



Legal Counsel

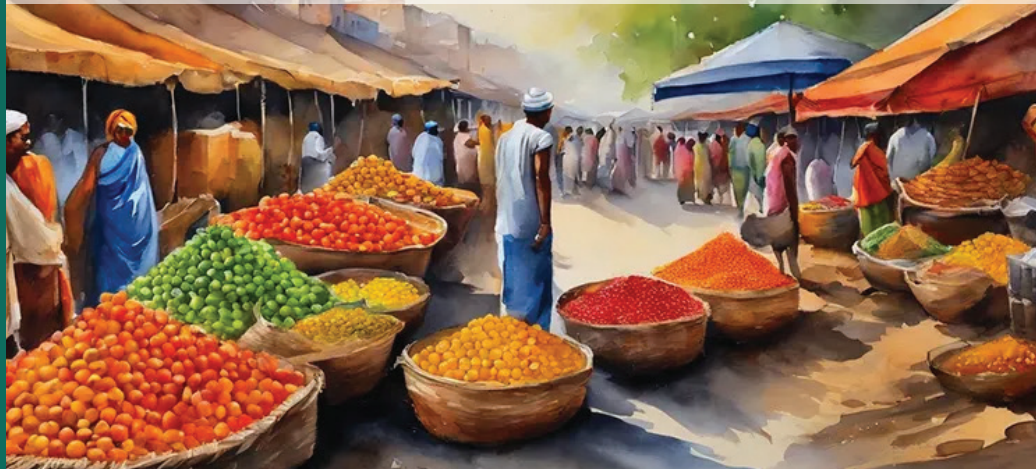
BARRISTERS-ADVOCATES-LEGAL CONSULTANTS



Legal Counsel

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NEWS BULLETIN



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EDITORIAL

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

ON A SERIOUS NOTE:

- What do you throw to a drowning lawyer?
- His partners.



CONSUMER PROTECTION AND PRICE HIKES

According to section 2(19) of the Consumer Rights Protection Act 2009, a 'consumer' is an individual who purchases goods either by fully or partially paying or promising to pay, or through deferred payment or instalment plans, without intending to resell or use them for commercial purposes. Thereby, we are all consumers in some way or the other, even if we do not enjoy the same benefits. No business would have existed had there been no consumer. Thus, consumers play a vital role for businesses to operate as the purpose of every business is to make profits by meeting the demands of their consumers.

Although the importance of consumers is very high for businesses, oftentimes businesses fail to have regard to the aspects that protect the rights of consumers despite the benefits that may result from it. As consumers are, by nature, the more vulnerable party, it is the consumers who suffer the most from the rash business decisions due to the businesses, i.e. the sellers, having the upper hand.

However, as known to all, law steps in when it comes to ensuring fairness by safeguarding the rights of vulnerable parties in an economy. Thus, measures have been taken for such protection. The Consumer Rights Protection Act 2009 ('CRPA') was enacted, along with the formation of the National Consumers' Right Protection Council ('the Council') and the Directorate of National Consumer Rights Protection ('DNCRP') under this Act in order to effectively protect the consumers' rights in Bangladesh. Moreover, protecting the consumers is not only beneficial to them but the economy as well as it leads to better quality of goods and services and thereby increases business efficiency in an economy due to high competition.

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CONSUMER RIGHTS PROTECTION ACT 2009 ('CRPA')

The CRPA also known as the Bhokta Odhikar Shongrokhkhon Ain 2009 was enacted to holistically protect the rights of consumers by addressing various issues such as product safety, adulteration, inconsistent pricing, false representation of goods and services and so on. The National Consumers' Right Protection Council ('the Council') and District Consumers' Right Protection Committees were formed under this Act where the Council oversees and guides the activities of the District and other committees to ensure consumer's right protection. The DNCRP is a quasi-judicial body with investigatory, hearing and remedial powers, which assists the Council to execute decisions for consumer protection thus, enforcing it. Now the question arises as to how effective have these implementations - the Act, Council and the DNCRP, been in protecting the consumers amidst the current situation i.e. the Ramadan price hike.

CURRENT SITUATION

Currently, despite the abundant supply of essential commodities for Ramadan, the prices of those commodities are 50-100% higher than last year. For instance, the prices of Ramadan necessities such as limes, eggplants, onions, potatoes, garlic, ginger and so on have substantially increased. As a result of the substantial increase in price many consumers are in distress as their incomes have not increased accordingly. However, the only commodity which is cheaper this year for Ramadan is cooking oil. As we know, cooking oil is an essential part of every consumer's Ramadan grocery list, and the inspectors of DNCRP have been successful in controlling and reducing its price by Tk 10, this year.

Nevertheless, the astonishing increase in the prices of other essentials should have also been controlled to protect the rights of consumers and eliminate the monetary burden from their shoulders. Thus, we know that the laws are yet to be made stronger and implemented more strictly in order to ensure more protection especially in times of high demand like the month of Ramadan.

CURRENT AFFAIRS



The construction of Teesta Bridge over the Teesta River between Horipur area in Sundarganj upazila of Gaibandha district and Chilmari area of Kurigram district which started in 2014 is expected to be completed by June this year as 85% of the work is reported to have been done already. With the financial support of the Saudi Fund for Development (SFD) of the Kingdom of Saudi Arabia and the Government of Bangladesh, the much awaited bridge would cost Tk. 739.85 crore. LGED has been appointed as the executing agency of the project. This is going to be a 30-pillar bridge- of the pillars, 28 will be in the inner part and 2 in the outer part of the river. River management took up 3.15 Kilometer of the river and a road of 57.3 Kilometer on both sides of the bridge has been constructed. With the completion of the bridge, communication between the districts of Gaibandha and Kurigram would go one step ahead with an improved link to the capital Dhaka. Commerce and agriculture in the region, as a result, are expected to see a prosperous future very soon.



Bangladesh recently modified a double taxation and revenue evasion agreement with the Netherlands. Thirty years ago, on July 13, 1993, the two nations signed their first agreement. However, in the interim, there have been a number of modifications to international standards. Similar attempts have been made in the past to remove contradictions and support Bangladesh's interests in agreements with other countries, particularly since the country is expected to leave the group of least developed countries (LDCs) in 2026. There are 33 articles in the new contract. Some new articles were added to help with tax collection from new sources, while important articles were amended to expand the scope of taxation. A modification was made to one of the articles, limiting the tax benefits to state-owned businesses. A new section on technical service fees was added, guaranteeing tax collection at the highest possible rate of ten percent in the event that bills for services rendered are paid. In order to guarantee that the two contracting states would collaborate on revenue collection, another new article was added.

DID YOU KNOW ?



February 29 or Leap Day, as mystical as it sounds to most of us, has rather been a notorious subject in law for centuries, affecting a myriad of legal issues! A 1256 English statute asserted that "that Day, and the Day next going before, shall be accounted for one Day" (A Provision for the Day in Leap-Year (1256), 1 Statutes of the Realm, Hen. III 7). Though it was centuries old, this English statute was considered in force in some American states. However, this had the great potential of disrupting many aspects of legal practice related to counting days for commercial or other purposes, including earning a daily wage, loans and interest, and service of process, among others. In more recent times, problems arise, for instance, in calculating compensations and interest in arrears, the amount of tax applied to cloud based movie rentals and regarding what could happen when the terms "month" and "year" are not clearly defined in a contract or a statute.

The effect, albeit slight, can also be seen in criminal practice: the Penal Code, 1860, among many other statutes in Bangladesh, make mention of punishments in terms of months and years. Ideally, such could be replaced with a number of days, for someone starting a punishment with Leap Day falling within will have served an extra day of punishment!

Contrary to the above, a school of thought from a few countries proclaimed this special day having created not enough havoc to warrant any mention or treatment in any of its statutes or case laws. Being the following day of February 28, the problem is easily solved by treating March 1 as the missing February 29 in a non-leap year. So, for someone born on February 29, the first day they can legally drive, vote, join the Army or mainstream employment, inherit and own property, is presumably March 1 in non-leap years.

NEW IMPORTANT LEGISLATIONS (JANUARY 2024 - MARCH 2024)

1. Law and Order Disruptive Offence (Speedy Trial) (Amendment) Act, 2024.
2. Offshore Banking Act, 2024.

LEGAL COUNSEL NEWS



The Deputy Chief of Mission, Embassy of Japan, visited Legal Counsel on 25 January 2024.



International Mother Language Day 2024 at Legal Counsel.



Legal Counsel's Annual Dinner 2023



Legal Counsel's Iftar 2024

PRO-BONO WORKS : PUBLICATIONS AND TV SHOWS (JANUARY 2024 - MARCH 2024)

PUBLICATIONS AND INTERVIEWS

- ✓ Immortal | Barrister Miti Sanjana, Partner of Legal Counsel | BBC | January 11, 2024;
<https://tinyurl.com/56stdsx9>
- ✓ Love's deception | Barrister Miti Sanjana, Partner of Legal Counsel | Prothom Alo | January 31, 2024;
<https://tinyurl.com/4wcvjbf6>
- ✓ Love's deception | Barrister Miti Sanjana, Partner of Legal Counsel | Prothom Alo | February 07, 2024;
<https://tinyurl.com/yc5354ua>
- ✓ Partnership Business and Breach of Trust | Barrister Omar H. Khan, Managing Partner of Legal Counsel | The Daily Star | February 23, 2024; <https://legalcounselbd.com/partnership-business-and-breach-of-trust>
- ✓ Adoptive property | Barrister Miti Sanjana, Partner of Legal Counsel | Prothom Alo | February 28, 2024;
<https://tinyurl.com/4zt4cvya>
- ✓ Victim blame in society | Barrister Miti Sanjana, Partner of Legal Counsel | Prothom Alo | March 08, 2024;
<https://legalcounselbd.com/victim-blame-in-society>
- ✓ Suicide Case | Barrister Miti Sanjana, Partner of Legal Counsel | BBC | March 17, 2024;
<https://legalcounselbd.com/suicide-cases-in-bangladesh>

TV SHOWS AND INTERVIEWS

- ▶ DMP 49th Foundation Day | Barrister Miti Sanjana, Partner of Legal Counsel | DBC NEWS | January 31, 2024; <https://youtu.be/HZfTvu0EvgM>
- ▶ Rohingya Issue | Barrister Miti Sanjana, Partner of Legal Counsel | Channel 24 | February 10, 2024;
<https://www.facebook.com/channel24bd.tv/videos/3596115280652205>
- ▶ Rohingya Issue | Barrister Miti Sanjana, Partner of Legal Counsel | Channel i | February 11, 2024;
<https://www.facebook.com/rtvonline/videos/726431922588081>
- ▶ Trafficking in women | Barrister Miti Sanjana, Partner of Legal Counsel | Ekattor TV | February 16, 2024;
<https://youtu.be/6BD3QmMCSpo>
- ▶ International Mother Language Day | Barrister Miti Sanjana, Partner of Legal Counsel | Asian TV | February 21, 2024; <https://youtu.be/v4ZXUQm4l4c>
- ▶ Suicide Case | Barrister Miti Sanjana, Partner of Legal Counsel | Ekattor TV | February 25, 2024;
<https://youtu.be/yKtqjrtjcc>
- ▶ Sexual harassment | Barrister Miti Sanjana, Partner of Legal Counsel | Ekattor Tv | February 26, 2024;
<https://www.facebook.com/ekattortv.new/videos/415599997669428/>
- ▶ Rohingya Issue | Barrister Miti Sanjana, Partner of Legal Counsel | Channel i | February 27, 2024;
<https://www.facebook.com/ChanneliNews/videos/1783955395439587>
- ▶ Cyber security | Barrister Miti Sanjana, Partner of Legal Counsel | News TV | February 28, 2024;
<https://youtu.be/uFd5SM2rVdU>
- ▶ Women Empowerment | Barrister Miti Sanjana, Partner of Legal Counsel | BTV | March 07, 2024;
<https://youtu.be/G-xmZpa9vV8>
- ▶ Women Empowerment | Barrister Miti Sanjana, Partner of Legal Counsel | BTV | March 08, 2024;
<https://www.facebook.com/JamunaTelevision/videos/815140087105782/>
- ▶ Women Empowerment | Barrister Miti Sanjana, Partner of Legal Counsel | Jagonews24 | March 08, 2024;
<https://www.facebook.com/jagonews24/videos/379957881488929>
- ▶ Women Empowerment | Barrister Miti Sanjana, Partner of Legal Counsel | Jamuna TV | March 08, 2024;
<https://www.facebook.com/JamunaTelevision/videos/1382096718830273>
- ▶ Women Empowerment | Barrister Miti Sanjana, Partner of Legal Counsel | Channel i | March 09, 2024;
<https://youtu.be/ZZpC-5i0-OE>



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