



LEGAL EDUCATION

Pave way for anti-generic lawyering

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LET me begin with a small story, a story of a boy. A diligent pupil, he loved Satyajit Ray and Tagore. Being moved by the history of the Renaissance, he decided to pursue his higher studies in History after his HSC. As we can all guess, the factual world is not so dreamer-friendly, so in order to ensure good living, his family decided for him that he would be going for an LL.B program. He compromised, started his journey with a hope that he would still be learning much in the legal field and was enrolled in one of the top most institutions in Bangladesh. From thereon, his journey towards compromise began. He found out that the institution lacked in resources, and he compromised with that. He saw there were no dedicated teachers, and he compromised. He found out that the theoretical classroom lecture hardly provided him with an in depth and real life knowledge of the profession, a profession which he believed to have a human touch; and again he compromised. This journey of his ended at the Bar, and today clients flood his chambers, and compromise their only piece of land in the hope of having justice delivered, which they hardly receive.

This is a story of a boy, who could be anyone. A closer perspective will reveal that this story shows the actual scenario of the legal education in Bangladesh, till today. When the nation is striving towards development in manifold sectors, we, the students of Law, find us outsourced. Well, it can easily be said that we are exposed to a large number of seminars, workshops and training programs than is offered to any other field of study in Bangladesh. Having said that, I feel, it is important to assess what impact it has at the end of the day on minds which are trained to function in a mechanized manner. With Four years of theoretical training, these workshops which stretch from 48 hours to 14 days attain little success, because by then it becomes quite hard to extract

what those incentive courses are offering, and even the new dimensions provided are received and analyzed with the typical mindset moulded in the four walls of the classroom. Further problems are faced when we move on from the institution to the bar, bench and human rights organizations. Law is mainly seen as a tool for social engi-

downs under the touchstone of History, Psychology and the like; the jurisprudential discussion does not carry us much far. We may well know why and how martial law becomes unconstitutional and what are the after effects of the Fourth Amendment Cases. We never explore the historical backdrop which led to such turns of events, or

with the irrationality of adult attitudes of the society. When Atticus Finch advises his only son never to shoot the mocking bird with his air gun, it is only with the help of his enlightened neighbour that the thirteen year old boy finds out the intrinsic meaning of his ancestral advice: the mocking bird human heart with the joy of music, it never

jammed-bookish-typical-worn out process uproots that thinking, that spirit which a thirteen year old boy was encouraged to preserve. We get such inspiration seldom, to be frank. The majority of students are encouraged by their families who want to see their son or daughter become a 'big man', powerful and with more than enough solvency, and ultimately we assist the "all having ones", instead of fighting for the 'have-nots', and kill the real "mocking" bird, the common people, who mock the rule of law. Such situation is hardly going to help if we truly wish to bring about a change. Therefore, the problem should be addressed with a two-fold approach.

However, these problems are not generally addressed or even realized so long as one is within and amongst the students of Bangladesh. But when one is exposed to a broader arena, the preparation provided seldom appears to be ample. We find that we are looking up to our counterparts from other countries, that our brilliant ideas are very easily outcast and surpassed by their neuvelle approach, and we start to question our competency, which take quite toll on whatever performance which we can give. (you can take my word on this point, by the way!)

It is equally important to realize the significance of Human Rights Studies. Last year, while attending the 6th Henry Dunant Memorial Moot Court Competition in New Delhi, the Bangladeshi Team (the writer was a member of the team) was reflecting upon the ever widening gap in socio-economic development between India and Bangladesh. We learned that India also had the similar social problems that we do, but India has decided to move forward with the problems intact. While she tries hard to eradicate such evils, she focuses more on developing her strategic capacity. India has been for sometime pursuing the motto that she is going to move ahead with the huge number of destitute, and use the resources for strengthening a comparatively small body to such extent that they

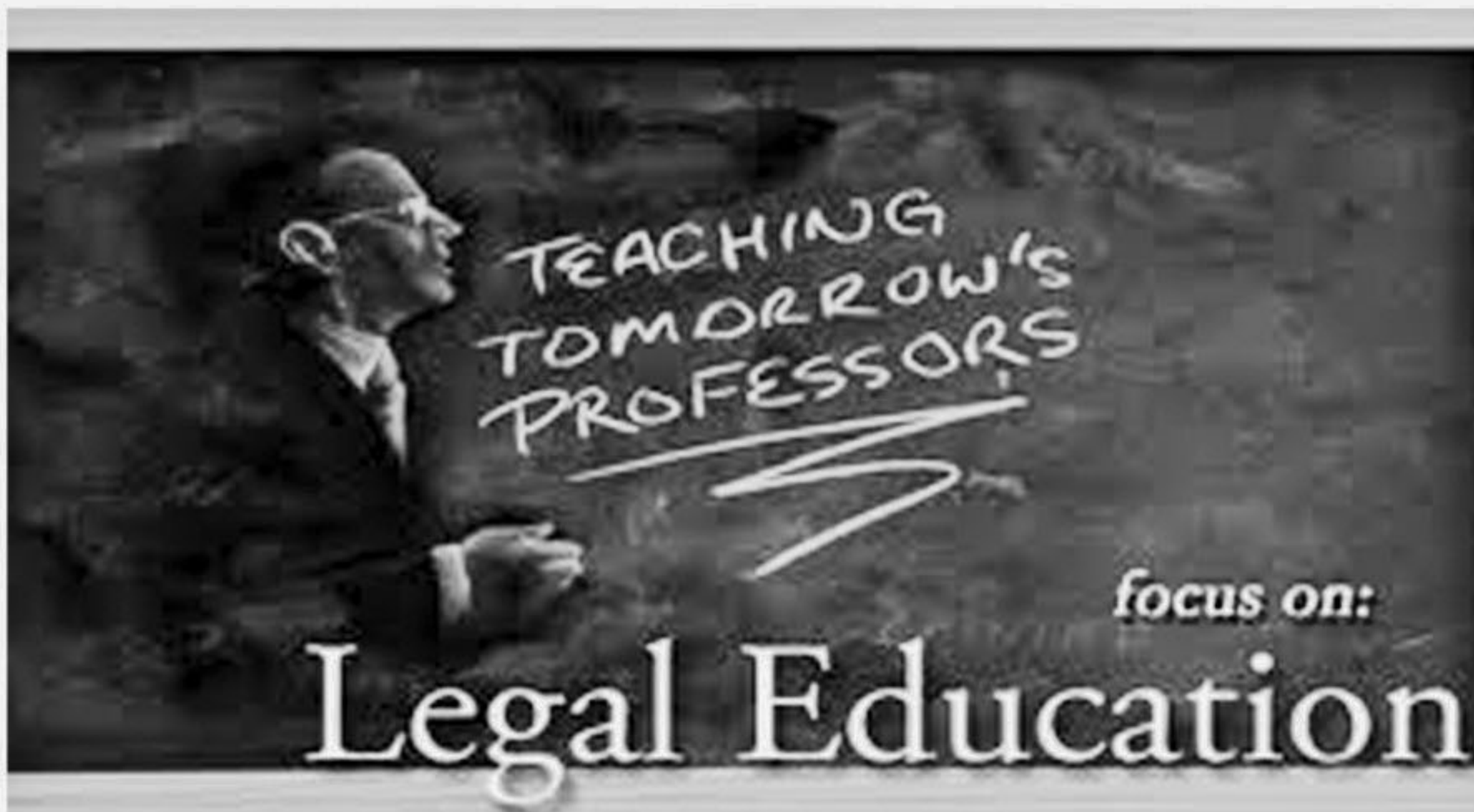
represent India as an emerging super power, with the deprived and downtrodden mass behind the curtains, suppressed to silence.

I must confess, the idea had its charisma to me, and I still think it is not a bad strategy in today's capitalist world. But, then I remember the Proclamation of Independence, where we, the people of Bangladesh have pledged to ensure respect for Human Dignity. We earned our constitution with a river of bloodshed, and as such we must address our problems from a different perspective. India may well adopt such measures, but if we focus on poverty reduction and other socio economic problems from modern materialistic approach, then we will leave our legacy behind, and cease to be who we are. It is how we came to being that determines our identity, and if we do not plant this insight in the students from the very inception of our legal learning, then by the time we graduate, it will be too late. For then, while giving a judgment, I would consider what Enrico Ferry and Rafael Garofello said, and order the DCC to ensure better street lighting. But I might never be able to understand why the person under trial before me chose to murder an innocent passer by just for a couple of Takas. I would give directions on the pollution of Buriganga, but will I ever know why Buriganga faces this fate, when she was the harbinger of life in this part of the Indo-Pak-Bangla subcontinent from time of Islam Khan. I doubt it. I would not be dealing with the people from their perspective.

That is why we need a better understanding of Human rights in the Bangladeshi context. It is time the conscience of the society steeped in prejudice, violence and hypocrisy was pricked by the stammina of anti-generic lawyers' struggle for justice. Bangladesh can pave way for anti-generic lawyering; all we need is a little rethinking, restructuring, and a faith, that is on us to fight the real mocking bird of the society.

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neering, associated with legal doctrines, and a bit of Sociology, with another spoonful of Political Science. However in this grinding process, we fail to add a sprinkle of human insight, which would provide the students with a fresh perspective and make the judiciary, lawyers and legal professionals human friendly. Since we do not consider testing our legal ups and

what psychology drove the actors to act in such drastic manner. Until we establish a link between all these fields, we may never become students of Law in the purest sense. We will never be able to come up with brilliant new drafts which will address the problems from a wholesome approach. Training our minds to function in such a robotic way, we often mess up the driving force

hurts a soul and that is what a lawyer is supposed to do. Atticus tells his son: when the boy was a black slave encountered, his father tells him to grow up with the values of his innocent heart intact. This advice from the thirties is also applicable for the law students in Bangladesh. Young students opt to study law because they want to fight the injustice, but the session

GOVERNANCE UPDATE



Egypt mass upheaval

THE spark of people power that erupted into flames in Egypt is now raging through the Middle East. The country in North Africa is confronted with republic revolution against tyranny and oppression. The biggest of the Arab countries, Egypt, is at the moment boiling. The regime of Hosni Mubarak is witnessing the worst challenge to its existence during its nearly three decades of rule with an iron fist. The systemic abuse of power and corruption in the political system has been endured by the 80 million people without any representation in governance. Uprising in the past has been successfully quelled with violence by the security forces including intimidation through military presence in civilian zone the standard practice of all repressive regimes in pro-democracy peaceful protest. The political freedom struggle is never without sacrifice especially against totalitarian government emboldened by strong diplomatic and strategic relationships with powerful 'democracies' advising the embattled ally to contain the uprising and not called for renunciation of power due to vested interests. Besides Egypt military funded with U.S aid in billions of dollars is believed to exert authority in power sharing with the unpopular government. Egypt following Tunisia triumphant in ousting the dictatorial power has suffered casualties reportedly around 100 in the past five days only expected to rise considering the incumbent political maneuvering to stay in power against republic will. Now the people of Egypt have woken up. They are



not going to accept any window dressing in the name of political reform in Egypt with the same old Mubarak or any of his alter ego continuing in office. The Egyptian people have suffered too long. Their march to freedom must not be stopped halfway. The political trans-

formations around Egypt with Tunisia liberated through people power inspiring others in similar authoritative environment to implement fundamental change only possible through real democracy the government of the people, by the people and for the peo-

ple. It is clear that democracy in Egypt and elsewhere can no longer be determined by the privileged members in the global society.

Egypt synonymous to any other nation is not devoid of intellectual talent, courage, integrity and selfless sacrifice required to lead the imminent democracy in the new beginning. The democratic leader will be the one pledged to promote unity, secularism without hierarchy, social equality, political opportunity and economic progress for all. Furthermore, Egypt will be an exemplary peace mediator in the Middle East and North Africa upon becoming a democratic nation under progressive leadership committed to universal peace and prosperity. People in Egypt are close to realizing their dream for democracy and therefore extremely important to ensure the absence of nationalism and foreign intrusion in their political choice to eliminate the puppet figure perception among the disenfranchised population in the region. There is tremendous hope for democracy to emerge in the transcontinental nation Egypt with people power prevailing against the political establishment leaning towards dynastic rule in the twenty first century. Egypt is poised to experience political freedom in semblance to contemporary democracy and deserves international support in the extraordinary humanitarian challenge. Let the people of Egypt decided their own course of governance. The long thirty years rule by a single person have stirred up people's thought and have enticed them to see dream for a participatory democracy.

Source: PadminiArhant.com, compiled by Law Desk.

Egypt highlights

THE protesters are demanding that President Hosni Mubarak, who has ruled for 30 years step down immediately. President Hosni Mubarak's announcement that he will remain in power until the next election causes chants of disapproval and refusal across Tahrir Square. Supporters of Mubarak opened fire on protesters in Cairo's Tahrir Square on Thursday, killing at least five, in a fresh spike in violence over an unprecedented challenge to his 30-year-old rule. "We are not leaving this place till Mubarak leaves," a woman identified by al Jazeera as Mona Seif told the channel.

Earlier on Wednesday, the two sides fought running battles, throwing stones and petrol bombs at each other, and fighting with sticks and iron bars. Officials say three people were killed and more than 600 injured. The camel and horse riders from Dokki galloped through the crowd, as others launched a barrage of rocks toward the protesters inside Tahrir. The army has called on all protesters to return home and allow Egypt to return to normal.

Barak Obama's statement after talking to Mubarak: "The people of Egypt have rights that are universal. That includes the right to peaceful assembly and association, the right to free speech and the ability to determine their destiny. These are human rights."

Obama said that while it is not the role of any outside country to determine Egypt's leaders, he indicated to Mubarak that it is clear that an orderly transition should be meaningful and peaceful and "must begin now."

He also said the process must include a broad spectrum of voices and opposition parties and free and fair elections, and it should lead to a government that is responsive to the aspirations of the Egyptian people.

Mr Ban Ki-Moon said: "Any attack against the peaceful demonstrators is unacceptable and I strongly condemn it." The US and the French government calls on its nationals in Egypt to leave the country.

Source: Internet, compiled by Law Desk.