



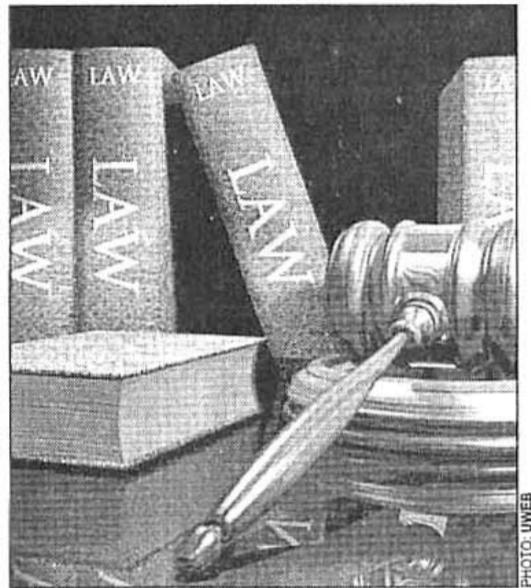
## LAW vision



## Our legal education: Need for reforms

SAMIR BHOWMIK

Legal education has immense impact on the rule of law. The present state of legal education in our country does not respond to the needs of a modern society. In our country there are two separate streams of legal education. One is private law colleges under the National University offering two-year postgraduate course and the other is four-year undergraduate course provided by the faculties of public and private universities. Recently private universities are also offering two-year postgraduate course. There exists a wide gap of quality of education between the colleges and the public/private universities.



sities in our country offering undergraduate/postgraduate law courses. The quality of education in public/private universities may be better, but they also need major reforms. Law is a practical social science. Both academic and vocational nature of legal education is important. Both these should exist in quality legal education. In our country, the methods of teaching are mostly lecture-based. There is no existence of practical methods of teaching, i.e. problem method, Socratic method, case study, moot-court and mock-trial. Only a few of public and private universities have started some of these methods but not all.

There is no medical college in our country without a hospital and so in the legal profession a student should never become a lawyer without having real courtroom experience. Since law graduates are expected to work in important sector of national life including judiciary and there is a special responsibility of the law graduates before the society, inter-disciplinary approach in legal education needs to be emphasised. Incorporating new branches of legal science relating to ICT, e-commerce, and globalisation, fundamentals of economics, political science, sociology and history need to be incorporated in the curriculum.

There exists very limited opportunity of studying law under government arrangement and patronisation. Presently the number of public universities is 26. But only four of these are offering degrees in law. The government allocates a huge amount of money for the subjects like accounting, biology, political science and so on. But a very important subject like law is very much neglected. So the allocation should be raised for legal education and the opportunity of studying law in the public universities should be increased. The establishment of the rule of law is a far cry without allocating money for legal education.

The general concepts of law should be taught at secondary and higher secondary level. Clinical approach should be introduced in our legal education. Clinical legal education is basically practical legal training through moot-court, mock trial, participation of the students in public legal education i.e. mass legal awareness programmes, chamber practice with the lawyers, counseling etc. Clinical legal education is learning through doing, or by the experience of acting like a lawyer. It provides service to the people and hence it is more practical and noble.

The Constitution of Bangladesh speaks about social justice which is the key pillar of the Constitution. We must not fail to ensure our citizens' right to access to law and justice. The need for reforms of legal education is a must to achieve this goal. Judges, lawyers, law teachers, law students, professional groups, members of civil society and various legal institutions throughout the country should come forward to act for this.

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National University's role in making lawyers is limited to a certificate awarding body rather than a law institution. There are cases where a law graduate never attended any formal class. So the quality of graduates from National University varies enormously amongst themselves. The curriculum and teaching methodology of the law colleges are inadequate for producing law graduates that our nation needs to cope with our problems. The problems of law colleges which result in poor quality of education are: lack of funds, absence of government control and financial assistance, lack of academic facilities, infrastructural inadequacy, absence of full time teachers, poor management, irregularity in admission and examination of students, poor control and monitoring by the affiliating National University.

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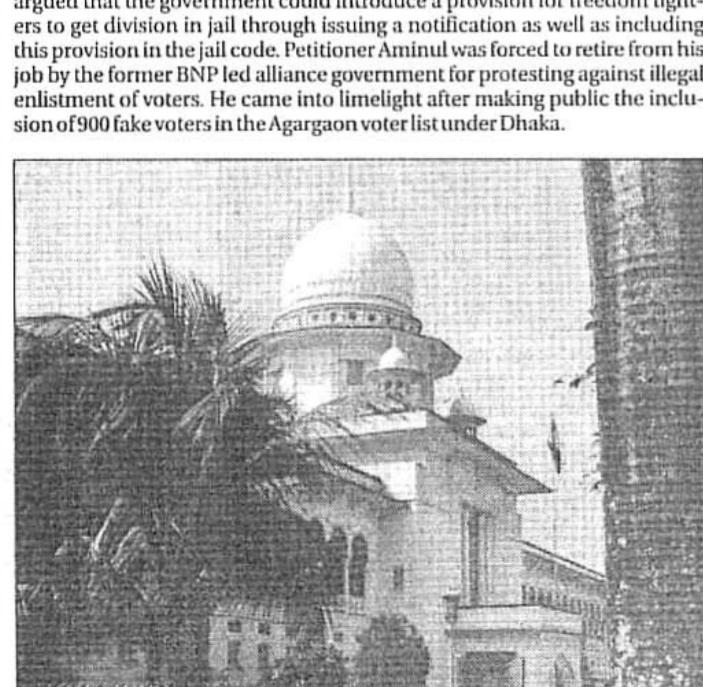
## LAW news

HC RULE ON GOVERNMENT  
Why war heroes not entitled to division in jail

The High Court (HC) issued a rule on the government to explain within four weeks why freedom fighters of liberation war of 1971 would not be entitled to a special division in the prison and jails of the country. The rule came following a writ petition filed by a veteran freedom fighter and retired government teacher Aminul Haque Bhuiyan, son of late Abdul Hakim Bhuiyan from Feni district. Counsel for the petitioner advocate Fawzia Karim Firoze argued in the court that the state has given different honors and recognitions to the freedom fighters in different sectors. However freedom fighters have still not been included in the "Division Category" of the present jail code of the country. Aminul filed the petition on November 11 last. After a hearing on the petition, a HC division bench comprising Justice Syed Mahmud Hossain and Justice Farid Ahmed issued the rule. Respondents of the rule are Principal Secretary to the Chief Adviser, Cabinet Secretary, Home Secretary, Secretary of Liberation War Ministry and Chairman of the Central Command Council of Mukti Joddha Shangshad.

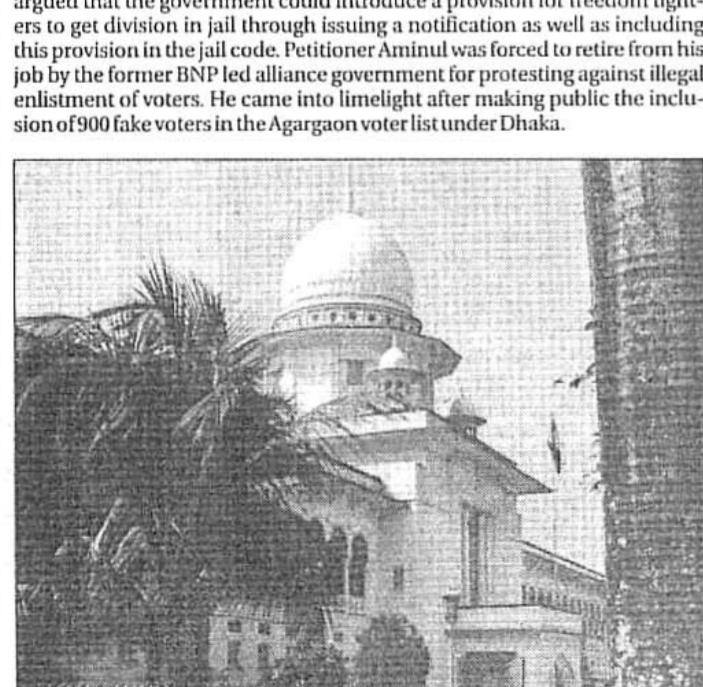
Aminul, a retired Assistant Headmaster of a government school in Dhaka said in his petition, "Persons in the categories of VIP, CIP, MP and other social gradations are treated with dignity and respect in the jail for any category of offences." But freedom fighters involved in similar categories of offences are not treated with similar privileges which is contradictory to the recognitions freedom fighters they are entitled to, now, the petition added.

Aminul demanded in his petition "that freedom fighters of Bangladesh need to be treated with dignity and respect in every quarter and as such they need to be given a 'Division' prisons and jails as well." Advocate Fawzia argued that the government could introduce a provision for freedom fighters to get division in jail through issuing a notification as well as including this provision in the jail code. Petitioner Aminul was forced to retire from his job by the former BNP led alliance government for protesting against illegal enlistment of voters. He came into limelight after making public the inclusion of 900 fake voters in the Agargaon voter list under Dhaka.



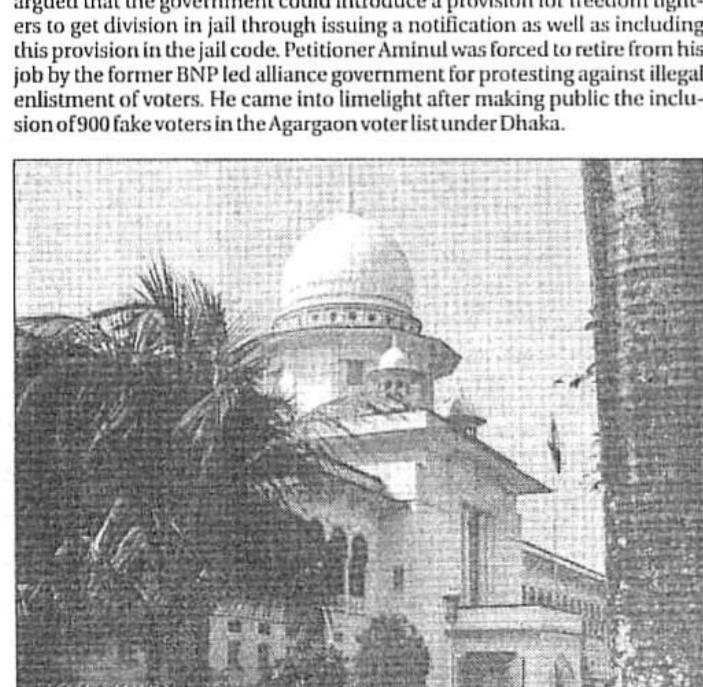
Referring to the glorious contribution and sacrifices of the freedom fighters during the liberation war in 1971, Aminul said in his petition that freedom fighters are also part of the society and community. For this reason they may also sometimes get involved in different incidents that can render them accused or convicts in different offences and cases. While freedom fighters are being detained in different jails, they are treated as common convicts. On the other hand for similar offences mps, cips, vips and privileged persons are entitled top division in jails and prisons. Aminul in his petition that this attitude and practice show the non-recognition of the contribution of freedom fighters who brought us "freedom from oppression and dictatorship".

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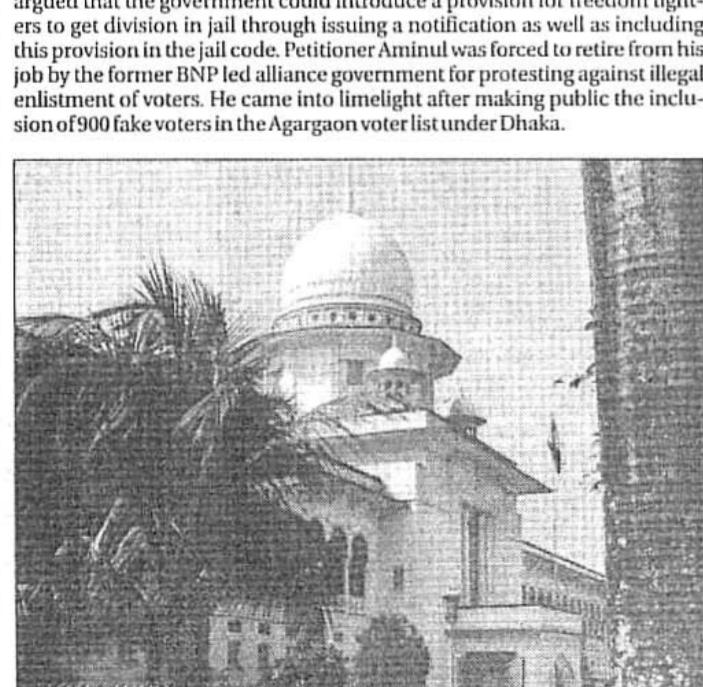


## SC stays Hasina's bail in graft case

The Supreme Court (SC) yesterday stayed a High Court (HC) order granting bail to former premier Sheikh Hasina in a Tk 3 crore graft case filed by the Anti-Corruption Commission (ACC). Full bench of the apex court headed by Chief Justice Mohammad Ruhul Amin also stayed the HC ruling that halted the case proceedings. It directed the parties involved to have the HC rule in this regard disposed of. The SC orders came in response to an appeal by the ACC. The SC bench granted bail to Hasina and stayed proceedings of the case. It also issued a rule on the government and the ACC, asking them to explain within eight weeks why bringing the case under the ambit of emergency rules should not be adjudged illegal.

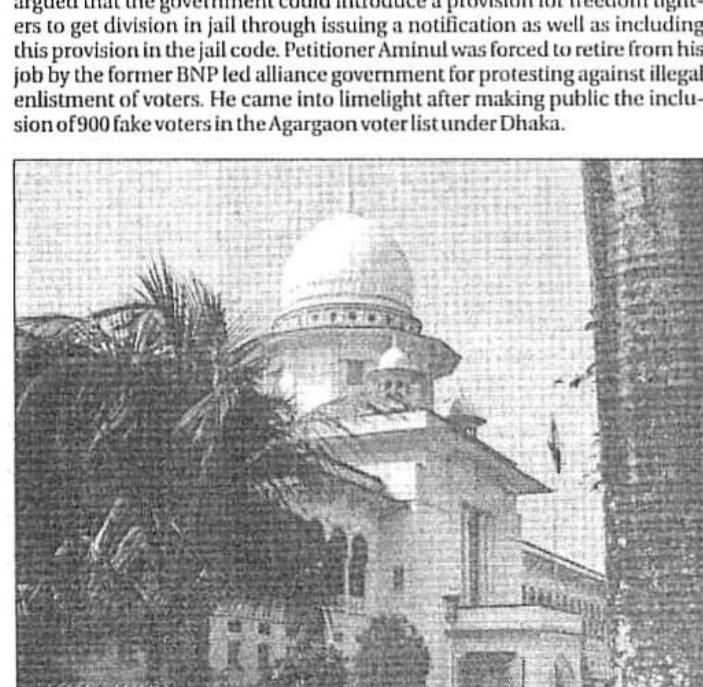
ACC Deputy Director MM Sabir Hasan filed the case with Tejgaon Police Station on September 2 alleging that detained Awami League (AL) President Hasina and six others had helped a foreign company and its local partners win a contract for setting up a 100-megawatt barge-mounted power plant for Tk 3 crore kickbacks. The other accused are former energy secretary Toufiq-e-Elahi Chowdhury, former Power Development Board (PDB) chairman Noor Uddin Mahmud Kamal, Managing Director of Summit Industries and Mercantile Corporation Private Ltd Aziz Khan, its Director Farid Khan, United Group Chairman Hasan Mahmud Raja, and its Director Abul Kalam Azad. -The Daily Star, November 27.

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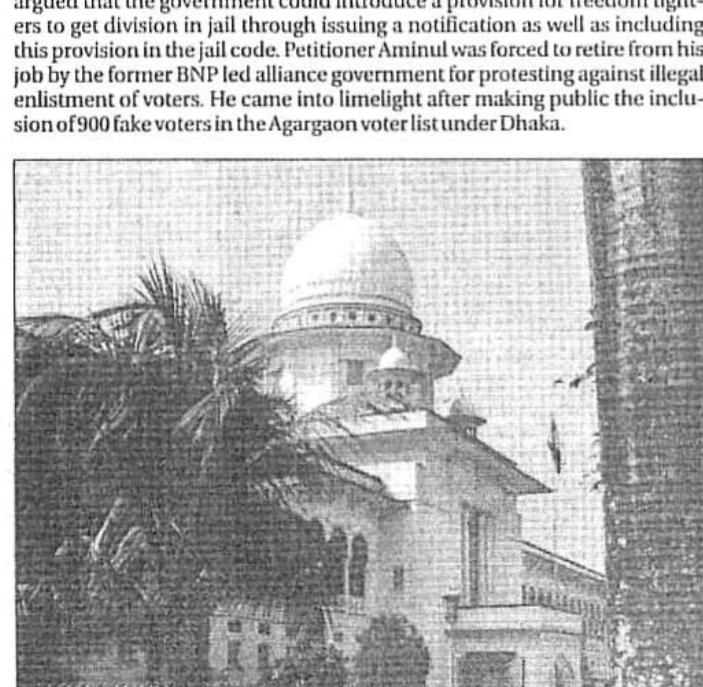
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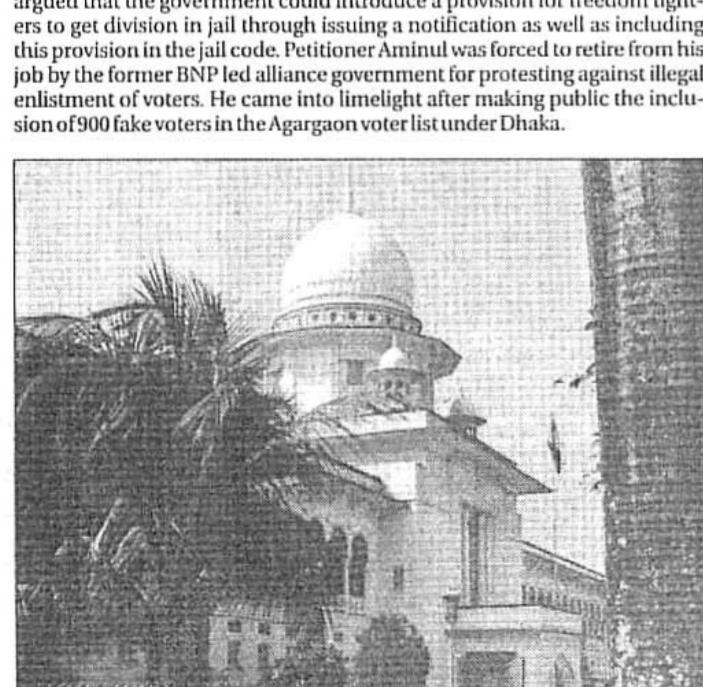
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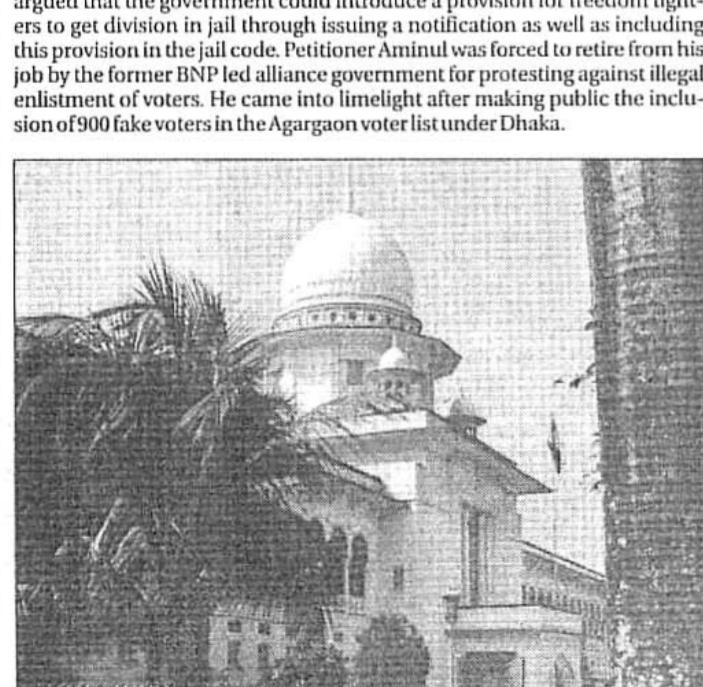
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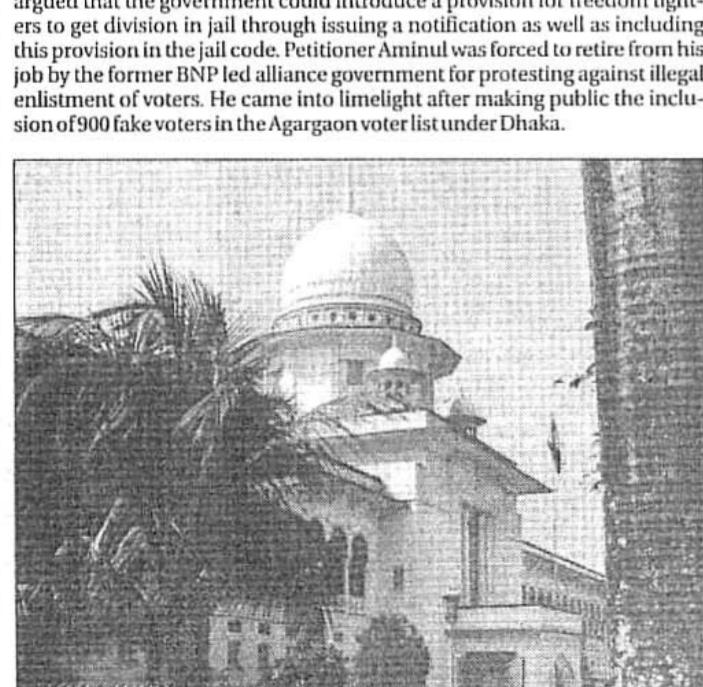
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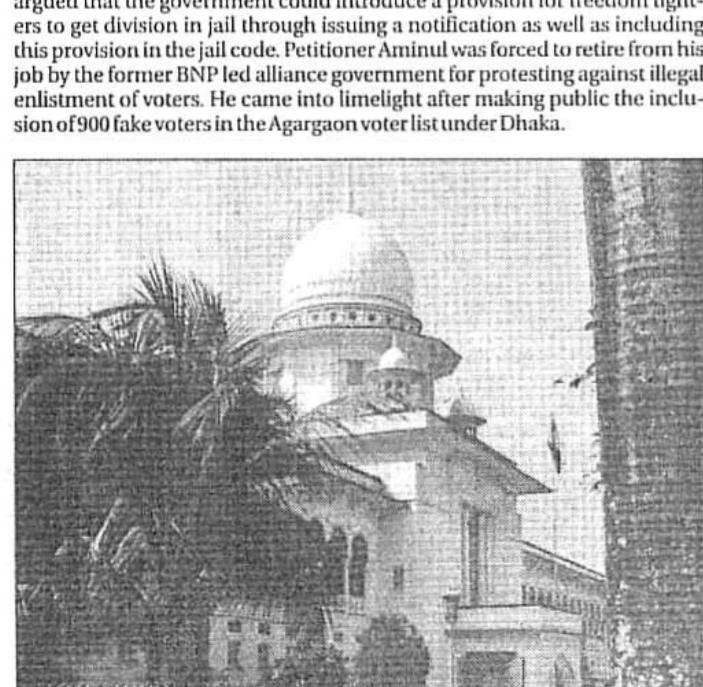
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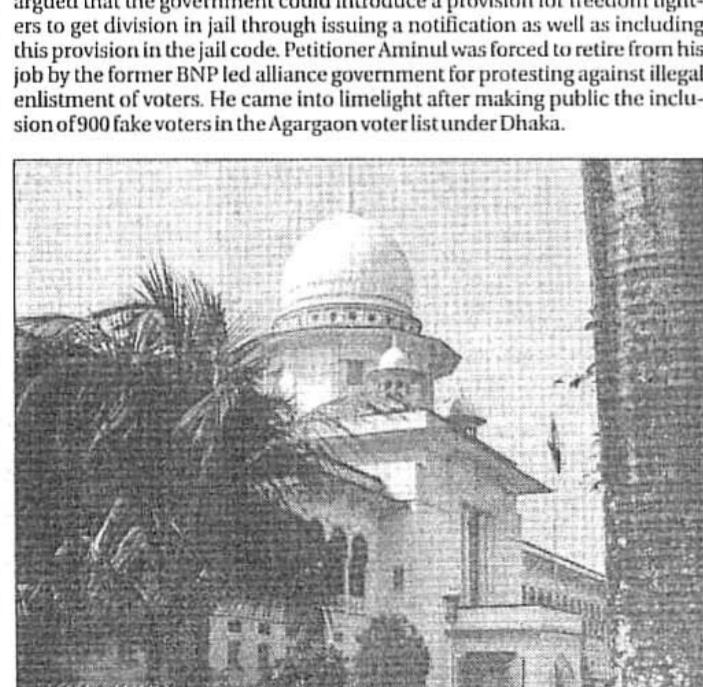
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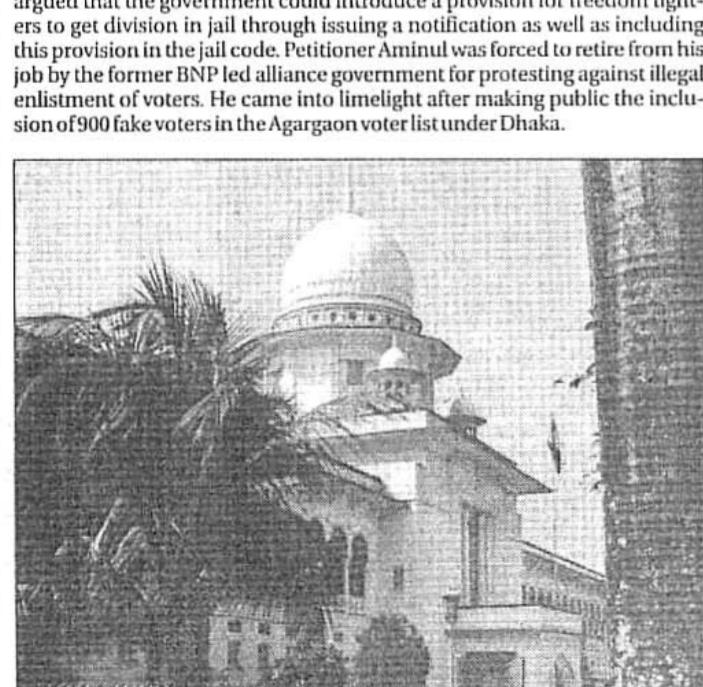
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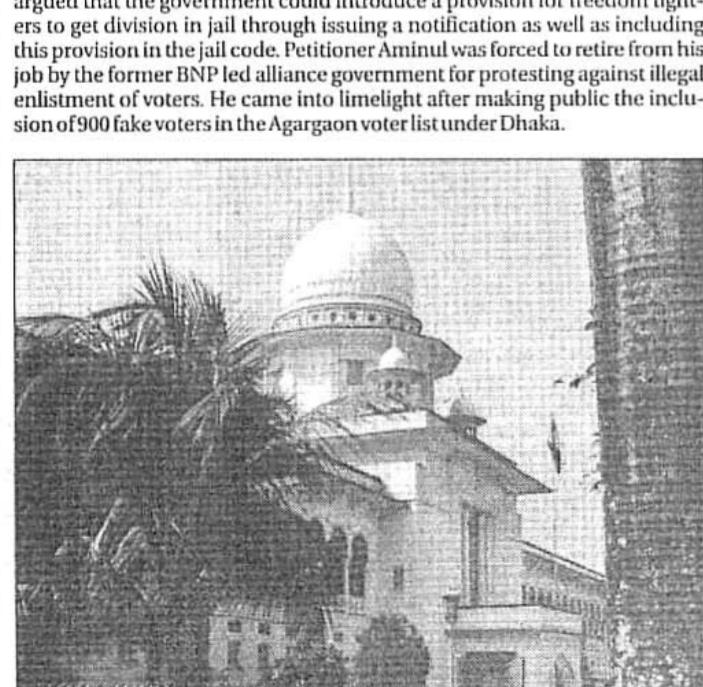
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