

Grameen Courts

An Outline of the Final Draft

EFFECTIVE legal recourse and settlement of disputes remain a core component for maintaining a truly democratic order and achieving the goal of sustainable human development. In Bangladesh, appropriate mechanism and processes for effectively safeguarding human rights and providing speedy and judicious remedies to cases at all levels of society have to be improved and modernised. To develop a not proper people oriented legal system, access to Justice for the vast majority of the people of Bangladesh remains a key issue. In fact, it is arguably the lack of access to the Judicial system that best characterizes the experience of the poor. Justice consequently, becomes a concept devoid of any meaningful substance.

Court Judge who will be responsible for a circuit of Grameen Court. For this purpose, all the Grameen Courts must be divided into some circuits and a professional Judge be placed to preside over the Court. However, the remaining two members of the courts must be from among the panel of adjudicators but residents of the Union where the dispute arose.

concerned and especially outlining his/her contribution as a social worker, integrity, impartiality, and readiness to contribute time as an adjudicator on a voluntary basis. None of them, shall, however, be holder of an elected office or associated with any tier of local government.

ADR must precede the trial. The majority decision of the court shall be treated as the decision of the court, and the decision once sealed by the Court shall have the force of the decree. The award in the ADR procedure shall be entered as a decree of the court under its seal. The decision shall be final.

VIEWPOINT
Legal Awareness

by Dr Kamal Hossain

BANGLADESH is among those countries which are involved in both a political and an economic transition. The political transition is from an authoritarian to a democratic political order and the economic transition is from a state-controlled economy to a market economy. These transitions are taking place in a rapidly changing global environment. Globalisation of the world economy and the impact of the revolution in information and communication technology are integrating the entire world. These changes both at the national and the global level call for heightened legal awareness.

possible through the revolution in information and communication technology effectively eliminates geographical distances and physical barriers between the countries, enabling large flows of funds and trading in securities to take place at the push of a button or by telephone calls. While encouraging the inflow of foreign investments and the flow of funds, regulatory frameworks need to be developed to ensure that volatility resulting from sudden outflows of funds can be reduced.

Out-line prepared by Dr Mizanur Rahman, National Consultant and Coordinator, GCP in consultation with Mr Justice KM Subhan and Mr Ahmed Ali. Readers of the 'Law & Our Rights' Page are welcome to send their valued comments, evaluation, recommendations and criticisms on this outline of the draft on the proposed Grameen Courts. We will publish readers' responses on the forthcoming issues as The Daily Star is pledged bound to ensure a people-friendly legal system — Page In-charge.

Procedure

a) The Evidence Act, the Code of Civil Procedure and the Criminal Procedure Code shall not be applied in the Grameen Courts. However, the spirit of these acts should, as far as possible, be maintained. A simple procedure may be devised for filing, hearing and disposal of cases.

Jurisdiction

The Grameen Courts shall exercise the same jurisdiction as that of the village courts under the village courts ordinance, 1976 (Ordinance No. LXI of 1976), which is appended here with.

Seat of the Court

The Court shall sit at a predetermined public place such as a school, college etc.

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tion, we hope to discover what, within the sea of cultural, political, and institutional differences, are our human similarities. We understand that the present is often difficult to transform, that history — failures and traumas, victories and transcendence — structures our dreams, and yet, the future beckons. To us, it calls in the form of the rights and needs of future generations. We are responsible for them as we much as we are for each other.

LAW WATCH

A Unique Study towards a Greener Bangladesh

by Abul Hasnat Monjurul Kabir



hampered by the existing forest laws and their institutional application. The tradition of colonial bureaucracy exploit the law and the gap between public agencies and public properties has institutionalized.

under the title of 'Law And Customs On Forest' consist six chapters. These are (I) Forests and Forests Management in Bangladesh (II) Tenure Over Forests (III) Forests in Law (IV) Rights Duties and Interests in Forests and (V) Forests Offences. In this part attempt has been made to examine law and customs on forests in general.

Conflicts (XII) Customary Right in the SA (XIV) Conflicts and Offences (XV) Alternatives for Future.

Freedom of Press and Some Related Issues

by Zaved Hasan Mahmood

"The liberty of the press is inviolably connected with the liberty of the subject...The use of speech is a natural right, which must have been reserved when men gave up their natural rights for the benefit of society. Printing is more extensive and improved kind of speech." Virginia Gazette, May 18, 1779

modern democratic society to recognize press freedom in a constitutional manner as a right of the people, but constitutions generally refer to the 'freedom of press' in association with the right to freedom of speech, or with freedom of expression. In some constitutions the two freedoms are expressed in the same sentence (USA Constitution, First Amendment; Canadian Charter of Rights and Freedoms 1981, Section 2; Constitution of Japan, Art. 21), sometimes in different sentence or even in different clauses (German Basic Law, Art. 5.1; Constitution of Ireland Art. 40.6.1 (i)).

grant of legal privileges". (See, Barendt Eric, Freedom of Speech, Clarendon Press, Oxford 1987).

sivist character, have tried to make it more appealing by broadening its definition of 'the press.' In Herbert v. Lando, Judge Oakes while relying explicitly on Justice Stewart's speech, said that he would not draw any 'distinction between the institutional press and the individual pamphleteer.'