



LAW education

The problem and prospects of Legal education in Bangladesh

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I think knowledgeable persons from the society should come forward to discuss the problems in legal education and possible solutions of the problems. I would like to look into the matter from a different perspective and I believe threat of cancellation of

that there are four public universities in our country with law as a regular subject of teaching. Besides, the National University imparts teaching of law through law colleges in the country. All four universities together could accommodate less than five hundred students per annum. If we take that all of them eventually com-

programme of London University or Open University also produces about 1,000 law graduates every year.

Major problems in our legal education

a. Role of Bangladesh Bar Council: The Bar Council is the regulatory authority for the legal

legal practitioners. Also, the Bar Council could set a detailed guideline regarding the syllabuses. At present all universities follow their unique syllabuses and sometimes there is lack of minimum similarities. Also, there are institutions teaching law without a proper library or even a proper teacher. The Bar Council must ensure the teaching environments not only in universities but also other institutions producing larger number of lawyers.

b. Role of government: The government does not have any control over the legal education in Bangladesh. There are cases where a law graduate never attended any formal class. This is the only profession in the country where there is no realistic professional conduct rules. Everyone seems concerned that the standard of legal profession has fallen but there is no initiative from government to maintain the standard let alone raise it.

c. Role of universities: Universities having law faculties are like individual islands. They do not have real co-ordination with one another. There is almost a hostile relationship between public and private universities. Also, the universities do not have minimum connection needed with other legal institutions i.e. judiciary, bar council. In UK the Bar, the bench and the universities act together for the legal education as this is very much a practical subject. There is no medical college in this country without a hospital and so in the legal profession a student could never become a lawyer without having a real courtroom experience. Some private universities deserve an applaud for the efforts that are being made to raise the standard of teaching in legal education and to reward excellence in teaching. Everyone should welcome the emphasis



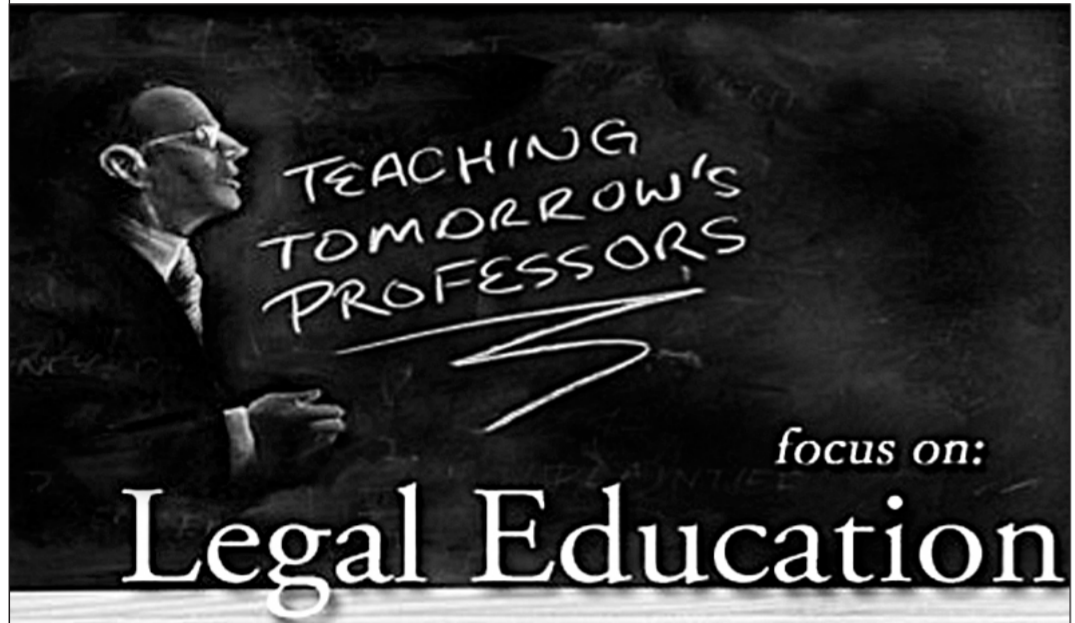
being placed upon the development of close links between universities in the country and outside.

We note the emphasis being placed upon a new qualification, "the collaboration degree". We can see ways in which such degrees can play an important role in providing a new opening for higher education to those who could not afford to go to UK to become a Barrister to raise standards in respect of provision of legal services. However, we believe that the development of these degrees must not lead to any diminution of standards in respect of the undergraduate honours degree as we note the

government's commitment to safeguarding the standards of traditional honours degree.

The problems have been very carefully identified and its solutions have been collected from other countries that faced similar problems in establishing university to teach law. All proper legal education systems cited above have a long history behind their establishment. We are lucky that we can follow the good things from their examples. Now, this is time to consider and act.

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affiliation of a university is just not a proper solution; rather there should be supportive measures from government and non-government sectors.

Need for private universities

Establishment of a university is a tough job. Lots of sacrifices, dedication and tolerance are needed. There is no doubt that we need universities. However, there is doubt amongst us that whether the public universities are sufficient to cope with the growing number of students seeking higher education. If we concentrate our attention to the faculty of law, we see

plete the courses then we get 500 regular law graduates in a year. A country with 150 million people this figure is unacceptable. On the other hand National University's role in making lawyers is limited to a certificate awarding body rather than a law institution. So, the quality of graduates from National University varies enormously within them, let alone any possible comparison with others.

If we compare the situation with UK, where the population is about 1/3 of ours there are 53 public and one private university with law faculty. From those universities every year come out about 8,000 graduates. Moreover the external

profession in this country. It has changed few times its procedure of enrolment. However, its role as a quality controller may not be beyond question. The Bar Council through its Legal Education and Training Institute has attempted to establish itself also as an educational institute, although it does not have such expertise. It however could arrange re-educating seminar for the practitioners rather than trying to establish courses for the new admittants. Bangladesh Bar Council could follow examples UK, Australia or USA. Their Bar Councils have given permission to several universities to conduct pre-admission training for the

LAW news



UN team to monitor arms issue in Nepal



The Nepalese home minister Krishna Prasad Sitaula says a United Nations team is expected to arrive in Nepal next month to monitor arms management as the government and Maoist rebels asked the UN to monitor their arms to expedite the peace process. Speaking to a local newspaper, Mr Sitaula said the arms management would clear the way for holding constituent assembly elections in April next year.

The decade-long Maoist insurgency in Nepal has killed about 13,000 people. The government and the rebels last week agreed to confine troops and arms within designated camps and barracks. The move had been seen as a compromise over the differences on the arms management. The government wanted the rebels to disarm ahead of the constituent assembly elections to draw up a new constitution. The rebels ruled that out until the elections are held next year. With mutual distrust remaining, the two sides asked the UN to monitor and verify the arms management.

In an interview with the Kathmandu Post newspaper, the home minister - who is also chief government negotiator - said if all sides worked honestly and effectively the arms issue should be settled by mid-September. The government and the rebels, who have been engaged in peace talks after a pro-democracy movement forced King Gyanendra to end his direct rule in April, have agreed to hold the elections for the constituent assembly next year. It will frame a new constitution and decide the future of the monarchy.

Source: BBC.

HUMAN RIGHTS monitor



PLAYING POLITICS WITH AID

An unholy trinity in the war on terrorism

In light of recent changes in the way U.S. administers foreign aid, the Oakland Institute's new policy brief, "Playing politics with aid: The unholy trinity of defense, diplomacy and development in the war on terrorism", challenges Bush administration's efforts to bring the administration of aid under the control of the State Department and tie foreign assistance to U.S. strategic military interests. At a time when the U.S. foreign aid has been made a central team member of the Bush administration's war on terrorism, the policy brief advocates that it is in the interest of the United States to ensure that each dollar of development aid is invested in building self-reliant societies abroad instead of subjecting them to its short-term foreign and military policy goals.

"The 9/11 Commission Report recommended that the U.S. government should offer an example of moral leadership in the world, committed to treating people humanely... and be generous and caring to our neighbors. Unfortunately, foreign assistance as the third pillar of U.S. national security policy, along with military power and diplomacy, is shifting aid away from poverty-focused assistance to poor countries," said Anuradha Mittal, Executive Director of the Institute and the author of the report.

Today development assistance constitutes only 30 percent of the U.S. foreign aid budget, while military and economic aid for strategic allies constitutes more than half of the same budget. The 2007 foreign operations budget further reduces poverty-focused development assistance pro-



grams, including cuts in child survival and health fund, development assistance, disaster and famine assistance, by over \$400 million.

Playing politics with aid: The unholy trinity of defense, diplomacy and development in the war on terrorism evaluates the recent overhaul of the U.S. foreign assistance programs, including the centralization of foreign aid, "forward deployment" of diplomats which will relocate hundreds of foreign service positions from Europe and Washington to the Middle East and Asia in an effort described as transformational diplomacy. "The unstated implication of these moves is that the pro-Bush administration policy advocates will replace the more tradi-

tional aid experts and coordinate closely with the U.S. military through political advisors," said Mittal. "The end goal being, to ease the process of aligning foreign assistance programs with foreign policy goals."

The policy brief proposes that it is time for Bush administration to step back and rethink its development strategy and the role of foreign assistance in the war on

terrorism. Properly targeted aid can benefit people by improving healthcare, education, electricity, clean water, help fight disease and poverty, and address growing inequality, thereby helping build strong democracies. In other words, well-targeted foreign assistance can make the world a safer place for all of us.

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LAW week



Rigorous imprisonment to go from new jail code

The government is going to repeal the provision of backbreaking work for prisoners as part of a massive amendment to the Jail Code about to be implemented soon. The amendment will also introduce provisions of freeing inmates on parole, freedom of observing religious rituals inside jails, entertainment for prisoners, simplification of the division facility system, and removal of discrimination in allocation of foods for inmates. The much talked about jail code reform plan worked out by a home secretary-led committee, which had begun in 2003, was completed on August 1. According to government officials, the amended code will be enacted this month after the cabinet approves it. Following demands from different rights groups for modernising the Jail Code and removing inhumane provisions from it, which had been introduced by the British government in 1864, the Government of Bangladesh formed Bangladesh Jails Reform Commission in 1978 with Justice FKMA Munim as its head. Although the commission submitted its report in 1980 after studying jail codes of 14 countries and a committee was formed to implement its recommendations, the British-introduced jail code is still in effect with some minor changes to some of its 1388 codes. - The Daily Star, August 13.

EC berates some poll observers

The secretary of the Election Commission (EC) Secretariat slammed some of the election observers for not following properly the policy and guidelines on polls observation. "There are some organisations who engage school and college students to observe elections. Some of them don't even submit observation reports to the Election Commission. Sometimes they issue statements that could unbalance the situation during the election time," Abdur Rashid Sarkar, the EC secretary, told reporters. He, however, did not name any of the election observers' bodies. "It's my observations in general," he added. In accordance with the policy and guidelines formulated by the EC for election observers no one can be appointed an observer unless they are eligible for contesting an election and their age will be minimum 25 years. Neutrality of some election observers of the alliance has come into question when they have yet to begin the task of monitoring the next general election. - The Daily Star, August 14.

Border Firing

Dhaka protests Indian HC's statement against BDR

Dhaka protested the Indian High Commission's statement accusing Bangladesh Rifles (BDR) of 'opening unprovoked fire' on Border Security Force (BSF) on Zakiganj border a few days back. A foreign ministry spokesman termed the statement false, fabricated and unsubstantiated. "We are utterly surprised that the press release of the Indian High Commission has not only distorted the facts on the ground but has also made totally unfounded allegations against BDR," he said. He said the issuance of allegations by the Indian High Commission through public statement "clearly runs contrary to established diplomatic norms and basic courtesy." "The High Commission of India's admonition to BDR to avoid indulgence in provocative unilateral act is also ironic," the spokesman said. "Because Indian BSF caused death of innumerable Bangladeshi civilians." He said BSF firing killed 373 civilians on Bangladesh side between October 2001 and August 10, 2006. In six months till May 2006, 52 Bangladeshi civilians became victims of BSF firing. - Unb, Dhaka, August 14.

Waterlogged Areas

HC asks govt to ensure living, food for villagers

The High Court directed the government to ensure safe dwelling place, food, water, medicine and other essentials to the people of 144 waterlogged villages in Abhaynagar, Manirampur and Keshabpur upazilas of Jessore so long as the water logging continues. A division bench of the High Court formed with Justice Syed Mohammad Dastagir Hossain and Justice Mamnoon Rahman issued the order following a writ petition filed by Bangladesh Environmental Lawyers Association (BELA) and Bangladesh Legal Aid and Services Trust (BLAST) seeking judicial intervention to address the sufferings of the affected people. In the writ petition, director general (DG) of Bangladesh Water Development Board (BWDB), deputy commissioner of Jessore, deputy director of the Department of Environment, Khulna and the Upazila Nirbahi officers of the three affected upazilas have been made respondents.

The bench also directed the government agencies to show cause within a month as to why their failure to protect the lives, properties and livelihoods; provide safety, comfort and healthcare to the villagers affected by such water logging in the three upazilas should not be declared unlawful and in violation of their duties. The respondents have further been directed to show cause within four weeks as to why they should not be directed to draw up necessary action plans in consultation with the local people and why a direction should not be issued upon them to form a committee composed of the persons nominated by the Supreme Court to permanently resolve the problem and arrange adequate compensation for the local people against the losses resulting from such water logging. - The Daily Star, August 14.

RMG workers block busy airport road for pay hike

At least 50 people were injured as police clashed with several thousand garment workers blocking the city's Airport Road yesterday demanding a pay rise and end to 'inhuman treatment'. The demonstrations by the workers of four garment units of NASA Group went on for three and a half hours at Khilkhet intersection, forcing hundreds of vehicles to be stranded on either direction along the busy thoroughfare during the morning rush hour. Vehicular movements came to a standstill on the road stretching from Mohakhali to Khilkhet while on the other side, thousands of commuters from Uttara and beyond were stuck in a miles-long tailback from 8:30am till 12 noon. As the police clubbed the demonstrators to clear the road, a clash broke out between them and the garment workers. At least 10 teargas shells were fired to disperse the agitators who retaliated by throwing stones at the policemen. The garment workers also damaged around 20 vehicles during the demonstration that escalated into a pitched battle leaving 50 of them injured. Similar traffic congestion was seen on the Pragati Sarani and lanes and by-lanes leading to the Badda-Kuril Bishwa Road. Many people bound for the Zia International Airport had to walk to the destination with their luggage in hands. Besides, the guardians took their children to schools on foot. - The Daily Star, August 15.

ACC, NBR lock horns over jurisdiction

The Anti-corruption Commission (ACC) finds itself in the centre of a controversy again as it has engaged in a tug of war with the National Board of Revenue (NBR) over detection of tax evasion incidents. The ACC wrote a letter on Sunday to the NBR and Dhaka Customs House informing the agencies that a large amount of goods had been imported to the inland container depot (ICD) through under-invoicing and false declarations. The commission also requested Dhaka Customs to launch a massive search to detect such tax evasions and to open suspicious containers for inspection in the presence of ACC officials. The NBR reacted to the ACC move saying the move is in complete violation of the Customs Act and detection of tax evasions in such ways is beyond the ACC's jurisdiction. NBR chairman Abdul Karim said he has yet to receive the letter. "I have yet to get the letter. If the ACC issued such a letter it is beyond their jurisdiction," the chairman said. Sources said the NBR will inform Finance Minister M Saifur Rahman about the matter and seek his intervention in the tussle between the two government agencies. Dhaka Customs yesterday formed a five-member committee headed by Lutfar Rahman, additional commissioner of the customs house, to investigate the matter. - The Daily Star, August 15.