LAW OPINION

Beyond Age Limits: Addressing the Real Reform in the Legal Profession

BARRISTER LUAZA REZA TURIN



The Bangladesh Bar Council has officially decided to introduce a maximum age of 35 for enrolment as an advocate. The new rule is scheduled to come into effect from 1 January 2030. The decision was announced in a public notice dated 26 October 2026.

The decision is undoubtedly significant. For the first time in Bangladesh's legal history, age will become a decisive factor in determining who can enter this profession. Although the reform's intention may be reasonable, I will examine whether imposing an age limit alone can address the deeper problems the legal profession faces.

There are certainly some reasonable arguments supporting the decision. Law is a profession that demands years of practice to develop expertise. So, a person entering the profession at a younger age has more time to gain courtroom experience, develop advocacy skills, and build a successful legal career. Moreover, the legal profession has also experienced a substantial surge in the number of law graduates and aspiring advocates. If enrolment continues to expand at this rate, overcrowding will become a serious issue.

An age limit could therefore encourage prospective law students to make a more serious and timely commitment to the profession. It could also help the Bar Council to manage the growing number of entrants and focus on professional development.

The four-year transition period before implementation is also significant. By delaying the rule's coming into effect until 2030, the Bar Council has acknowledged the position of students currently pursuing an LLB and given them time to complete their education and proceed toward enrollment.

However, if the goal is to improve the quality of advocates, then the more important question, I would argue, is whether Bangladesh's legal system sufficiently measures competence before allowing someone to practice. A strong legal profession depends on more than just controlling the age of entrants. It requires high-quality legal education, properly supervised apprenticeship, rigorous and transparent Bar Council examinations, practical training in drafting and advocacy, professional ethics, and effective regulation after enrollment.

A 30-year-old law graduate is not necessarily more capable of practicing law than a 36-year-old graduate. Legal ability develops through education and, more importantly, through practical experience. The Bar Council examinations are also often criticised for placing significant emphasis on memorising legal provisions of various Acts rather than proper understanding.

Advocacy involves far more than just knowing the law. It includes conducting legal research, preparing cases, client handling, examining and cross-examining witnesses, conducting chief examinations, making submissions before the court, and responding to the practical demands of litigation. The new rule could therefore exclude individuals who may be perfectly capable of becoming competent advocates simply because they entered the profession later.

The new rule also raises an interesting point. The Bar Council is setting the maximum age for becoming an advocate at 35, but there is no upper age limit for continuing to practise as an advocate. So, someone who becomes a lawyer at 34 can continue practising well beyond the general retirement age because no such upper limit exists in the profession. However, someone who wants to enter the profession at 36 will be barred from a potential 30-year-long legal career.

The decision also highlights an important distinction between studying law and becoming an advocate. In Bangladesh, there is no maximum age for studying law. The new restriction only applies to enrollment as an advocate. This means a person can still obtain legal education later in life, but after 2030, crossing age 35 could prevent them from entering legal practice.

It is true that the Bar Council's concern about maintaining standards and managing the growth of the profession is legitimate. However, age restriction should not be the only measure for reforming the system. The issues of Bangladesh's legal system extend far beyond. The sheer scale of the case backlog is difficult to ignore. According to figures stated by the Law Minister in Parliament, 46,39,476 cases were pending across Bangladesh's courts as of 31 March 2026. More than 40.78 lakh of those cases were pending in the lower courts alone.

If the ultimate objective is to strengthen the legal profession, Bangladesh needs lawyers who are not merely young, but also competent, ethical, well-trained, and properly prepared for the challenges of legal practice. The 35-year age limit may therefore be one aspect of legal-profession reform. However, it cannot be confused with the whole solution.

Barrister Luaza Reza Turin *is an Advocate, District and Sessions Judge Court.*

RIGHTS WATCH

The right of way and Dhaka's hawker management

MD. MAHMUDUL HASAN SHAKIL

Access to safe and usable footpaths is a matter of a basic public right. However, Dhaka's urbanisation has made it very difficult to bring the matter under control. Indeed, walking constitutes the single largest mode of transportation, used disproportionately by the poor, women, and the elderly. However, Dhaka, a city with over 36 million people, is still struggling to ensure adequate infrastructure for its pedestrians.



Recently, the government has promulgated the Hawkers of Dhaka City Management Policy 2026 ('Policy'), which aims to ensure comfortable pedestrian movement on the footpaths and public spaces. It seeks to bring hawkers under a registration system while allowing them to conduct business in designated zones. One of the key purposes of this policy is to build a safe, pedestrian-friendly, and healthy city. Notably, the Policy explicitly prohibits hawkers from setting up permanent installations, requiring all merchandise to be removed upon the conclusion of daily business hours. Failure to comply may result in legal consequences and the cancellation of operating licenses.

However, regarding the pedestrians' right of way, there are some serious concerns. For example, clause 15(1) of the Policy requires reservation of a minimum walking space of only 5 to 6 feet (1.5 to 1.8 metres) for 'Holiday Markets'. This falls short of the recommended spacing of the walkways (usually 2.5–4.5 metres) for densely populated urban areas and commercial spaces. Again, clause 29 reserves 1.5 metres (approximately 5.0 feet) space for buyers to stand and move. But it does not specify whether this space is a separate allocation from the pedestrian's walkway as mentioned in clause 15(1), thereby blurring the line between public right of way and commercial allocation.

On the other hand, the Policy forbids hawkers from setting up permanent installations on the footpaths (clause 21). However, most hawkers tend to build permanent structures on footpaths, forcing pedestrians onto the roads and leaving the footpaths unusable. It is unclear how much the Policy would be able to resolve this long-standing negative practice. Instead, by formally allocating portions of public footpaths to commercial vendors, clauses 15 and 29 convert the public's right-of-way into private commercial zones. Consequently, the Policy might also come into conflict with previous Supreme Court directives that prohibited selling or renting spaces on footpaths in Dhaka.

If we look at the neighbouring jurisdiction, the Indian Supreme Court has recognised the 'right to walk' under the ambit of its Constitution. In *Maniyar Iliyaz @ Shaik Riyaz* v *P Ayyappan*, the Indian Court has noted that the fundamental right to walk demands a comfortable space for an easy and carefree walk. The bench also found a legal framework necessary that declares this right and recognises the duty of municipal authorities and local bodies to build, demarcate, and maintain necessary pedestrian infrastructure.

To conclude, a balance needs to be struck between the convenience of pedestrians and the hawkers. The Policy should meet the practical needs of the city and the circumstances. However, the Policy must also account for all relevant factors, particularly the poor pedestrian infrastructure, weak administrative enforcement, ground reality, and the right to walk without compromising pedestrian safety.

Md. Mahmudul Hasan Shakil *is a law student at the University of Dhaka.*



LAW VIEWS

Rethinking labour protection of a 'manager' in Bangladesh

MD. FAHMEDUL ISLAM DEWAN

Consider a factory supervisor who spends most of the day checking attendance, preparing reports, and following instructions from senior management. If such a person is designated as a 'manager' by his/her employer, should that title alone deny him the legal protections available to an ordinary worker?

This issue matters because this distinction determines his/her access to workplace protections under the Bangladesh Labour Act (BLA). A person recognised as a worker may claim statutory benefits and remedies under the BLA, while others may be excluded from some of the important protections. Therefore, the definition of a 'worker' is not merely a matter of terminology; it determines the boundary of labour rights.

Bangladesh has long experienced disputes where employees held managerial-sounding titles but performed duties closer to ordinary operational work. In decisions such as *Senior Manager, Dosta Textile Mills Ltd* v *Sudhansu Bikash Nath* and *M R Chowdhury* v *First Labour Court*, the principle was reflected that a title alone cannot establish managerial status. The judgments took the 'substance-over-form approach': that law should examine actual duties rather than labels.

However, the legal landscape has changed now. The Bangladesh Labour (Amendment) Act 2026 introduced a significant change. Per section 2(49)(b), a person entrusted in writing with management, chief executive, managerial, administrative, or supervisory responsibility falls within the employer category. Consequently, section 2(65), which defines 'worker', excludes persons covered by section 2(49)(b).

True that a written delegation may identify genuine employer-side authority, but the challenge is still determining whether it reflects real power or merely a formal designation. Under the earlier framework, courts relied on actual functions rather than titles. The Bangladesh Labour Rules 2015 also provided indicators of managerial responsibility under rule 2(1) (*Nio*), including authority over matters such as appointments, salary decisions, terminations, payment of final dues, and establishment expenditure. The distinction becomes clearer when we separate three concepts: *representation, autonomy, and dependency*. A supervisor may represent the employer by communicating instructions, yet remain economically dependent on the company without independent power over recruitment, dismissal, wages, or organisational policy. In other words, the ability to speak for an employer does not always mean having the power of an employer. This problem is particularly important because exclusion from the definition of 'worker' can affect several legal protections. For example, sections 100 and 108 of the BLA regulate working hours and overtime benefits for workers. Similarly, section 26 provides termination compensation for permanent workers.

Notably, Bangladesh is not facing this challenge alone. Comparative experience shows that employment law often focuses on the reality of the relationship rather than the contract. In *Autoclenz Ltd* v *Belcher*, the UK Supreme Court held that contractual documents cannot alone determine legal status where they do not reflect the true working relationship. Later, in *Uber BV* v *Aslam*, the court reinforced the principle that statutory protection cannot be avoided simply by arrangements made by the stronger party.

However, this is not to suggest that every person with managerial responsibility should automatically receive every form of labour protection in the same way. For example, British law recognises limited exceptions where genuine autonomy exists. Under regulation 20 of the Working Time Regulations 1998, certain managing executives may fall outside specific working-time rules when they control their own working hours.

Yet the exception depends on actual autonomy, not merely a senior title. The decision in *Sayers* v *Cambridgeshire County Council* demonstrated that seniority and responsibility alone do not prove autonomous control over working time.

The lesson for Bangladesh is therefore not to copy another country's system but to adopt the underlying principle: legal consequences should follow genuine authority. The solution is not to ignore managerial authority but to measure it properly. A written delegation under section 2(49)(b) should therefore be treated as evidence, not automatic proof. Courts should examine whether the authority is real, whether decisions are final or recommendatory, and whether powers are exercised in practice.

Md. Fahmedul Islam Dewan *is a Lecturer in the Department of Law, World University of Bangladesh.*