Law and Our Dights

"All citizens are equal before law and are entitled to equal protection of law"-Article 27 of the Constitution of the People's Republic of Bangladesh

Prison Reforms: The Bangladesh Perspective

By Dr Mizanur Rahman Shelley

Some of them sarcastically commented that if all the recommendations of the Jail Reforms Commission (78-80) were implemented, the jails of Bangladesh would turn into "luxury resorts" and promote further crimes! Some of these were themselves compelled to be prisoners in the wake of violent and sudden political changes. It is reported that during such incarceration a few of them lamented their short-sightedness. The unfortunate post-script is that after political fortune smiled at them again and they reoccupied positions in the front ranks, the prisons of Bangladesh have as yet remained unimproved.

HE prison system in Bangladesh, like other spheres of life in a technologically economically backward society, is unsatisfactory and devoid of development. Systems that are not developed are often without justice, discriminatory,

unhealthy and ill-managed. As in other developing or under-developed countries of the Third World so also in Bangladesh — the conditions of the prisons are deplorable. Many factors contribute to this state of affairs. One of these however, is perhaps related to the psychology of development in Bangladeshi society. Until very recent times, the pundits and experts of development did not regard law and order, prevention and control of crimes and governance-institutions as part and parcel of the development process. The same attitude marked the behaviour and activities of the decision-makers and administrators in developing and less developed countries. In consequence, though these countries have witnessed considerable improvement in the building and expansion of physical infrastructures including roads, highways and buildings, installation and development of industrial units. they have not seen any marked development in the spheres of prevention of crimes, correction of criminals, physical infrastructures and management of the prison systems in the post-colonial times. As a result in many instances the prison houses built during colonial times were not repaired or renovated as required and continued to deteriorate. In many cases these are now dilapidated to the point of near collapse. As in many other countries at the same levels of economic and industrial under development. so also in Bangladesh — while the population increased manifold, the number and rate of crimes accelerated and the number of under-trial and convicted prisoners increased many times, there was no significant expansion, development or modernisation of the prison houses. Consequently the prisons became intolerably over-crowded and increasingly unliveable. The old prisons built during the British colo-

sent every day to the prisons. According to 1979 figures, although the prisons in Bangladesh had a capacity for 16,015, they were found to be bursting with 26,342 prisoners. and it is probable that authorities concerned cannot emphatically claim that the conditions in this regard in the jails of Bangladesh are any better to-

nial times for a leaner jail pop-

ulation simply cannot accom-

modate the increasing numbers

Over crowding is not the only great problem facing

HE path to becoming a bar-

different today from even

what it was two years ago. In the

ever-changing world, the

traditions of the Bar of England

and Wales too are being forced

to change. New terms such as

"compulsory continuing educa-

tion" and "cach" will mean lit-

tle to the already established

practitioners in Bangladesh

who appeared for the Bar Exam-

inations even as little as 15

years ago. The Bar of England

and Wales faces a moment in its

history today when the changes

are coming fast and furious.

The introduction of the "no win

no fee" system in some civil

cases, the changes proposed to the structure of civil legal aid by

abolishing legal aid for per-

sonal injury claims, the intro-

duction of a completely new set

of civil rules for practice in

courts from March 1999

(following the Woolf Report),

are all changes the Bar is facing

within as little as a year. The

current Lord Chancellor, Lord

Irvine is adamant to push for-

Legal Aid system.

ward the reforms of the Civil

rister in England too has not

remained untouched. This has

repercussions on both the local

United Kingdom applicants as

well as Commonwealth State

applicants and applicants like

those from Bangladesh. In or-

der to appreciate fully the

changes introduced to the sys-

tem of training to become a

barrister, a little historical per-

spective is necessary. Historical

background to training at the

Bar: The Bar is a profession

which has existed from early in

English history and the Inns. as

an institution to train lawyers,

have existed from as early as

1292 whereby lawyers attended

lectures and worked within one

of the four Inns of Courts

-Lincoln" Inn, Grey's Inn, Inner

Temple and Middle Temple. The

Inns acted as an informal seat

of education for lawyers who

usually dined within the Inn,

attended lectures and worked

out of the numerous sets of

Chambers situated within the

boundaries of the Inns. Upon

completion of the required lec-

Bar by their respective Inn.

tures a pupil was "Called" to the

The path to becoming a bar-

"vocational

"validation",

rister-at-law is very

courses"

"pach"

Bangladeshi prisons; management still smacks of bygone centuries, the rules and regulations are archaic. Human and financial resources have not grown proportionately and modernised. The jails in Bangladesh, therefore, remain unable to meet the challenges of

the present times. The state, the government and the society have not been able as yet, to recast prison administration and management, in accordance with the context and requirements of evolving times. As a result, it is no wonder that the lack of minimum human privileges and facilities in the prisons tends to return the prisoners to society with a further discontented and embittered state of mind. This is a spawning ground for case-hardened criminals, forever caught in the vicious circle of anti-social and criminal activities, imprisonment, release after serving time and further antisocial activities and crime.

The jails were built decades ago. Many of them do not have modern safe water supply and sanitation systems. Although most of Dhaka City had natural gas connection by the time they were built. The premier prison of the country, Dhaka Central Jail, did not have the facilities for using natural gas as fuel in 1979. The standard and quality of the food supplied to the prisoner was then not satisfactory. It is doubtful whether there has been any improvement in this area since then.

Other factors that are unlikely to have improved are the privileges and facilities, and the training of the prison managers and guards, which is inadequate.

The prisoners do not have sufficient facilities of medical and health services, physical exercise and entertainment on account of over crowding and unsatisfactory management. It appears that the reality within Bangladeshi prisons has become even grimmer today than in the British colonial times The few facilities enjoyed by the inmates in the colonial period seem to have been significantly

The travails of under-trial prisoners

Delay in the disposal of court cases, and procrastination resulting from procedural bottlenecks, constitute the principal cause of the problems. In many instances the under trial prisoners (UTPs) spend more time in the jails than the eventual span of the punishment prescribed by the courts. It is essential not only to provide separate prisons for the UTPs but also to ensure quicker disposal of the cases pending against them. What is needed to relieve the increasing pressure of expanding population in the

prisons is the quick introduc-

tion of modern alternatives to imprisonment for persons convicted of less serious crimes.

Alternatives to prisons The intolerable condition within the overcrowded prisons and the ordeals and sufferings of the UTPs facing long and complicated process of trial while they rot in the prisons naturally lead to question of finding alternatives to imprisonment. There was a time when imprisonment was regarded as a more humane form of punishment than execution or physical torture of the criminals. Offenders were imprisoned for various lengths of time in accordance with the gravity of the offence committed. It was thought that this would not only help prevent crime but also provide opportunities for correction of the criminals and their eventual rehabilitation in society. At that time there was no conscious awareness on the part of society, or the machinery of the state, of measures such as probation and internment as alternatives to impris-

It is now recognised all over the world that incarceration is not enough to create a crime free society. What is needed to relieve the increasing pressure of expanding population in prisons is the quick introduction of modern alternatives to imprisonment for persons convicted of less serious crimes. Among these alternatives are the possibilities of fines, probation, social work, semi-custodial confinement, the requirement of regular reporting to authorities in police stations, and provisions for reparations and conditional release Provision of suspended sentence deserves special con-

onment.

sideration.

Prison Reforms

Prison reforms Bangladesh are not only essential for the all-too-human need to end the pitiful and intolerable conditions in the jails but also to ensure enduring social stability and meaningful national development. If the prisons transform the imprisoned offenders into greater and more vicious criminals, they not only fail to achieve their purpose but, in effect, play a counterproductive role. Hence the Bangladeshi prison systems need to follow the lead of the advanced and developed societies and take early measures of transform its prisons into effective centres for correction of

criminals. For this purpose two sets of recommendations, one shortterm and the other long-term.

may be considered. Long term recommendations 1. As in other aspects of so-

ciety's life so also in the case of

prisons — a new and dynamic

of practice, the CLE decided to

set of values and attitudes appropriate to modern times will have to be recognised and consciously cultivated in place of the old, conservative, narrow and static outlook and approach that have hitherto spelt disaster for our jails.

2. Prison managers and guards will need to be provided with inspiration and encouragement to adopt new attitudes and outlooks, so that they can understand and operate the "new-order" prisons; for this purpose they will have to have adequate training, legal and administrative authority and ample resources. Such resources need to be placed at their disposal so that they can command and use them as required.

3. In order to make prison reforms effective and meaningful, social participation in the process needs to be ensured. To this end voluntary organisations, concerned government agencies and jail visitors need to be increasingly associated with corrective activities within the prisons, more frequent visits to jails and involvement with the operation

and development of the prisons 4. The human resources constituted by the inmates of the prisons should be utilised to the optimum to ensure productive activities leading to income generation. The earnings generated can be partly used for improving the facilities within prisons and partly for economic rehabilitation to the prisoners after release.

5. The ancient and dilapidated buildings of the prisons will have to be replaced by installations with modern facilities appropriate to the times.

6. Arrangements need to be in place to change the mentality of the criminals by modern psychological (and other) methods.

Short term and urgent re-

It is not realistic to hope that the long term and expensive recommendations could be accepted and implemented within a short time. Not only scarce resources, but also a psychological block against making life liveable for the inmates of prisons, constitute the obstacles that stand in the way to rapid and comprehensive prisons reforms in a less developed economy and political arena such as Bangladesh. The mental block standing in the way of early prison reforms often characterises the high and mighty in our society; during the late seventies and throughout the eighties, people in high political and administrative positions not only neglected to carry out prison reforms but even actively opposed these as economically unproductive. Some of them sarcastically commented that if all the recommendations of the Jail Reforms Commis-

sion (78-80) were implemented, the jails of Bangladesh would turn into "luxury resorts" and promote further crimes! Some of these were themselves compelled to be prisoners in the wake of violent and sudden po-litical changes. It is reported that during such incarceration a few of them lamented their short-sightedness. The unfortunate post-script is that after political fortune smiled at them again and they reoccupied posi-tions in the front ranks, the prisons of Bangladesh have as

yet remained unimproved. Against this backdrop it is not reasonable to expect immediate arrangements for long term measures to reform the prisons. The policy makers and administrators do not appears to have the mind-set needed for rapid action on this front. It is therefore, necessary to consider what urgent short-term measures can be acceptable to and undertaken by the powers that

Among these recommended short term reforms are:

1. Immediate repair and renovation of the prison building which are on the verge of physical collapse. 2. If some prisons are still

without tap waters, early measures should be taken to provide regular tap water to them. 3. Natural gas should be

supplied to those prisons within access of the national Inspection teams com-

posed of government officials, distinguished citizens and social workers should be provided with the authority and responsibility to inspect, monitor and constantly evaluate the quality of food and medical services provided for prisoners. This will ensure minimum standards are maintained with respect to these human necessities for the inmates.

5. Strengthening and reinforcing the system of regular and effective visits by jail visitors. Although this system has been in existence since British colonial times, its implementation leaves much room for improvement.

6. Arrangements should be made for regular physical exercise and access to information and entertainment facilities to the prisoners. Facilities should be provided for listening to the radio and watching television programmes, as far as possible.

7. Arrangements should be made where they do not exist or expanded where they do in a limited measure, to provide prisoners with opportunities to observe religious rights and rituals and participate in religious festivities.

8. Necessary and regular supply of newspapers, periodicals and books should be ensured for literate and educated prisoners

9. Arrangements in vogue

since British colonial times, enabling prisoners to keep in touch with their kith and kin through exchange of letters and interviews should be maintained undistorted, and expanded wherever necessary and possible. These facilities may be provided in appropriate cases to the prisoners: permission to contact their relations and friends over telephone at regular intervals.

10. Trained social workers appointed by the government. should continue to work for the welfare of the prisoners and where needed, for their families. These social workers can work as the catalyst between society and government on one hand, and the distressed families of the prisoners on the other to ensure the protection of the latter's interest and welfare. As a result of such activities pauperisation and disintegration of the families of prisoners may be prevented. Poor and helpless prisoners can then go back to their families after serving time and can more easily be rehabilitated in society.

 Arrangements should be strengthened or revised to provide opportunities for productive and income-generating activities to the prisoners according to their inclination, ability and skill. The individual income generated may be set aside in a fund which would be the savings of the prisoners and would help him/her in post-release rehabilitation.

In reality these recommendations are nothing new. The system providing all these facilities was introduced and operated during the British colonial times. At present the provision are all there in the books, but implemented only in bits and pieces or not all. Implementation is not a difficult

What is needed is unflinch ing political commitment and unwavering and strong political will to set matters right, at best in the short term. If the will and determination exist at the political level it is easily possible to effect these urgent reforms through the administrative machinery.

Another measure that needs to be introduced without delay is the provision to allow married prisoners to have conjugal visits from their spouses at least one or twice a month. This arrangement exist in the economically and technologically advanced societies of the East and West, and Muslim countries of the Middle East such as Saudi

Civilised societies all over the world consider their prisoners as human beings. It is time we do the same.

The writer is Chairman, Centre for Development Research, Bangladesh (CDRB) and Member, Jail Reforms Commission (1978-80).

interest of the Bar to continue

with the Bar Examinations

("the Old Bar"), particularly in

the light of the success of the

BVC. The increase in seats (to

about 1500 in total) due to vali-

dation was expected to accom-

modate most of the applicants

of the BVC and the Bar Exami

the year 2000, will stand abol-

ished. No separate Bar Exami-

nation for non-U.K. students

were offered after 1996-7, with

students allowed up to four op-

portunities to retake. From now

on Bangladeshi students, as

with all non-intending practi-

tioners from Malaysia, Singa-

pore, Pakistan etc. will have to

In the U.K. at least, there is

The Bar Examinations as of

nations.

Eviction Gone Wild

By Saira Rahman

TAAN Bazar in Narayanganj, the slums of Dhaka city, Losmany Uddyan, all these have one thing in common. This can be put into a single word - uprooting. The women of Taan Bazar have been torn out of their home and livelihood in the name of 'rehabilitation', the slum dwellers have been threatened again and again of eviction and the same goes to the trees of the Uddyan which are under the threat of 'eviction' themselves. Where has the sense of Constitutional guarantees and safeguards and the global effort to save the world's environment gone? It seems as if these ideas, too, have been uprooted and evicted from the minds of the government.

Eviction of the women of Taan Bazar will create a floating population of sex workers, with nowhere to go and thus risk their rights to life, shelter and food. The eviction procedure violated state laws since the process perpetrated violence upon the women. Their possessions were damaged or seized and they were deprived of their homes where they paid regular rent. Slum dwellers are constantly faced with eviction or are forcible evicted from their homes, either by government officials with no prior notice or local musclemen or due to mysterious outbreaks of fire. They too are deprived of their right to shelter and livelihood. The trees in Osmany Uddyan are the latest casualties threatened by the government axe. What purpose would their eviction serve? In a way they too will be deprived of their right to life and livelihood as their job is to keep the busy centre of the city (almost) free of carbon dioxide and carbon monoxide - harmful to us, beneficial to them- and create a little oasis of greenery and oxygen inside the concrete jungle.

There are open spaces outside the commercial centre of the city - in fact, outside Dhaka proper itself - where a busy, selfcontained conference centre can be built surrounded by trees and greenery. Why axe thousands of trees to build such a centre in the midst of traffic, noise, and the bustle of city life? We desperately need the trees there otherwise we'll all choke due to the unchecked, lead-laden fumes emitted from numerous cars, trucks, buses and scooters. Moreover, there are hardly any green spaces left in that section of the city. A Conference centre is a conference centre, wherever it is placed. Since there are more sensible places to build it, the site should be changed in

order to save the trees and the population of Dhaka city. It seems that the whole concept of 'eviction' has seriously affected the government machinery, which has allowed the term to run free and unchecked by law and constitutional guarantees - turning it into a wild and hazardous entity in the

hands of the unscrupulous. The writer is a member of Odhikar, a coalition for human

Eviction of Slums: Whither Rehabilitation?

By Nadine Murshid

X/HAT is the world coming to? With the Tanbazaar and VV Nimtoli crisis at its peak, the eviction of the slums has started. Instead of finding a place for them, their humble abodes are being subject to bulldozers and some were even burnt down without much warning. Where do the people go? Nowhere. They are afraid to move away because their 'land' will be taken away from them and on the other hand, they have to live under the open sky, like it or not, because, simply, they have no other choice.

'In the name of rehabilitation, they throw us out of our homes and we have to sit and watch while they tear our slum into pieces. What will happen to us? What do we do? In this rainy season, living like this is sheer hell', said a rickshawpuller, upset because he has three children and a wife to look after, and it's impossible to make ends meet without proper shelter. This is not only his story; this is the story of most of the slum dwellers that were evicted from their dwellings. Their grueling life has just become harder and they know not what the future holds for them. Whatever sense of security that they had had has is now gone and for most, life may not be the same again.

The consequences of this can be very dire - if it isn't already. Frustration and poverty is directly linked with vandalism, mugging and increased crime rates. And at the rate people are being reduced to the lowest standards, there is no doubt that Dhaka city will become a brigands' paradise in no time - after all, these people will have to live, and they need money for it. It is no secret that their meagre incomes barely meet their demands, and without a proper place to live in, they'll need more money than originally required to live on a day to day basis. The easy way out for most will be robbery and theft, and who can blame them? They want to survive, just like the rest of us, but if fate(?) doesn't cooperate, they'll have to take destiny into their own hands. They live from hand to mouth, anyway, and no matter how much Michael Todaro, or anyone else, for that matter, says, that the basic necessities of life including electricity, access to pure drinking water and education along with food, shelter and clothing are the first things a county must have to raise the general standard of living, it is seen that, that is not the case in this country. These people don't have roofs over their heads and pure drinking water!

True that the court has asked the government to stop the demolition of slums till August 23 but what happens after that? What happens to the people who have already been evicted? And where is the opposition when they are needed? No - we don't want hartals and violence - that would only worsen the situation - we need them to protest, through dialogue in the parliament (without the interruption of walkouts) and help the government to make a proper decision. They (the opposition) too has a responsibility towards the welfare of the people and they conveniently forget in times of great need. Politicians! When will they ever grow up?! The slum-dwellers have started their protestations but they alone cannot help themselves. They need help - WE need help.

Commonwealth Freedom of Information Principles

By Amina Rahman Chowdhury

OMMONWEALTH Law Ministers recalled that at their meeting in Barbados in 1980 they emphasised that "public participation in the democratic and governmental process was at its most meaningful when citizens had adequate access to official

Ministers noted that since that time a number of Commonwealth countries have enacted freedom of information legislation establishing a public right of access to government information. Their experience has demonstrated that these laws enhance the effectiveness of government. Other Commonwealth countries are preparing legislation drawing on this rich practical experiences.

During the 1990s the Commonwealth, guided by its fundamental political values enshrined in the 1991 Harare Commonwealth Declaration, has sought to promote democracy, the rule of law, just and honest government and fundamental human rights. In consolidating the achievements of the past decade the Commonwealth seeks to focus its efforts on strengthening the processes of open and accountable government together with the promotion of sustainable development.

Benefits of Freedom of Information

Freedom of information has many benefits. It facilitates public participation in public affairs by providing access to relevant information to the people who are then empowered to make informed choices and better exercise their democratic rights. It enhances the accountability of government, improves decisionmaking, provides better information to elected representatives. enhances government credibility with its citizens, and provides a powerful aid in the fight against corruption. It is also a key livelihood and development issue, especially in situations of poverty and powerlessness.

Commonwealth Freedom of Information Principles Ministers formulated and adopted the following Principles 1. Member countries should be encouraged to regard freedom of information as a legal and enforceable right.

2. There should be a presumption in favour of disclosure and

The right of access to information may be subject to limited

exemptions but these should be narrowly drawn. 4. Governments should maintain and preserve records. 5. In principle decisions to refuse access to records and information should be subject to independent review.

Governments should promote a culture of openness.

To Become a Barrister in the Year 2000

By Peter O. Zaman

This may prove a hurdle which will cause many to fail, whereas this is not something their predecessors from their country ever had to face under the system of the Bar Examination. But it is not an insurmountable hurdle. After all, the system of the Bar is to allow for those of ability. The person with the due ability to become a barrister will still become a barrister. In fact he or she will become a barrister with better and more practical skills than his or her predecessor. In the competitive environment of the law, this itself will be an advantage.

which they had joined. However, a lack of uniformity in the programme and quality of education caused the Inns to reconsider their methods and as a result of which they established the Council of Legal Education (CLE) in 1852. The purpose of the CLE was to enable standard requirements for admission to the Bar and the "Call" to the Bar to be established, and a uniform programme of legal education to be developed.

This led to the introduction of the "Bar Examinations". No longer could one become a barrister merely by attending lectures. They now had to pass a set of written examinations which eventually took the format of examinations consisting of six papers, each lasting for three or three and a half hours of which four papers are compulsory and the other two are chosen from a list of seven optional papers. The examinations were held twice yearly. Upon passing these examinations and completing the required numbers of dinners at their respective Inns the students were "Called" to the Bar. A number of institutions such as the Inns of Court School of law. Holborn College, the College of law, BPP Law School to name but a few provided courses in preparation for these exami-

It is this format of examination and route which is fa--miliar to the majority of practicing barristers today, both in England and in Bangladesh. However, following complaints from the young English Bar in the mid-1980's that the examinations did not really prepare the barrister for the real world

experiment with a new format examination. However, the experimentation was to be conducted only on those students wishing to become barristers and practice in England and Wales. Thus, in 1989 the bar Vocational Course (BVC) was introduced for the first time to be run exclusively by the Inns of Court School of Law (ISCL) under the watchful eyes of the CLE. I shall discuss how the BVC is different from the Bar Examinations below. With the Bar Examinations running in parallel to the BVC, but with the bar Examinations now only for those students not wishing to practice in England and Wales, from 1989 the education at the Bar split into two parts. The path of the U.K. practicing barrister and the path of the non-U.K. practicing barrister. Whilst the BVC developed its formulae the Bar Examinations continue with its great tradition of producing barristers for the South-East Asian sub-continent to follow the tradition set by people like Mahatma Gandhi, Jinnah, Nehru, Lee Kuan Yew etc. However, the BVC slowly started to provide a very different style of education for the barristers who would practice in the U.K. It completely abolished the six paper examination system and adopted a method of lectures and tutorials (for smaller groups) with home work in the form of practical training exercises or PTX's as they became known. These PTX's were practice for the final examination, which were course work based exercises similar to the PTX's done

throughout the year. New com-

pulsory subjects such as advocacy skills, conference skills and negotiation skills were in-

These were practiced and taught by tutors in small groups throughout the year and examined by being asked to make presentations which were recorded on video and assessed for the purposes of the final score. Opinion writing and drafting examinations were added to the already compulsory core subjects and two optional subjects. Civil procedure. criminal procedure, professional conduct and evidence were the core subjects whereas a wide choice of optional subjects like family law, commercial law, company law, landlord and tenant law, European law, revenue law, trusts, wills & tax etc. were tested by required course work and PTXs. The new way of testing knowledge of the core subjects was by multiple choice tests (MCT's). The MCT examinations were in fact two three hour examinations of 100 questions with one examination taking place at the beginning of the second and third term respectively. Generally speaking, that is the structure of the BVC as it has slowly developed to what it is today. The scores of the MCT's, the course work and the results of the advocacy, negotiation and conference skill tests would be accumulated to determine a passing grade. The marked contrast to the way the Bar Examination was tested was notable. It would

be fair to say that the BVC was

certainly more a skill orien-

tated course whereas the Bar

Examination (or the "Old Bar"

known to the students of the BVC) was more of a memory orientated course. The fact that the BVC was provided by only one institution, the ICSL meant that competition to enter the school was always steep. Seats were limited to 1200 each year but applications were received in excess of 2200. Entrance examinations were introduced as the number of applicants increased. Whereas the only requirement for appearing before the Bar Examination was a lower second class degree in law from a recognized University. Unfortunately the Bar Council does not recognize law degrees awarded by any Bangladeshi University. However, in 1994 the Bar Council decided that the monopoly position of the ICSL was unhealthy for the development of the bar in general. It restricted the variety of people who could attend the course since many lacked the funds necessary for living in London where the ICSL was located. It was decided that the monopoly would be ended by allowing a number of other institutions to teach the BVC.

or "External Bar" as it was

after validation

able to teach the BBC has also been to increase the number of seats available for students interested in becoming barristers. However, since the number of local U.K. students seems to average at 1500 per year, in recent years, and the number of students taking the Bar Examinations is on average 500-750 per year it was felt, not to be in the Law.

pass the BVC in order to become barristers. Although not finally determined, non-U.K. students are not expected to complete "pupillage" (a six month training with a lawyer in a set of law chambers) before they can be "Called" to the Bar. little or no debate on the question of whether or not the BVC is a better way of preparing the young barrister to face practice rather than the Old Bar.

Becoming a barrister

The effect of increasing the number of institutions avail-

However, this may not meet with the same level of agreement from overseas students. They may face much difficulty due to limitations in language skills. They will have to compete with U.K. students on the same level when being assessed for advocacy, conference and negotiation skills. This may prove a hurdle which will cause many to fail, whereas this is not something their predecessors from their country ever had to face under the system of the Bar Examination. But it is not an insurmountable hurdle. After all, the system of the Bar is to allow for those of ability. The person with the due ability to become a barrister will still become a barrister. In fact he or she will

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