



PHOTOS: ORCHID CHAKMA

THE CASE FOR STUDYING LAW

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The word “lawyer” might invoke certain scenes and images in our minds. The dramatic usage of legal jargon inside a tense courtroom, or the overworked paralegal drowning in mountains of paper may come to mind. Some cultures might revere legal professions, others might have a not-so-favourable view.

Regardless of all the pre-conceived notions, making a career in the legal sector is a long and arduous journey and at the end of it all lies the struggle to uphold justice.

The reasons for choosing a career in law differs from person to person. Ali Mashraf, Lecturer of Law at East West University, shares, “My mother being a law professor was indeed a consideration. However, she never

pressured me to study law. Instead I wanted to study journalism at Dhaka University (DU). But I didn’t get the subject due to a controversial admission test rule. So then, I applied to study law at DU.”

Anupoma Joyeeta Joyee, who is a Barrister-at-Law of Lincoln’s Inn, and Advocate, District and Sessions Judge Court, adds, “Back in school, I used to really love debating. Towards the end of high school, all my peers started getting enrolled into medicine or engineering admission coaching centres. I realised I needed to make a decision quickly so I sat my family down and sought their opinion. It was a consensus across the board that since I had good oratory skills, I would probably enjoy the field of law.”

The first step in pursuing a career in law consists of obtaining a Bangladeshi law degree from a reputed college or university. The Bachelor of Laws (LLB) programme is the standard 3-year-long undergraduate law degree, whereas an LLB Honours (Hons) degree is considered to be of a higher level, consist-

ing of specialisation and taking about four years to complete. Law colleges offer Bachelor of Arts (BA) in Law, which takes two years and costs significantly less than an LLB degree from a private institution.

Students can either choose a private or public institution for their LLB or LLB (Hons) degree. Private institutions such as North South University and BRAC University centre their curriculum around Bangladeshi law, the same as public universities. On the other hand, only a few institutions such as London College of Legal Studies (LCLS) and Newcastle Law Academy (NLA) focus on British law.

Chandra Banarjee completed her LLB degree from LCLS (South) under University of London’s program and is now pursuing her Master of Laws (LLM) degree from Bangladesh University of Professionals. On the topic of her LLB degree, she shares, “One of the pros of a private institution is that you get more attention from the faculty members and your academic problems are dealt with instantly. You can also get more support from

other students as everyone is studying law.”

As for the drawbacks of a private institution, Chandra adds, “Studying through an institution like LCLS is cheaper than going to the UK. However, the cost is still huge. People who are from well-off families are lucky in this case, but this is not the case for everyone.”

Public universities such as Dhaka University and Jahangirnagar University all consist of highly competitive LLB programs.

Tauhid Rahman*, an LLB student from Dhaka University, shares his experience, “The access to world class teachers and their thoughts is extremely important. Rather than just asking to memorise entire case laws and statutes, our teachers also ask us about the loopholes and the problems with these laws. I think this mindset is vital.”

Public universities are not without systemic fault, however, as Tauhid adds, “One of the cons would be lack of sheer will from the teacher’s side. Frequent cancellations, late arrivals continue to be a problem. Law clinics, which are vital for any law student, are non-existent in most of the public institutions.”

Upon completion of the LLB program, the graduates have several paths to choose from. The first and most obvious option would be to become an advocate or barrister, and this is where the Bar Exam comes in.

In order to become an advocate in Bangladesh, a six-month long pupillage must be completed under a senior lawyer or law firm. After that, the graduates need to pass the Bar Exam administered by the Bangladesh Bar Council to become eligible to practice law. Once the graduate passes the Bar Exam, they must register with the Bar Council to obtain the licence and officially become an advocate in the lower court. For the higher court, the candidates need to give the High Court Permission Exam and a recommendation

is required to become enrolled in the Appellate Division.

If a student chooses to enrol into the Bar Training Course (BTC) and become a barrister, they first need to meet the requirements for an English law degree under a university in England or Wales, which is possible studying at institutions such as LCLS and NLA. Then, they need to complete the BTC, which can take up to a year or two. After that, prospective barristers then undertake a year-long pupillage in barristers’ chambers or in an organisation approved by the Bar Standards Board. Once the training is complete, the final step would be to secure tenancy in a set of barristers’ chambers or go into practice as an employed barrister.

If a candidate chooses to come back to Bangladesh and become an advocate, they will still have to sit for the Bangladesh Bar Exam. This is where both sides face a common issue, as the Bar Exam in Bangladesh is held infrequently, whereas it’s supposed to be held twice every year. However, since 2017, the Bar Council has only conducted three enrolment exams.

Regarding her experience, Barrister-at-Law Joyee says, “Despite clearing all the stages in one go, it took around 2 years before I could obtain the licence. Throughout that entire period, with the constant anxiety and frustration, I was working full time, not knowing when I finally would be able to formally qualify as an Advocate. On top of that, a lot of seniors use the requirement to have a licence to severely underpay the juniors.”

It is a common assumption that becoming a barrister is necessary to practise in Bangladesh, or that the foreign bar exam makes for a better lawyer. Joyee says, “The pros of being called to the bar of England and Wales are largely passive. However, over time, it can culminate into a really valuable investment into a lawyer’s career in Bangladesh. The training itself is really intense, so aside from the decorative value that we attach with becoming a

barrister due to our colonial hangover, the learning is also quite constructive.”

Barrister Shahedul Azam, Advocate at the Supreme Court of Bangladesh and Partner at Credence LP, echoes this sentiment, saying, “Clients usually value the title of ‘barrister’ but on a professional level, advocates perform just as well, sometimes even better. In my personal view, becoming a Barrister sharpens some skills for the individuals.”

Another point of concern for law aspirants is that the returns on investment usually come in the latter stages of the career. It is not uncommon for junior lawyers to be paid around BDT 5,000-10,000 during their pupillage.

Farzana Tasreen Synthia, Barrister-at-Law, Lincoln’s Inn and Senior Associate at Credence LP, says, “Say you invest a handsome amount of money to make a career in law. Then, if you decide to practice in Bangladesh, you cannot really expect a return on investment within 1 year or 5 years. If you’re expecting that, then you’re in the wrong profession.”

The late monetary returns, combined with the hassle of waiting for the Bangladesh Bar Exam, often influences LLB graduates to turn to other career pathways.

One such example is Ali Mashraf, who says, “If the exams were held regularly, I may have decided to pursue a dual career. Since junior lawyers who work as apprentices in chambers experience various roadblocks like meagre pay, I realised that I did not want to experience this steep journey at the onset of my career. Hence, I decided to pursue a career in academia.”

Another common pathway is to work as an in-house legal counsel at a corporate firm, where the practices greatly vary from a litigation firm.

Barrister-at-Law Farzana Tasreen Synthia, speaks of her experience in both sectors, “In-house counsels blend with other departments and use their legal analytical skills with the current problems to provide assistance. Whereas in law

chambers, particular issues are brought to you by clients for legal advice.”

Perhaps one of the grander goals of pursuing law would be to be appointed as a judge in the Supreme Court of Bangladesh. A minimum of 10 years of practice in the High Court division, coupled with recommendations, elevates the High Court advocate to Justice.

Apart from these requirements, justice aspirants have to undergo a more extensive and rigorous academic career, viva voces, and extremely thorough background screenings to make the cut.

Tauhid, who had once aspired to be a judge, shares, “In order to become a judge, a relatively greater amount of study than the Bar is required. Hence, most students opt for the bar.”

As for the future of practising law, Barrister Shahedul Azam says, “Given the current political climate, there may not be much improvement in law as a subject. Furthermore, given the payment structure and the nearly-guaranteed struggle of about 5-10 years, a lot of talented people change career paths.”

But there may be hope for young advocates, as he adds, “In the past, with due respect to senior lawyers, the structure was a one-man show. When I returned to Bangladesh as a barrister, I worked in a top firm but I was paid nearly nothing. That was the norm but we are trying to change the system. We have introduced a basic starting salary and in time will try to introduce work participation fees to sustain their livelihoods.”

**Name has been changed to protect identity*

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1. The Daily Star (2017). Taking legal education seriously
2. Law Commission (2005). Review of Legal Education in Bangladesh

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