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PUBLIC Legal Education (PLE) is a relatively new concept in the international domain. It is used to describe a variety of services that are aimed at creating legal literacy among the general public through different innovative methods, which are able to reach their understanding. Although some forms of legal education for the non-lawyers or for the general public exist more or less in every parts of the world, they are often piecemeal projects limited to short time period or targeted to a small section of the population. A cohesive structure and a continuing effort to provide legal education to the public is not very common.

In the USA and Canada PLE had developed in the late 1960s as a part of their social reform movement. It has also been endorsed in some other parts of the world including countries like Australia, South Africa and New Zealand. In the United Kingdom it has just began to emerge with the recent formation of the 'Public Legal Education and Support Task Force' (PLEAS Task Force). Compared to the developed parts of the world the concept of PLE is still unknown to many developing or least developed countries. Bangladesh is no exception to them. Although there are a large number of Non Governmental Organizations (NGOs) working in Bangladesh on different social and developmental issues, very few of their projects feature some characteristics of PLE. They are often carried out independently without any coordinated efforts among other similar projects. Also, there is lack of academic studies or research, which has focused on the international practice of PLE or has acknowledged its necessity in the context of Bangladesh.

How Public Legal Education can be delivered?

Worldwide PLE is delivered through a wide variety of mediums and there is no single or exact method that is followed for any particular PLE program. The methods may vary according to the need of the people or availability of resources of a particular organization.

Some of the common delivery methods in PLE are leaflets or pamphlets containing step-by-step legal information, street law program where law students or lawyers volunteer to teach some basic aspects of law to the community groups, popular theatre, telephone help lines, radio and TV programs, online e-resources and so on. It is indeed essential in any PLE program that the methods are designed in a way that is easily understood and received by the intended audience. In particular, in countries like Bangladesh where the literacy rate is very low, effective access to legal information and knowledge would require methods like popular theatres or face to face workshops.

The rationale for PLE

The principal rationale for all PLE activities is that since laws are for the people it



Legal literacy for defending rights

should be made known to the people. If law provides a particular right or responsibility, those can only be fully exercised when people have the knowledge of their existence. The main goal of PLE is to make law and the legal system more accessible to the people by educating them about their rights and duties and increasing their understanding of the overall working of the legal system. Thus, 'in its broadest sense, PLE captures the essence of accessible justice'.

Also PLE works in favor of the disadvantaged, the poor and the vulnerable groups, as it empowers them with legal awareness, which helps them to stand against the social injustices that cause their situation. 'A general sense that

be demystified and opened up to the average persons. Today PLE has become an essential part of the Canadian justice system. There is a national network of provincial organizations, which are the core PLE providing bodies in Canada. These organizations are operated with the sole agenda of delivering PLE. Each of these Core PLE providers receives annual funding from the Department of Justice of Canada.

A similar need was also felt by a number of other developed countries with a view to ensuring greater popular participation in the legal system and making the system work better with an informed citizenry. One of the features of PLE, that is common in most of these countries, is



wrongs can be righted for the individual and for communities can lead to a greater sense of social justice'.

PLE and its international practice
PLE had first begun in Canada as a part of the anti-poverty movement, which emerged as a response to the American war on poverty in the 1960s. It developed on the face of a need for legal information, felt by the common people or those otherwise disadvantaged who saw that the law was affecting their lives in a direct way and who demanded the law to

its emphasis on the disadvantaged people. Both in Australia and New Zealand the PLE provisions are primarily aimed at the poor and the marginal communities, those who need to know the law more than anyone to alter their situations in a positive way.

Unfortunately, despite of PLE being developed as a part of the anti poverty movement in Canada and having its focus on the disadvantaged communities in other countries; the concept is still unknown to many least developed parts of the world, which includes Bangladesh.

Relevance for Bangladesh

So far, there is no initiative by the government to introduce Public Legal Education through a comprehensive framework. Neither there is any organization, which works with a sole PLE agenda. Nevertheless, there are a number of instances where services like PLE have been provided by some NGOs, although those services were not branded as PLE they bear some resemblance with the international practices of PLE. But these are insufficient for a coordinated PLE structure. A number of these projects are short-term and due to funding constraints they are often not continued further. Majority of the projects, which are ongoing by the organizations, do not occupy the central attention of the organizations and form small part of their various other activities. Also, the number of targeted audience covered by those activities is not satisfactory. Most importantly, these activities, which have similar PLE nature objectives, are often isolated projects- they are conducted independently by the organizations without having coordination with other organizations that are conducting similar programs.

Future actions

In order that the positive outcomes of PLE can be achieved fully, it is important to have a coherent and comprehensive structure of PLE in Bangladesh. An important initial step in that direction will be to create an independent organization having the sole task of introducing PLE services. This organization can first strive to build a PLE network among all the major stakeholders who can contribute to providing PLE in Bangladesh which may include legal professionals, academics, media representatives, corporate bodies, government representatives and foreign donor agencies. If this network is possible to achieve, this can lead to the formation of an independent working group which can then formulate a national strategy for bringing Public Legal Education in Bangladesh. The UK example is particularly important in this context, where a consultation among a number of key organizations led to the formation of an independent task force, which in 2007 had come up with a national strategy for PLE in the UK, with a view to consolidate the existing piecemeal PLE projects into a coherent structure.

Although it cannot be denied that to the many problems that Bangladesh faces today, PLE alone cannot be the single answer. Nevertheless, while ensuring legal literacy to the public alone cannot eliminate the causes of all injustices and disadvantages, together with other agencies 'it can play a vital role in achieving moments of justice' and can effect a change in the conditions of people's lives. Above all, PLE can help to create a legally aware citizenry, 'able to interact with the justice system in a manner which best protects their rights'.

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Shipyards owner kept standing in HC

A High Court bench on Thursday kept an owner of a ship-breaking yard standing in the dock of the courtroom on charge of committing contempt of court by breaking ship despite the HC restriction.

Master Abul Kashem, owner of Mak International Corporation, is standing before the bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Sheikh Md Zakir Hossain since around 10:30am. Earlier on January 19, the bench issues a suo moto rule asking Kashem to explain why he should not be punished for contempt of court by breaking ship despite the HC order. The court on the day issued the rule following a report on The Daily Star stating that four people were killed in an explosion while scrapping ship in his yard on January 18. The court also asked him to appear before the court on January 27 for his explanation.

The same court also issued a suo moto rule directing the government to stop all kinds of scrapping of ships in the country until further order. The HC in March 2009 directed the government not to allow any ship in Bangladesh without cleaning its in-built toxins. But with the permission of the Department of Environment, Master Kashem, owner of MAK Corporation, imported three hazardous ships in December last year and started dismantling those despite the HC ban. -The Daily star online edition 27 January.

HC asks govt to redefine 'stalking'

The High Court on Wednesday declared all forms of stalking illegal and asked the government to define it in the light of present context. It also directed the government to take necessary steps immediately against previous stalking incidents. The HC bench of Justice Md Iman Ali and Justice Sheikh Hasan Arif came up with the order following a writ petition filed by Bangladesh National Women Lawyers Association. The court also directed to consider stalking as 'sexual harassment' and include the crimes related to stalking in the Women and Children Repression Prevention Act to ensure punishment for the stalkers under this law. It asked the government to set up separate cells at police stations across the country to monitor and deal with the crimes related to stalking. The bench also directed the government to enact a law to protect the victims and the witnesses of similar offence. -The Daily Star, 27 January 2011.

SC clears way for pouara polls in Cox's Bazar

The Supreme Court on Monday cleared the way of holding elections to four municipalities of Cox's Bazar scheduled for January 27. The municipalities are Cox's Bazar Sadar, Teknaf, Chakaria and Moheshkhali. A three-member bench of Appellate Division headed by Chief Justice ABM Khairul Haque passed the order after disposing of a petition filed for vacating its chamber Judges' order that stayed an High court order.

The Election Commission rescheduled the polls after the chamber judge on December 19, 2010 stayed the HC order halting the process for elections in the four municipalities. The HC on December 15 stayed for one month the process for elections to the four municipalities in Cox's Bazar. A division bench came up with the order following a writ petition filed as public interest litigation by Kartik Das Gupta, a voter of Cox's Bazar. - The Daily star 25 January 2011.

HC rebukes SEC chairman

A High Court bench on Monday rebuked the Securities and Exchange Commission chairman for using the logo of the government in its letters suspending trading activities of six brokerage houses. Since SEC is a statutory body, it cannot use the logo of the government of the republic as per rules, the judges opined. The HC bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Sheikh Md Zakir Hossain said, the SEC chief has committed a criminal offence by using the logo of the government. Earlier in the day, the bench summoned the SEC chief for his explanation about using the logo. -The Daily star 25 January 2011.

HC orders probe into Bhawal land loss

The High Court on Monday directed the government to form a high-powered committee to find out the reasons behind the losses of government property at Bhawal in Gazipur. The court also directed the government to submit a report in this regard to it within three months.

The HC bench of AHM Shamsuddin Chowdhury Manik and Sheikh Md Zakir Hossain passed the order after 'Society of Justice', a rights organization, filed a writ petition as public interest litigation following publication of a report headlined "Pvt Project on public land" in The Daily Star on January 23. The HC also issued a rule upon the government to explain within three weeks why it should not be directed to take appropriate steps to protect property of government. -The Daily star 25 January 2011.

LEGAL MAXIM



ACTUS CURIE NEMINEM GRAVABET -An act of the Court shall prejudice no man.

ACTUS LEGIS NEMINIT EST DAMNOSUS- An act in law shall prejudice no man.

IN FICTIONE JURIS SEMPER AEQUITAS EXISTIT- Equality is the life of a legal fiction.

CURSUS CURIAE EST LEX CURIAE-The practice of the court is the law of the court.

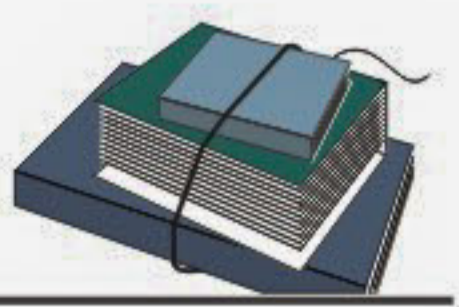
COMMUNIS ERROR FACIT JUS- Common error sometimes passes current as law.

DE MINIMIS NON CURAT LEX- The law does not concern itself about trifles.

CONSENSUS FACIT LEGAM- Consent makes the law.

SOURCE: BROOM'S LEGAL MAXIM.

LAW LEXICON



Hearing de novo - A full new hearing.

Hearsay - Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible as evidence in court.

Hostile witness - A witness whose testimony is not favorable to the party who calls him or her as a witness. A hostile witness may be asked leading questions and may be cross-examined by the party who calls him or her to the stand.

Hung jury - A jury whose members cannot agree upon a verdict.

Source: Jurist International.

CRIME & PUNISHMENT



Undue influence at elections



171C. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever

(a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or (b) induces or attempts to induce

a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the

mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

171D. Personation at elections: Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

171F. Punishment for undue influence or personation at election:

Whoever commits the offence of undue influence of personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

SOURCE: THE PENAL CODE 1860.

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