing Partner of Legal Counsel | Maasranga TV | January 06, 2022; <https://youtu.be/iarcveCHEuk>
- ▶ Corporate Law | Barrister Omar H. Khan, Managing Partner of Legal Counsel and Barrister Miti Sanjana, the Partner of Legal Counsel| NewsBangla24. | January 08, 2022; <https://youtu.be/wiS5Abodh0w>
- ▶ Maternity Benefit | Barrister Miti Sanjana, the Partner of Legal Counsel | NewsBangla24. | January 22, 2022; <https://legalcounselbd.com/v03222>
- ▶ Economic and legal situations amid COVID| Barrister Omar H. Khan, Managing Partner of Legal Counsel | Channel-I | January 23, 2022; <https://legalcounselbd.com/v03223>
- ▶ Higher education in abroad | Barrister Omar H. Khan, Managing Partner of Legal Counsel | Channel-I | January 29, 2022; <https://legalcounselbd.com/v03224>
- ▶ Divorce and Maintenance in Muslim law| Barrister Miti Sanjana, the Partner of Legal Counsel | BBC Bangla | January 30, 2022; <https://legalcounselbd.com/v03225>
- ▶ Development of Law in Bangladesh| Barrister Miti Sanjana, the Partner of Legal Counsel | NewsBangla24. | January 30, 2022; <https://youtu.be/8jkeqRI530k>
- ▶ Police reluctance to file the case| Barrister Miti Sanjana, the Partner of Legal Counsel | Independent News | February 03, 2022; <https://youtu.be/alfKngu1Kfg>
- ▶ Bail of accustomed criminal | Barrister Miti Sanjana, the Partner of Legal Counsel | Deepto TV | February 05, 2022; <https://legalcounselbd.com/v03226>
- ▶ Domestic Violence (Prevention and Protection) Act, 2010| Barrister Miti Sanjana, the Partner of Legal Counsel | NewsBangla24. | February 16, 2022; <https://youtu.be/LABrq1FOFtM>
- ▶ The importance of Language | Barrister Miti Sanjana, the Partner of Legal Counsel | NewsBangla24. | February 21, 2022; <https://youtu.be/dnQoiEmztdE>
- ▶ Domestic Violence Prevention Act, 2010 | Barrister Miti Sanjana, the Partner of Legal Counsel | ATN Bangla | February 21, 2022; <https://youtu.be/KbKGIVayZO8>
- ▶ Foreign Investment | Barrister Omar H. Khan, Managing Partner of Legal Counsel | Channel-I | February 26, 2022; <https://legalcounselbd.com/v03227>

- ▶ Labour and Employment Laws in Bangladesh| Barrister Rabiya Jahan Firoz, Chief Executive Lawyer of Legal Counsel| ATN Bangla TV | March 06, 2022; <https://youtu.be/mw0cYDeT5i0>
- ▶ Legal procedure of company Incorporation | Barrister Omar H. Khan, Managing Partner of Legal Counsel | DBC News | March 07, 2022; <https://legalcounselbd.com/v03722>
- ▶ Discrimination against Women | Barrister Miti Sanjana, the Partner of Legal Counsel | Ekattor TV | March 08, 2022; <https://legalcounselbd.com/v03228>
- ▶ Discrimination against Women | Barrister Miti Sanjana, the Partner of Legal Counsel | Explore Bangladesh | March 08, 2022; <https://youtu.be/etwKits079U>
- ▶ Discrimination against Women | Barrister Miti Sanjana, the Partner of Legal Counsel | jagonews24.com| March 08, 2022; <https://legalcounselbd.com/v03229>
- ▶ Discrimination against Women| Barrister Miti Sanjana, the Partner of Legal Counsel | Channel I | March 08, 2022; <https://legalcounselbd.com/v032210>
- ▶ Discrimination against Women| Barrister Miti Sanjana, the Partner of Legal Counsel | Grameenphone and The Daily Star Talk show | March 08, 2022; <https://legalcounselbd.com/v032211>
- ▶ Violence against women | Barrister Miti Sanjana, Partner of Legal Counsel | Independent TV | March 08, 2022; <https://youtu.be/hqKklq2h-xg>
- ▶ Domestic violence against women | Barrister Miti Sanjana, Partner of Legal Counsel | Asian TV | March 08, 2022; <https://youtu.be/Vr9b2LfUhUU>
- ▶ Violence against women | Barrister Miti Sanjana, Partner of Legal Counsel | Independent TV | March 08, 2022; <https://youtu.be/hqKklq2h-xg>
- ▶ Domestic violence against women | Barrister Miti Sanjana, Partner of Legal Counsel | Asian TV | March 08, 2022; <https://youtu.be/Vr9b2LfUhUU>
- ▶ Rape | Barrister Miti Sanjana, Partner of Legal Counsel | Ekattor TV | March 28, 2022; <https://legalcounselbd.com/v032212>

26 MARCH
INDEPENDENCE DAY

THE DAY
BANGLADESH
WAS BORN



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