

Effects and Roles of Laws of Bangladesh Against Crimes: A Study

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ABSTRACT: Bangladesh officially the people's republic of Bangladesh is a country of South Asia. The independence day of Bangladesh is 26 March. After getting independence in 1971, there was established laws in Bangladesh. Which is under legislative and parliamentary affairs division. Bangladesh people have 23 fundamentals rights under the constitution of Bangladesh, Part 3 and Articles 26 to 47A. The Judiciary of Bangladesh consists of a Supreme Court, Subordinate courts and Tribunals Total 956 Acts, Ordinances and President's Orders have been compiled in the Bangladesh Code from September, 1836 to January, 2007. The first Act in the Bangladesh Code is accumulated from 11th September, 1836 and the first Act title is 'The Districts Act, 1836. Our main objective is to establish a thesis paper on laws of Bangladesh.

Keywords: Code, Supreme Court, Appellate Division, Subordinate Courts and Tribunals.

I. LAW

Law is a system of rules that are enforced through social institutions to govern behavior. Laws can be made by legislatures through legislation, the executive through decrees and regulations, or judges through binding precedent. Private individuals can create legally binding contracts, including arbitration agreements that may elect to accept alternative arbitration to the normal court process. The formation of laws themselves may be influenced by a constitution and the rights encoded therein. The law shapes politics, economics, history and society in various ways and serves as a mediator of relations between people. A general distinction can be made between (a) civil law jurisdictions, in which the legislature or other central body codifies and consolidates their laws, and (b) common law systems, where judge-made precedent is accepted as binding law. Historically, religious laws played a significant role even in settling of secular matters, which is still the case in some religious communities, particularly Jewish, and some countries, particularly Islamic. Islamic Sharia law is the world's most widely used religious law. The adjudication of the law is generally divided into two main areas referred to as Criminal law and, Civil law. Criminal law deals with conduct that is considered harmful to social order and in which the guilty party may be imprisoned or fined [1]. Civil law deals with the resolution of lawsuits between individuals or organizations. These resolutions seek to provide a legal remedy to the winning litigant. Under civil law, the following specialties, among others, exist: Contract law regulates everything from buying a bus ticket to trading on derivatives markets. Property law regulates the transfer and title of personal property and real property. Trust law applies to assets held for investment and financial security. Tort law allows claims for compensation if a person's property is harmed. Constitutional law provides a framework for the creation of law, the protection of human rights and the election of political representatives.

Administrative law governs what executive branch agencies may and may not do, procedures that they must follow to do it, and judicial review when a member of the public is harmed by an agency action. International law governs affairs between sovereign states in activities ranging from trade to military action. To implement and enforce the law and provide services to the public by public servants, a government's bureaucracy, military, and police are vital. While all these organs of the state are creatures created and bound by law, an independent legal profession and a vibrant civil society inform and support their progress.

II. OBJECTIVES

Our main objective is to establish a thesis that we can express our laws to others, not only laws it's include our limitations also. As a thesis paper we have some objectives to follows:

- To identify
- To establish a thesis paper considering Laws in Bangladesh
- To describe briefly about all sections of law in Bangladesh.
- To determine the problem that faces people in Bangladesh.
- To estimate a proper way to complete thesis.
- To develop a rational of study related our paper.
- To compare crimes result.
- To collect data of crimes.

III. STATE OF THE PURPOSE CONSIDERING BANGLADESH

The Law of Bangladesh is primarily in accordance with the English legal system although since 1947, the legal scenario and the laws of Bangladesh have drifted far from the West owing to differences in socio-cultural values and religious guidelines. In November 2007, Bangladesh has successfully separated the Judiciary from the Executive but several black laws still influence the rulers in creating Special Tribunals in using several black laws including the Special Powers Act.

The Supreme Court

The Supreme Court of Bangladesh is the highest court of law in Bangladesh. It comprises the Appellate Division and the High Court Division. It was created by Part VI, Chapter I of the Constitution of Bangladesh. It is the apex Court of the country and other Courts and Tribunals are subordinate to it [2]. This is also the office of the Chief Justice, Appellate Division Justices, and High Court Division Justices of Bangladesh.

Jurisdiction of the Appellate Division

Appellate Jurisdiction: The Appellate Division has jurisdiction to hear appeals from the High Court Division in the following grounds:-

One can appeal against the division of High Court when-

- i. The issue relates to interpretation of Constitution of Bangladesh,
- ii. Contempt of that Division, and
- iii. Death or life imprisonment confirmed or declared by the Division.

An appeal to the Appellate Division from a judgment, decree or sentence of the High Court Division in a case to which clause 2 (102) does not apply shall lie only if the Appellate Division grants leave to appeal.

Rule-making Jurisdiction: The Supreme Court is independent of the executive branch, and is able to rule against the government in politically controversial cases.

Advisory Jurisdiction: In the question of any law or anything required for public interest, the President may ask for opinion from the Appellate Division.

Jurisdiction to ensure justice: Article 104 deals with issue and execution of processes of Appellate Division. It provides the power to the Appellate Division to issue anything required for the complete justice.

Other Jurisdictions: The Appellate Division shall have others jurisdiction by Act of Parliament. Chancery Research and Consultants Trust (CRC-Trust) maintains a website Chancery Law Chronicles-First ever Online Database of Bangladesh Laws where it has already included 7000 judgments of the Appellate Division and High Court Division of the Supreme Court of Bangladesh from 1972 to till date.

The High Court Division

Clause 3 of Article 95 provides to the High Court Division which at any time before the commencement of our Constitution exercised jurisdiction as a High Court in the Territory of Bangladesh. The High Court Division shall have Superintendence and control over all Courts and tribunals subordinate to it [3]. The High Court Division, though a Division of the Supreme Court, is for all practical purposes, an independent court with its powers, functions and jurisdictions well defined and determined under the Constitution and different laws. Jurisdiction of the High Court Division: It has both appellate as well as original jurisdiction.

•**Original Jurisdiction:** The power to file any case is called the original jurisdiction. It has original jurisdiction to hear Writ Applications under article 102 of the Constitution, which is known as extra ordinary constitutional jurisdiction. It has further original jurisdiction, inter alia, in respect of company and admiralty matters under statutes. The High Court Division, in special circumstances, has also powers and jurisdiction to hear and dispose

of cases as the court of first instance under article 101 of the Constitution.

•**Appellate Jurisdiction:** The High Court Division hears appeals from orders, decrees and judgments of subordinate courts and tribunals. One can appeal to the High Court Division if-

- i. more than 14 years imprisonment by Session Judge, or
- ii. Related to the question of interpretation of the Constitution.

The Subordinate Courts and Tribunals

There are a wide variety of subordinate courts and tribunals. Such courts and tribunals are created by some relevant statutes. All their powers, functions and jurisdictions are well determined by the respective statutes. These are the basic courts in the system of the judiciary of Bangladesh. The major bulk of the cases, both civil and criminal, are tried and heard in such courts and tribunals [4]. Certain tribunals are termed as administrative tribunals, Nari-o-ShishuNirjaton Daman Tribunals, Special Tribunals etc. Such courts and tribunals spread all over the country at district levels. The subordinate courts in Bangladesh can be divided in two broad classes, namely, civil courts and criminal courts [5].

Civil Courts

The civil courts are created under the Civil Courts Act of 1887. The Act provides for five tiers of civil courts in a district, which bottom-up are:

- Court of Assistant Judge
- Court of Senior Assistant Judge,
- Court of Joint District Judge,
- Court of Additional District Judge and
- Court of District Judge

The first three are courts of first instances with powers, functions and jurisdictions in respect of subject matter, territory and pecuniary value determined by or under statutes.

Criminal Courts

- Courts of Sessions
- Courts of Metropolitan Sessions
- Special courts/tribunals (Criminal)
- Courts of Metropolitan Magistrate
- Courts of Magistrate

IV. RATIONAL OF STUDY

Our core composition is about Laws in Bangladesh. We got this idea, because we follow up crimes and watched what happened to people. What we wanted to show was make our laws describe to everyone. We started with these literal movements and planned that the collect data first then try to build a thesis on it.

We made our motif with shapes and dynamics that reflected the idea thesis paper on Laws in Bangladesh. The shapes started higher and would gradually get lower. The dynamics we chose were swinging to represent the movement of the laws related organization. The shapes in the motif are asymmetrical because this helps to show more flowing movement.

We wanted to show contrasting dynamics and levels in the middle section where we find the desired help for any cases. We chose higher shapes, and wider dimensions with a sharp dynamic, in the last section, where the Courts in Bangladesh, We chose low levels, stillness and collapsed dynamics. Slowed the music down to help me achieve the tempo of the movement that I needed in that section.

V. FUNDAMENTALS RIGHTS

Bangladeshi people have 23 fundamental rights under the Constitution of Bangladesh, Part 3, and Articles 26 to 47A. The Fundamental Rights in Bangladesh under below:

1. Laws inconsistent with fundamental rights to be void (Article-26)
2. Equality before law (Article-27)
3. Discrimination on grounds of religion, etc. (Article-28)
4. Equality of opportunity in public employment (Article-29)
5. Prohibition of foreign titles, etc. (Article-30)
6. Right to protection of law (Article-31)
7. Protection of right to life and personal liberty (Article-32)
8. Safeguards as to arrest and detention (Article-33)
9. Prohibition of forced labor (Article-34)
10. Protection in respect of trial and punishment (Article-35)
11. Freedom of movement (Article-36)

12. Freedom of assembly (Article-37)
13. Freedom of association (Article-38)
14. Freedom of thought and conscience, and of speech (Article-39)
15. Freedom of profession or occupation (Article-40)
16. Freedom of religion (Article-41)
17. Rights of property (Article-42)
18. Protection of home and correspondence (Article-43)
19. Enforcement of fundamental rights (Article-44)
20. Modification of rights in respect of disciplinary law (Article-45)
21. Power to provide indemnity (Article-46)
22. Saving for certain laws (Article-47)
23. Inapplicability of certain articles (Article-47A)

VI. CASE STUDY

Considering others our criminal record are now in middle range. In some area we are in safe zone.

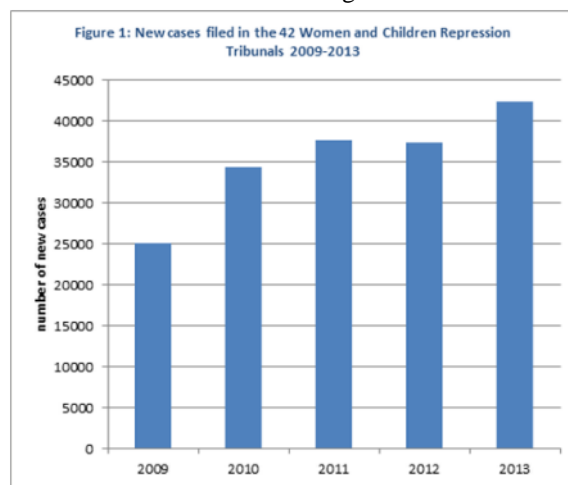


Chart 1: Special Tribunals Cases

Chart 1 depicts special case issue on 42 women & children repression tribunals. It is clearly shown that from 2009 to 2013 there is a lot of change in 2009 it was around 25000 & in 2013 it was around 42000.



Chart 2: Types of Political violence

Chart 2 illustrates political violence of Bangladesh. This picture tells horrible situation of political violence in Bangladesh. In 10 years there are 150 people including sending state & refugees. In receiving state & refugees there are 110 people.

Proportions of women ages 15 – 49 reporting that their first act of sexual intercourse was forced, by age at first intercourse.¹⁶

COUNTRY	Under age 15	15 – 17	18 and over
Peru (city)	45%	9%	3%
Peru (province)	41	28	17
Tanzania (city)	40	17	10
Tanzania (province)	43	18	12
Bangladesh (city)	38	24	13
Bangladesh (province)	36	28	21
Samoa	35	14	6
Thailand (province)	20	7	4
Ethiopia (province)	18	15	20
Brazil (city)	14	2	2
Brazil (province)	11	4	3

Table 1: Case study

From table 1 considering 7 country Bangladesh is in third position. Under age 15 there are 38 city girl and 36 province girls are sexually forced. In age 15-17 there are 24 city girl and 28 province girls are sexually forced. In age 18 and over there are 13 city girl and 21 province girls are sexually forced.

VII. LIMITATIONS

After a review on our laws we found lots of limitations. From judge to criminal our studies finds some limitations like there working procedure. Some of the limitations are given below:

- Political instability.
- Political Unrest.
- Political crisis.
- Moral degeneration about their joining

VIII. FINDINGS

These thesis activities show that it is possible for to control crimes which is not in alarming rates. We have time control our crimes by taking some necessary steps .A major disadvantage of our laws is there is not enough control about conspiracy, that's the main drawbacks

The Pathfinder study has shown that the collection of relevant data in crimes files, required for linking with performance data, can be cumbersome and time consuming. All relevant data should ideally be put into electronic format from the start, but there is also a need for a proper and unbiased definition of those data before they can be used in a linking exercise.

IX. RECOMENDATIONS

Recommendation # 1: The Controlling Committee should review there enforcing lies and determine whether or not to standardize regional structures across the department. Recommendation #2: The Law department should assess the risk associated with the current practice of having a authority of start dates occurring before signature of the agreements, and take action to reduce such risks by addressing the cause of the issue.

Recommendation # 3: The Law department should develop minimum documentation and communication standards for rejected applications.

Recommendation # 4: Related employees should consider enhancing its training for project officers and managers and its active monitoring of project files for key compliance attributes.

X. CONCLUSION

A proverb says “human are not for laws, Laws for human”. That's the main theme laws imposed between us for helping us to lead a secure life. In this paper we actually introducing Laws that are now in constitution in Bangladesh. We are explain not briefly but try our best to establish a good review. In our country criminal records are not in alarming rates, This is the proper time to use our law against crimes.

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