

YEP TALK

The Young Entrepreneurs & Professionals page

Meet the young Barrister Syed Afzal Hasan Uddin



YEP: Tell us a bit about your background.

Syed Afzal Hasan Uddin: I was born in Epsom in England. During my teens my father and mother decided to send my two brothers and me to Bangladesh. This somewhat unorthodox decision was taken by my parents, as they put it, for three reasons i.e. (i) we will learn Arabic and about our religion (ii) we can learn Bengali and about our culture and (iii) we may get to know our relatives and understand and appreciate families values, traditions and receive their unselfish love. My father however did not want us to forsake all this for our secular education so we studied in an English medium school in Dhaka.

My parents never regretted their decision to send us back and although we initially did not understand their logic, I am very proud of their courageous decision and foresight of teaching us about our own culture, which I believe can best be done in its own and natural surroundings. Many people of my generation who have lived and spent most of their lives in England often grow up with some sort of an identity crisis. Initially the children adopt the culture and values of their new environment, this often leads to revolt against the parents and their 10,000 mile-away culture and values, which they try and enforce on the children without explanation or reason. However once they have adopted the new culture and identity they realise the host country does not accept them whole-heartedly, thus they are left feeling as an outsider both in the host country and in their ancestral homeland. This is not about racism but the realisation of the fact that different people from different parts of the world are different, with their own eating habits, social values, rituals, rules and regulation and no amount of integration can change or alter this fact. My association with my father's homeland and my roots gave me a strong identity and made me proud of my heritage. I no longer felt like a minority. With my own strong cultural foundation I was able to assimilate in any society but retain my own identity, culture and roots and more importantly I could accept and respect each other's culture, which is essential in a more globalised world.

After we had achieved our father's objectives we all returned to England and completed our A Levels, Degrees and Professional Examinations. After qualifying as a Lawyer I worked for a prestigious firm for two and a half years before deciding to come to Bangladesh to work.

YEP: Why did you chose law as your career?

AH: I must admit part of the reason I am a lawyer is fate and destiny. My first degree was in Chemistry and Management at King's College, University of London. However, my initial interest in Law came from my younger brother who was reading Law at LSE (London School of Economics). We used to live together in a flat in London and he would come back from classes and library and discuss his work with me. It seemed much more interesting to me and more relevant to life than oxidants, chain reactions and nuclear fission. I also had lots of friends in the Law Department, who eventually convinced me to take a module in Law during my undergraduate years. I got one of the highest marks in the subject and the tutor told me how I could become a lawyer despite doing a science degree, he

further encouraged me saying a science background is good as it allows one to think analytically and systematically, which are essential skills of lawyers. During this career decision period I was reading a book by Gai Eaton, who said: 'Law is the science of human relationship', he went on to explain how all of our individual actions and interactions both social and commercial were eventually governed by law, from marriage right through to the property purchase of the matrimonial home. Despite the poor image of lawyers in the West I realised this was a profession, which had enormous scope of social benefit, human interaction and at the same time would be challenging and interesting. The profession also guaranteed a somewhat reasonable income, which is undeniably on the mind of all students. My elder brother and my mother also supported my decision to pursue a legal career.

After graduation I did post-graduate studies in Law and then joined the Bar, where I was called in 1996.

YEP: What is the difference about English and Bangladeshi Law?

AH: I do not think I am fully qualified to answer that question as I am still in the learning process of Bangladeshi Law. However, it appears the basic principles are the same and we still have a lot of law left over from the colonial days, which we have inherited. For example the general body of commercial laws in Bangladesh dates back from British India. The basic law, the Contract Act, is of 1872. The Contract Act, 1872 codifies that part of the English common law dealing with contracts which was applicable to the then British India. The Act is not exhaustive, but is imperative with regard to the areas it covers. Our Courts however on the grounds of equity, justice and good conscience apply principles of Common Law of England where no statutory provision exists in the Act to govern a particular situation. The principles of justice, equity and good conscience have been interpreted to mean the rules of English law so far as they are applicable to our society. Bangladesh has a civil law system based on a mixture of legislation and judicial precedents. We have a written constitution, which guarantees fundamental rights of the person. By contrast the United Kingdom has an unwritten constitution, which is therefore thought to be more flexible. The Commonwealth countries I suppose have a lot of common features in their legal system despite their differences.

YEP: What Difficulties faced in working in Bangladesh?

AH: I am rather fortunate in working with some excellent and brilliant people in Bangladesh and therefore have not really faced any difficulties in my work environment. My problems appear to lie on the social field or outside work. I find it difficult to relax in Bangladesh in the entertainment, recreation or leisure industry in Dhaka appears to revolve around restaurants, restaurants and restaurants. There are inadequate sports facilities, playing fields; the gyms that exist are crowded and somewhat expensive; it is difficult to go out for a walk or stroll due to pollution, traffic and noise. However, I suppose with the gradual urbanisation of Dhaka, this neglected area will also be gradually addressed. Pollution is also an urban problem and if I can manage to escape and go out of the city I find the air is cleaner and thinner; and the opportunity to observe and experience the clear starry nighttime skies, the golden fields of mustard, the bright green paddy fields and tea gardens that go on and on, the simple boats lazing down lazy rivers, the sunset, real rain, small paths to villages, lanterns, the cool air before a storm, the smell of the earth after a downpour are truly wonderful.

YEP: Your Time Management — Nightmare for Others:

1. Running around looking busy is not productive; it only leaves a wake of anxiety and chaos.
2. Delegating yourself and Recruiting others is an excellent way to reduce your work load but if done ineffectively it can increase your work load and make the work load unmanageable.
3. If you become over worked — you may not take good decision, then there will be times when fixing up is necessary.
4. People avoiding you because on sake of saving time you may dump projects on them or because they don't like the anxiety you have.

Just because you have chosen (yes, chosen) a life-style that is a time management nightmare, this doesn't give you the right to impose it on others. Be considerate of the needs of others.

Be on the look out for these symptoms:

- * Resentment — filled remarks.
- * Signs of weariness.
- * Increased tension when you are around.
- * People avoiding you.
- * A decrease in co-works productivity.

So be cautious, take step before it's too late.

ANNOUNCEMENT

Young Entrepreneurs and Professionals Forum (YEP Forum) in cooperation with The Daily Star and The British Council has arranged a Public Dialogue on 'Public Interest and the Judiciary: Towards the Next Millennium' on 30 June 1999 at the British Council Auditorium. The Program will start at 1700 Hours (Sharp). Eminent Judges, Lawyers, Jurists, Social Activists and Young Professionals will share their experiences and expectations with the audience.

You are most welcome to attend the event. Please register your name through phone (9883161, 885214), fax (863035, 886061, 9554160) E-mail(dstar@bangla.net, mkaibir99@hotmail.com).

We appreciate if you could bring a small piece of write up on the issue with you on that day and drop it with us. We will try to accommodate your valued views in our follow up publication.

We look forward to seeing you!

YEP: What do you think personally of the Law and Order situation in Bangladesh?

AH: I suppose one cannot escape from the almost daily news of murder, rape, crime, police brutality we read about in the newspapers. Such reports point towards a somewhat chaotic and poor Law and Order situation in the country.

YEP: How can you make the Law and Order situation more effective in Bangladesh?

AH: I think that is a question which is more appropriate towards a politician than a young lawyer. We are lawyers and our profession is only to interpret and apply the law to individuals. I believe no legal system is perfect and the already burdened administration mechanism and petty bureaucracy in our country, no doubt a legacy of our past, does not help either for an effective and efficient Law and Order situation. I think we have enough laws and regulations to deter crime, however I am of the opinion the administration is not in order to ensure its effective disposal and there is also a lack of respect for the law by individuals.

YEP: How can you make people more aware of the law in Bangladesh?

AH: I think the general public are sufficiently aware of the law to a basic level in Bangladesh. Since working in Bangladesh for just over a year I have noticed people in Bangladesh generally talk and discuss more about politics and legal issues than their counterparts in UK. No I honestly think people are as aware of the law as they perhaps should be.

Nonetheless I suppose an easy answer to your question is offer people basic education at a primary level. However, I think more important than educating people of the law is to teach them to respect the law and ensure they accept it as ultimate authority. Mere knowledge of a concept does not necessarily mean acceptance of that concept and principle, what is more crucial is obedience to the principle, which will only come after respect and whole-hearted allegiance to it. For example, a thief is perfectly aware that what he does is a criminal offence and against the law of his country, despite this he continues with his illegal profession because he has no respect, acceptance, abeyance or faith in the laws of his land.

YEP: If we were to make Law and Order more effective will this bring change to our society?

AH: Your last few questions hint towards your already pre-conceived idea that effective law and order means a peaceful society. What is more important as I said earlier is respect for the law, if people respect and accept the law and believe in it they will follow it.

We are often told that law and order is the very foundation of civilised living and that, without this, there can only be disorder, injustice and the triumph of the strong over the weak. This is no doubt true enough within certain limits; but we can no longer say it without also stopping to ask who makes the law and what are the principles upon which they are based. Nothing can be taken for granted any longer; and the conservatively minded people who would like to see the law obeyed without question seem to have forgotten the Nuremberg Laws, Hitler, Mussolini and to be unaware of the nature of 'socialist legality' in the countries of the socialist bloc. The Germans had been so much admired for their sense of law, order and discipline and for their efficiency, but these were the very qualities which made the phenomenon of Hitlerism possible. There must clearly be a limit to the

sheer quantity of laws and therefore restrictions which can or should be tolerated.

Behind the law, as we now understand it, is the ruler or the ruling oligarchy. This was not always so. There was a time when law was assumed to be the application of universal principles to the human situation at a particular moment and under particular circumstances. As such it enjoyed something of the respect accorded to these principles. Today it is, for the most part, the expression of Mr X or General Y's wishes, and there is no particular call to respect their wishes. The fact that some legislative assembly or parliament may have put its rubber stamp on the legislation does not really alter the situation. To point this out is not to advocate anarchy but only to suggest what we need above all are truly democratic rules and regulations accepted and respected by all, which are applicable universally to rich and poor, educated and illiterate alike.

It is commonly said that people get the government they deserve. The issue is a complex one, the dilemma almost insoluble for those who depend upon current theories or passing fashions in morality to provide them with guidance. A heavy burden of decision is placed squarely on the shoulders of the individual, for although it is customary to speak of evil or bad political regimes maintaining themselves in power through the 'passive' acceptance with which people submit to their rule, the fact is that no modern regime can survive for long without active and, indeed, conscientious co-operation on the part of a large and fairly representative section of the population. Thus to come back to your question on how to change society you must first ask society whether they themselves are willing to change (or will they merely accept the status quo).

YEP: How can lawyers help people maintain basic law and order?

AH: It is perhaps first of all not the responsibility of lawyers to maintain law and order in a country, for that we have our police force and appropriate judicial process. Our impact will be more important if we are able to conduct our cases and clients with honesty, integrity and full commitment. I suppose we could have an indirect but nonetheless important impact on maintaining law and order if we were able to inspire and educate the citizens to respect the law.

YEP: Are basic Rights of people being maintained?

AH: I have noticed that there is a certain section in our society were it has become quite fashionable to talk, discuss and debate about human rights. I attended a guest lecture in UK by this Human Rights activist and he throughout his lecture emphasised 'human responsibility and obligation' as far more important concepts than 'human rights'. His philosophy was essentially based on before we start taking or demanding rights what are we prepared to give in way of obligation and responsibility. The lecture had a lasting impression on me and although I am a keen believer that every individual's rights must be protected I am also now a keen advocate of the philosophy that in order to give someone his rights he must be willing to take responsibility for himself and his actions.

I also believe 'human rights' must be discussed in the context of an individual's culture, environment, background and religion. Rights emulate from these aspects of the person. Nothing will be achieved by talking of 'inalienable' human rights as these rights must be set in the balance against the 'right' of the multitudes to eat.

Interviewed by Rafi Hossain

Tips

1. Problem: Your workspace is disorganized. Solution: Organizing your space and cleaning up workspace after you've done will save time to finding things out.
2. Problem: You have trouble sleeping. Solution: Find times to wind down before bed and learn to work off.
3. Problem: You have no time for hobbies. Solution: Make time for hobbies because relaxation rejuvenates and motivates and is necessary for your well being.
4. Problem: You experience frequent illnesses. Solution: Don't rush when it's not necessary; slow down it will keep your stress down which ensures better health.
5. Problem: You have no time for family and friends. Solution: Relationship affects work life, so try to take some time out for them.
6. Problem: Science you are responsible, everyone relies on you. Solution: Stop being a dumping ground for other's project.
7. Problem: They're so many new things to do everyday! Solution: Try to focus on long term goals before making short-term ones.
8. Problem: You want too much time conscious and so you are stressed. Solution: Don't try to manage every minute of the day.
9. Problem: You don't like to do unimportant things in your life. Solution: First try to do the tasks you don't like and do it quickly.
10. Problem: You are stressed because everything is not under your control. Solution: Control things that you can and leave the rest.
11. Problem: You are trying hard to manage your time but... Solution: Manage yourself, not time.

Saying 'No' to More Work

YOUR second option is to try to find ways of coping with what work you have an to say 'no' to any additional pieces of work. The problem is that many of us feel so guilty about saying 'no' that we do so indirectly or without conviction. But a firm refusal does not have to be heavy or hurtful; you can speak calmly and still acknowledge the other person's needs and feelings, even while you are saying 'no'. Many people find it difficult to refuse requests because they hold some of the following beliefs. Which, if any do you agree with?

CL others will be hurt or angry if I refuse their requests. CL People won't like me if I say 'no'. CL it's rude and selfish to say 'no'. CL If I say 'no', other people might start rebasing my requests. O other people's needs are more important than mine. O Saying 'no' to little things means you are small-minded.

If you believe any of these myths, you will probably have difficulty in making clear statements of refusal. You are likely to:

CL say 'yes' when you want to say 'no'; O say 'yes' and then feel angry or guilty; CL say 'no' but back it up with a string of irrelevant excuses.

To make sure others know that you mean 'no', it is important to learn some new habits. Here are some tactics that you can try:

If you find it difficult to say 'no' straightforward, ask for time to decide. If you agree to something without thinking through the consequences, you may kick yourself later. O Practicing saying 'no' without excessive apology or excuses. You can explain why you are saying 'no' without appearing to feel guilty about this. O Once you have said 'no', don't prolong the conversation, you may be tempted to start apologizing or to give in. O Tell the other person how you feel. By saying, 'I feel bad about this but...' or 'This is difficult...' can reassure the other person that you are not being hostile.