

CHAPTER 5



Strengthening Legal Education and Training in Bangladesh

Legal Education and Training in Bangladesh

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The role of the law has vastly changed with a variety of public interest functions directing the course of development locally, nationally, and internationally. These challenges have translated into multiple demands from actors in the legal and judicial system—civil servants, police, prosecutors, judges, legal advisors, and advocates—to be a social scientist, a policy planner, an administrator, a social reformer, and a conventional legal practitioner all at the same time. Unfortunately, the system of legal education which is supposed to prepare them for these challenges and demands lags behind and remains far removed from the development needs and democratic aspirations of the people. The legal education system is still a remnant of the system during colonial rule, resulting in a great disparity between constitutional aspirations for the legal system and the educational system's performance. Clearly, there is an imminent need to reform legal education for it to be relevant and achieve its purpose.

To formulate the agenda for reforming legal education, it is crucial to identify its objectives in the context of Bangladesh's needs and aspirations in general, and in terms of the expectations of students in particular. It is likewise important to know how educators view education and its

function in society. With these in mind, we then proceed to examine the nature and scope of the law curriculum in the major legal education centers in the country and identify its strengths, weaknesses, and areas in need of reform. In addressing the reform needs, we explore several options given the context and constraints within the academic and professional circles in the country. These and related issues are the concerns of this paper.

A Review of the Existing System of Legal Education

Formal legal education is provided by either a department of a university or an affiliated college. A university is governed by its own statutes and is authorized to determine the course content, duration, teaching and examination system, and eligibility for award of a degree. The system of legal education can thus vary from university to university, depending on their view of what legal education is. This is not to say, however, that there are no uniform requirements or standards for legal education. The Bangladesh Legal Practitioners and Bar Council Order, 1972 and the rules framed thereunder empower a body of legal practitioners to lay down the standards of legal education in consultation with law universities, and to hold examinations for admission of persons as advocates on its roll (Section 10 [a] and [i]). A degree in law from any university in Bangladesh or from any outside university recognized by the Bar Council is an essential qualification for admission as an advocate (Section 27). The Act further requires passing such examination as the Bar Council prescribes (Section 21 [i] and [d]). The Bar Council may, before admitting a person as an advocate, also require the advocate to undergo such course of training as it may prescribe (Section 27 [2]).

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While curriculum planning and development depend on the law school, its available facilities, and the objectives of legal education the school wants to achieve, there has to be a core curriculum of essential law subjects that professional bodies, such as the Bar Council and the UGC, prescribe. (Above: the University of Dhaka, Bangladesh.)

In other words, the process of becoming a legal practitioner or advocate in Bangladesh involves a three-tier process: (i) obtaining a degree in law from a recognized university whose standards are set by the Bar Council in consultation with the universities concerned; (ii) passing the enrolment examination conducted periodically by the Bar Council after a 6-month pupillage under a senior advocate in which the candidates are tested a second time in subjects like Civil Procedure Code, Specific Relief Act, Criminal Procedure Code, Penal Code, Limitation Act, Evidence Act, Bar Council Rules and Professional Ethics; and (iii) satisfactory completion of a 7-week (sometimes it can extend to 9 months) Bar Council-conducted Bar Vocational Course followed by a *viva voce* examination. The three-stage process extends to 6–7 years after a person enters the law degree program.

Structure of University Education in Law

There are three types of universities in Bangladesh, all of which offer instruction in law. The first type is the public university which is funded by the Government and as such is the most popular among students. These include the Dhaka University which has been offering legal educa-

tion since 1921, followed by Rajshahi University (since 1950), Chittagong University (since 1992), and Kushtia Islamic University which commenced teaching law in the 1980s. Students who have completed a 2-year pre-university study in college (higher secondary course) are eligible to be admitted to the 4-year bachelor of laws (LL.B) (honors) degree program that these three leading universities offer.

Alternatively, one can seek a 2-year LL.B (pass) degree after obtaining a basic university degree. LL.B graduates can apply for a 1-year master of laws (LL.M) degree. Instruction is offered either in the department of law or in one of the university's affiliated colleges. Over 70 part-time (evening) colleges teach the LL.B (pass) course affiliated with the newly established National University. While admission to the LL.B (honors) course taught in universities is selective and competitive, the pass course program taught in colleges admits students liberally and in large numbers. Being evening colleges, course schedules, staff, and resources are limited and the quality of instruction in these colleges is extremely poor compared to Dhaka, Chittagong, and Rajshahi universities.

Another set of institutions teaching law are the private universities established under the Pri-

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private Universities Act, 1992. They are regulated by the University Grants Commission (UGC) constituted under the University Grants Commission of Bangladesh Order, 1973. The Commission assesses the needs of university legal education and formulates plans for its development. At least 15 of over 50 private universities offer law honors (4 years) and pass (2 years) degrees. The system of instruction and the curricula are not always uniform or in accordance with set standards. The quality of instruction varies depending upon the type of management and the nature of resources these universities command. While private universities charge a fee of Taka (Tk)100,000–400,000 for legal education, the fee in public universities which offer better education is as low as Tk5,000 or less.

Yet another system of legal education that prevails in Bangladesh is coaching for the external LL.B degree of London and other Commonwealth universities. The streets of Dhaka are lined with “teaching shops” promising students LL.B degrees both from reputable and lesser-known foreign universities with easy-to-study schemes.

The number of students seeking admission to law courses offered in universities and colleges (honors and pass) keeps increasing every year. According to one estimate, nearly 9,000 students take the Law Admission Test of Dhaka University every year.¹ For 100 seats in Chittagong, over 8,000 students apply.² In Rajshahi, over 10,000 people compete for 100 positions.³ On the other hand, about 4,000 law graduates take the Bar Council Examination annually, of whom on average only 1,500 candidates qualify. These figures show that the quality of legal education in universities and colleges is far too inadequate.

In response, the Bar Council mounted a legal education scheme that includes an apprenticeship, a bar enrolment examination, a bar vocational training course, a *viva voce* examination, and continuing education programs after the

candidate has obtained a university degree in law. The Legal Education and Training Institute (LETI) was established to undertake these tasks. The law departments at Dhaka, Chittagong, and Rajshahi universities have also taken initiatives to improve their instruction, as supported by the Bar Council, international funding agencies, such as the Ford Foundation, Canadian Institute of Development Association, and Asia Foundation, among others. Their curricula have been partly revised and some basic lessons in clinical teaching have been introduced.

The Objectives of Legal Education and the Law Curriculum

Globalization has called upon the law to perform multiple tasks in society and lawyers are expected to act as change agents and social engineers in governance and development. Accordingly, the goals of legal education must respond to these challenges. The goals of legal education, therefore, include the following:

- (i) provide sufficient competent lawyers, prosecutors, and judges to administer the judicial system;
- (ii) supply well-trained law personnel for providing legal services to government departments and private corporate sector with a view to organizing governance according to the rule of law and the changing requirements of society;
- (iii) generate legal researchers and academics competent to undertake legal education, legal reform, and good governance; and
- (iv) disseminate legal knowledge across society and build a legal culture conducive to constitutional governance, democracy, human rights, and rule of law.

Naturally, the above agenda can be achieved through multiple models of legal education, with different instructional designs and resource requirements. Therefore, the objectives of particular programs of legal studies could vary, although they may reflect the broad goals outlined above. This paper examines the LL.B (honors) degree and the LL.M degree program curricula,⁴ upon the assumption that the objective of the LL.B (honors) degree course is to train lawyers, prosecutors, and judges while the objective of the LL.M degree course is to train researchers and academics.

¹ Personal interview with Head of the Department of Law, Dhaka University.

² Personal interview with Head & Dean of Law, Chittagong University.

³ Views gathered from law teachers at Dhaka and Chittagong universities.

⁴ “Curriculum” refers to a course of study at a university.

Improvements in the LL.B Curriculum

Legal education involves learning: (i) the whole body of substantive and procedural laws and related aspects of social control of human behavior; (ii) fundamental skills including problem solving, legal analysis and reasoning, legal research and writing, investigation and marshalling of facts, communication, negotiation and counseling, litigation and alternative dispute resolution, and capacity to organize and manage legal work in different situations; (iii) the fundamental profession values and ethics such as integrity, fairness, and freedom from bias; and finally (iv) the right attitudes conducive to the dignity of the profession and the majesty of law and justice.

Obviously, these should be reflected in the curriculum and teaching methods of a law school. If law is a tool for social engineering and social control, it should be studied in the social context. This means integrating law subjects with social and behavioral sciences. This would enable the lawyer to solve problems in socially acceptable ways and assist in developing public policies appropriate to social needs. In short, whether it is the issue of poverty alleviation or gender justice, environmental protection or juvenile justice, human rights or development of scientific technology, modern law has to play a balancing role between stability and change, human rights and social justice. This is all the more true in developing societies like Bangladesh. The plea in curriculum development, therefore, is to expand the law curriculum to include a fair amount of sociology, political science, history, economics, philosophy, and psychology in legal education.

The method of instruction need not be the same as the social sciences but it should increase the understanding of the law in its functional context and emphasize the social relevance of legal education. This is what, for example, the Indian Bar Council conceived in its integrated 5-year LL.B degree curriculum. It is possible to further expand the scope of the law curriculum so as to include some essential aspects of physical, natural, and applied sciences which may help the future legal practitioner specialize in areas like intellectual property law, environmental law, medical law, maritime law, sports law, construction law, petroleum laws, cyber law, space law, among others. Of course, there are problems in organizing instruction in science subjects within the conventional law school but there are ways by which they can be overcome such as through off-campus placements, partnerships, and co-teaching by visiting faculty from non-law in-

Proposed Revised Curriculum for the 4-year LL.B (Honors) Program

Core Curriculum: Law Subjects (24 courses)

Contract, Tort, Crime, Civil Procedure, Criminal Procedure, Evidence, Constitutional Law, International Law, Muslim Law, Jurisprudence, Property Law, Environmental Law, Company Law, Labor Law. If found necessary, some subjects can be split into two courses while drafting the syllabus and taught over a period of two semesters. Certainly three or more clinical subjects (practical training of skills-based courses such as Drafting, Interviewing, Alternative Dispute Resolution, Professional Ethics) need to be included.

Core Curriculum: Social Science Subjects (4 courses)

Economics, Sociology, History, Political Science

Core Curriculum: Language and Communication (2 courses)

English for Legal Transactions

Bengali for Legal Transactions

Optional Curriculum: Specialization and Understanding

Law-in-Development (10 subjects)

International Trade Law (World Trade Organization [WTO] Law), Human Rights, Intellectual Property Law, Conflict of Laws, Criminology, Criminal Justice Administration, Hindu Law, Investment and Securities Law, Insurance, Banking, Comparative Law, Legal Systems of selected countries, Tax Laws, Equity and Trusts, Air and Space Law, Health Law, Maritime Law, Petroleum Law, Water Law, Energy Law, Juvenile Justice, Gender and the Law, Cyber Law, International Criminal Law, Bankruptcy Law, Law and Poverty/Development, Local Self-government Law, Election Law, Administrative Law.

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stitutions. There are examples of these models in the United Kingdom, the United States, Canada, Australia, India, and several other countries. In the National Law School of Jodhpur (India), LL.B (honors) is offered along with business management and biosciences courses.

Essentially, therefore, curriculum planning and development depends on the law school, its available facilities, and the objectives of legal education the school wants to achieve. However, there has to be a core curriculum of essential law subjects that professional bodies, such as the Bar Council and the UGC, prescribe. Apart from basic law subjects, a certain number of clinical courses⁵ may also form the required segment of the legal education curriculum. As integrated and interdisciplinary legal studies are necessary, the core curriculum for LL.B will have at least 5 or 6 courses of law-related social science subjects (e.g., history, philosophy, political science, economics, and sociology) and language courses (English and Bengali with emphasis on communication rather than literature). Thus conceived, the basic LL.B program would have in its core curriculum about 20–22 courses covering essential law subjects, 4–6 courses covering social science subjects, and 2 courses on language and communication so that the core component consists of not more than 30 subjects in all.

As a supplement to the core curriculum, there has to be an optional curriculum that would provide an opportunity for students to learn about the emerging areas of jurisprudence essential for national economic development. Optional subjects could be included to allow students to begin specialization in selected areas of legal practice such as petroleum laws, intellectual property laws, international trade law, water and energy laws, international commercial arbitration, conflict of laws, to name a few, which incidentally are not normally part of the standard curriculum. An optional curriculum would therefore allow multidisciplinary education and experience-based learning. If the 4-year LL.B (honors) program were taught under a semester scheme, there would be enough scope for 40 subjects over 8 semesters, with 5 subjects every semester. Reserving 30 slots for the core curriculum, the program can still accommodate 10 subjects from the optional curriculum. The total number of subjects can also be increased. A proper credit system can help manage diversified short and long courses.

Some courses can be taught through seminar or clinical methods and research papers can replace the examination. This scheme is proposed on the assumption that the Bar Council will continue with its value addition program like the bar

vocational course, preenrollment apprenticeship and examination, and continuing education program, all of which are heavily oriented to practical aspects of lawyering and professionalization.

In 1993, the Department of Law of Dhaka University undertook a “syllabus-by-syllabus review of the LL.B (honors) curriculum to serve as a model process for all the law teaching institutions in the country.” Some important changes introduced include:

- (i) the introduction of optional courses in the 2nd, 3rd, and 4th years of study;
- (ii) the creation of an introductory course on the Legal System of Bangladesh which examines the role of law in developing societies, public interest litigation, the role of alternative dispute resolution systems;
- (iii) the development of a course on the Language of the Law to provide English language skills as well as legal writing skills;
- (iv) the introduction of a course on Conveyancing, Drafting, and Advocacy skills; and
- (v) the introduction of specialized modules of contemporary interest in relevant law subjects and linking them with related modules in subsequent courses of study.⁶

The detailed syllabi⁷ for LL.B (honors) that the Department of Law of Dhaka University published contain the issues and topics being taught in each subject in the revised curriculum. It also carries a recommended reading list of books, reports, and articles on the topics included in the syllabus. As a consequence of the revision of the LL.B curriculum, the department also did a similar exercise in respect of the LL.M curriculum. The issues relating to the LL.M degree are discussed later.

The Department of Law of the University of Chittagong in 1992 was perhaps the pioneer in introducing a full paper of 100 marks on the English language in the LL.B program and another on moot courts and mock trial as another required subject. The Chittagong law curriculum is now under revision, with plans of introducing optional courses like energy and petroleum laws in the coming academic year.⁸

The Department of Law of the University of Rajshahi, one of the oldest in Bangladesh, is also involved in revising its curriculum and enlarging the scope of clinical teaching in the scheme of instruction.

⁵ Practice-oriented, skills-based courses often referred to as clinical legal education.

⁶ Jay Erstling. 1993. Reform of Legal Education in Bangladesh. In LETI Souvenir of Bar Council.

⁷ A “syllabus” is a more detailed outline of a course of study.

⁸ Interview of Dean Shah Alam.

Teaching Methodology

For the purpose of professional training, legal education has to be taught differently from liberal arts and humanities. The lecture method, which is the predominant method today, needs to be reviewed. It has to be supplemented by methods that other professional schools employ, such as the problem method, case study method, role playing, workshops and group discussions, project assignments, and other interactive techniques. Nevertheless, the lecture method has virtues if used with adequate preparation and clear objectives. A teacher should prepare in advance a teaching plan for the whole semester, which should be made available to students. The teaching plan should state clearly the objectives of the course, the knowledge and skills expected to be acquired, the content of the course in modules, the recommended list of reading materials, a list of issues for further enquiry, the distribution of hours and marks (credits) for the different modules, and the type of examination proposed. As far as possible, the teacher should follow the schedule and complete the instruction and administer the examination on time.

The individual teaching plan should be made compulsory and should indicate the level of learning in the course, whether cognitive or advanced. Cognitive learning refers to the acquisition of knowledge and application of such knowledge to different situations. On the other hand, advanced levels of learning (affective learning) should enable students evaluate various similar-looking situations and form independent opinions based on ethical judgments. In employing the methods of teaching, it is necessary to consider the level of learning intended to be imparted and adapt the techniques appropriately. For lecture classes to be interesting and effective, a plan should be prepared for every module in a given subject, materials carefully assembled, teaching aids intelligently employed, and occasional questioning and summarization attempted. Needless to say, the teacher should also have mastery of the subject and be able to communicate effectively. Use of examples and illustrations, stories, and anecdotes will make it even more instructive and interesting.

Another teaching method is the Socratic dialogue, more known as the "case method," employed to develop capacities for analytical reasoning and persuasive argumentation in law classes. In preparing for class, students are given a reading list of laws and cases and asked to identify material facts, list the legal issues, ana-

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lyze applicable law and precedents, and give a reasoned decision. The student's understanding of the materials read is then tested through a dialogue where the teacher asks a series of questions that not only requires the student to recount what was read but also to apply the law to similar new situations.

Preparing the students to role-play as opposite counsels, judge, government official, or parliamentarian, on contentious issues is another technique of experiential learning. A class can be divided into small groups to discuss and report on a problem, thus stimulating collaborative group learning from different points of view.

Clinical education is also another useful technique. This method espouses learning by doing. One of the popular programs is giving students actual experience through an in-campus or off-campus legal aid clinic. These clinics could have specialized centers for matrimonial cases, service/labor matters, environmental cases, and human rights cases. Legal aid in prisons, custodial institutions, and correctional homes is also a possibility. These clinics can have multiple programs to teach specific skills, ethical lessons, and litigation or law reform strategies. The teacher concerned can relate these clinics to the courses. These clinics can offer services short of actual litigation to maximize the experience of students. Matters requiring litigation can be referred to a panel of lawyers who can be assisted by the students. This can be done through close collaboration between the law faculty and the legal aid machinery of the State, as well as bar associations and even non-government organizations (NGOs) rendering paralegal services. To ensure proper supervision, the faculty should develop guidelines or manuals.

There are also well-organized teaching modules available to give simulation exercises to students for learning techniques of negotiation, mediation, conciliation, arbitration, interviewing,

and counseling. These methods are now being used in the practice-oriented teaching of substantive law subjects as well. Universities will be well-advised to identify law teachers as clinicians and provide them incentives and training to develop clinical teaching in law schools. Each faculty should also have a curriculum committee that will continuously review the content and methods of every subject with a view to update the syllabus, based on experience gained. Efforts must be concentrated on making law studies intellectually stimulating, socially relevant, and professionally significant. Law faculties must extend institutional support to teachers who are willing to innovate, experiment, and provide leadership to change.

Faculty Development

There is a felt need for some organized thinking on faculty selection, faculty tenure and service conditions, and faculty improvement schemes. Ultimately, academic excellence is the product of concerted efforts on the part of teachers and students. Today, there is a serious problem of lack of good teachers. Neither an LL.M nor a Ph.D. degree necessarily makes a good teacher. Years of experience also do not make a good law teacher unless that experience is grounded on experimentation, endeavor, and creativity. Requiring a young lecturer to teach with an experienced teacher for a couple of years or spend a semester as a visiting scholar in a reputable law school under a proper scheme is a productive method of faculty development.

Even senior teachers need continuing education and exposure to different models of instruction. Periodically attending academic con-

ferences and workshops (e.g., Academic Staff College Refresher Courses held at the instance of the UGC) periodically and having exchange programs with other institutions are relevant in this regard. Giving rewards and recognition is likewise a positive strategy. Having a core team of teachers who are motivated, enterprising, and willing to learn and improve constantly is crucial in implementing long-term improvements in legal education. Mere reform of the curriculum will not change the system.

It is worth noting that some outstanding clinical law professors in Bangladesh shepherd the system despite the lack of adequate support from universities and the Government. The Law Commission reports that the clinical programs introduced under support from Ford Foundation in the mid-1990s at the Dhaka and Chittagong universities yielded encouraging results in this direction. The fact that a large number of active NGOs are associated in using the services of law teachers and students of certain universities like Dhaka is another encouraging example of experience-based learning available to law students.

Teaching Materials and Resources

The main function of legal education is to teach how to find the law and apply it to solve problems. The objective is not so much to teach the text of the law as it is to train students in analytical thinking and application of the law when confronted with actual problems. This means that study materials should be intellectually engaging and professionally challenging. The basic materials for law study are either statutes or cases. These must be part of the reading materials used in all instructional activities. Use of commercial textbooks should be minimized; teachers should try to make their own reading list instead.

Since the case/problem method was introduced in legal education, several law schools in different countries have adopted the practice of compiling and editing selected cases with introductory notes and discussion issues for use of the students at the beginning of the term. The materials include excerpts from law reports, legal periodicals, and even from non-law materials to give social context education. Thus developed a series of study materials called "Cases and Materials" in different subjects which the teacher constantly revises and supplements. Their impact on the quality of education was indeed remarkable in countries such as India which used to follow only the traditional lecture method. Pending the development of cases and materials by law teachers them-

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selves, Bangladeshi law schools can selectively adapt the materials in other jurisdictions as regards the subjects that are common in content and are cited in Bangladeshi courts and tribunals.

It is desirable to have a series of orientation training workshops for law teachers who are not familiar with the case method. Perhaps the Bangladesh Law Teachers' Association can undertake the task with assistance from the Bar Council, the UGC, and donor agencies. Initially the case method can be used in subjects of public law and in foundation courses like Torts and Contracts. Coupled with clinical teaching in procedural subjects where students get a taste of lawyering, one can expect changes in the quality of instruction, pending curricular changes and other reform measures that require substantial resources.

Examination and Assessment Techniques

In all countries in the subcontinent, there have been problems in the method and conduct of law examinations. In fact, in some places it even raised law and order issues which led to policemen substituting teachers as invigilators. In many places, mass copying became rampant and cheating became common practice. To a large extent, these problems are traceable to the way law is taught (examination-oriented rote learning on principles), the manner in which questions are set (descriptive rather than analytical, memory-testing rather than problem-solving capacity testing), and the practice by which marks and credits are awarded. For legal education to improve, the method of assessment of student performance has to change radically.

First, a system of continuous evaluation should be put in place, according to which the student must be assessed at least twice every term. The better practice would be to divide the total marks into project work (on pre-assigned topics, which the student can prepare and present over a 2-month period, for which the teacher may give guidance), mid-term and end-term written and *viva voce* examinations. Some credit can be given to full attendance in classes and participation in co-curricular activities.

Second, the questions should be in the form of problems based on cases discussed in class, where the student is called upon to apply learning and critical thinking. The students may be allowed to consult Acts and law reports in answering the problems. This will reduce the tendency to copy during examinations. It is not necessary to have too many questions to assess the extent

of learning if these are in the form of problems. For testing textbook knowledge, another set of short-answer questions or multiple-option questions can also be included. Some of the best answers may be displayed in the library to give the students an idea of what the teacher expects in the matter of awarding marks. This will also reduce the subjectivity on the part of the teacher in marking examinations. When the system is thus institutionalized, universities may allow the teacher to formulate her own set of questions, evaluate the answers, and declare the results within a stipulated time. A grievance committee consisting of a few senior teachers can act as an appellate forum to quickly give remedies including re-evaluation in extreme cases. This would encourage objectivity and provide accountability on the part of the teachers.

In clinical subjects, the evaluation system needs to be broad-based and adaptable to the structure of the course and the way it is taught. In most places, students are informed in advance about the manner of grading their performance. Further, a committee of teachers, including teaching assistants/tutors may be entrusted to study and report the gaps and improvements needed in the system at the end of each academic term, so that the system is perfected and integrated with teaching plans, making it less dependent on the discretion of an individual teacher. When the examination system is thus revised, law schools can try to develop a question bank consisting of problems based on case law and new legislation. This would assist inexperienced teachers in preparing well-balanced problem-type questions intended to test specific abilities of the learners.

The grading system should also be revised. The modern approach is to substitute "grades" in place of numerical marks. The cumulative status is determined in a seven-point scale in which "O" will stand for Excellent or Outstanding, "A+" will

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indicate "Very Good," "A" will stand for "Good," "B+" will stand for "Fair," "B" for "Average," "C+" for "Pass," and "C" for "Fail". This change will help moderate to some extent individual variations in evaluating the subject by different teachers and reduce educational wastage by limiting the "fail" category to extremely hopeless cases. The system of first class, second class, and third class does not reflect the relative merit of students and needs to be abolished. In its place, a system of distinction, pass, and fail can be established to reduce the disproportionate importance now being given to examination marks in the scheme of higher education.

To conclude, it should be pointed out that universities and their faculty also have social obligations to disadvantaged and underprivileged students. There is a section of students in developing countries who are first-generation learners who never had an opportunity to attend reputable schools and could not acquire English language communication abilities. Teaching faculty in universities should be aware of their presence in the class and take affirmative action to empower them with intellectual and communication capacities. As a large number of this type of students are present in law schools, legal education should also be able to address the problems of the weaker sections of the student community.

The law school can take several measures to meet the special needs of the weaker sections. These students should be identified during their first year and assigned mentors from among teaching assistants/research fellows/LL.M students. There must be special moot courts and similar co-curricular programs organized to motivate and encourage them get into the mainstream to eliminate fear and inferiority complex. If their

numbers are too large, they can be divided into sections. Some universities hold bridge courses before the commencement of regular classes. If individualized efforts are taken in the very first year of the LL.B program, they will be able to cope in later years with marginal support.

Faculty assessment at periodic intervals through an objective, transparent, participatory procedure is another desirable step to improve the quality of education. This can be done in several ways. First, an agreed system of self-assessment must be established in which every teacher should be asked to report the academic activities during the year, research completed, other support services rendered, innovative work undertaken, and other accomplishments. Widely respected senior teachers, including an external element preferably from the Bar Council, may subject the report to peer review, and the result given to the teacher concerned for information.

Yet another method of faculty assessment is to ask the outgoing students of a class to rate their teacher's work on a preconceived questionnaire. This may carry questions on the teacher's preparation, punctuality, helpfulness to students, use of materials, willingness to accommodate questions in class, style of teaching, and other relevant matters. The responses shall be anonymous and made available only to the teachers concerned after the semester.

Language Skills and Legal Education Reform

Unlike students in England and the United States, students in developing countries are saddled with a language handicap that the law school needs to address. An average Bangladeshi law student has to be proficient in at least two languages, Bengali and English, both of which are used in law making, legal transactions, judicial proceedings, and legal reporting. Thus, a student who studied in the vernacular is either shut out from professional law education or is put under the heavy burden of improving his/her English language competence during law school to be able to understand English law books and Supreme Court decisions. Therefore, teaching legal English in one or two compulsory courses in the first 2 years of the LL.B curriculum is prudent. Translating documents from English into Bengali and vice-versa can also be a good method of developing language skills necessary for the lawyer to work in a bilingual environment. In view of the trend toward computerization of legal and judicial work, it is also desirable to consider whether basic computer

knowledge can be prescribed as an eligibility requirement for admission to law school. Thus, a working knowledge of English and computer use should be made eligibility requirements for admission to professional education in law.

The LL.M Degree Program

The specific objectives of the 1-year LL.M program are not clear. If the program is intended to prepare law teachers and law researchers, the course structure and duration should be different. If the purpose is to provide advanced study in one or two subjects, it is insufficient. The LL.M program must be restructured in such a way that it enhances pedagogic and research skills that a good academician must possess. In other words, at least one stream of the LL.M program should be specifically directed toward preparing future teachers and researchers in law. Admission should be limited to 20 or 25 students in each department based on aptitude for advanced legal studies and interest in an academic career. Programs with a different nomenclature like master of civil law or master of business laws could be provided to LL.B degree holders who wish to pursue further studies.

The revised specialized LL.M may be for 2 years. The first year can be devoted to lecture courses and the second year to writing a thesis on a chosen topic to acquire expertise in legal pedagogy. Universities and colleges may be persuaded by the UGC to make the 2-year LL.M degree as the eligibility requirement for lecturers. The first year of the LL.M program (two semesters) can have at least eight courses of which 50% may be required courses and the rest elective. The required courses may include a paper on comparative legal theory or major legal systems, a paper on legal history including the history of legal education of Bangladesh, a paper on law and development/social change, and a paper on comparative constitutional law and/or international economic law. The other four papers may be chosen from the subject areas in which the candidate wants to specialize.

The second year is to be entirely devoted to two tasks—acquiring skills of teaching and writing a dissertation based on socio-legal research. Teaching skills can be organized by putting the student under the tutelage of a senior teacher, assisting the latter prepare the syllabus, assembling the reading materials, setting the question paper, and evaluating answers under supervision of the senior teacher. If the senior teacher finds it proper, the student can co-teach a first-year law

The LL.M program must be restructured in such a way that it enhances pedagogic and research skills that a good academician must possess. In other words, at least one stream of the LL.M program should be specifically directed toward preparing future teachers and researchers in law.

subject. He or she should also organize moot courts and other co-curricular programs, prepare students for competitions, and be involved in the legal aid clinic and in the law journal. In all these activities, performance should be evaluated and given grades.

The dissertation should be on the subject in which the candidate offered specialized optional papers in the first year. The topic of research should preferably be chosen during the first year so that thesis formulation and research can be started early. The candidate should be asked to give at least two seminars on the topic in which faculty members should be present to offer suggestions for producing a publishable research thesis. An exceptional student can also administer a seminar course as part of the LL.B optional curriculum. The faculty should be able to certify candidates on successful completion of the program as LL.M with specialization on particular subjects. It is even desirable to give successful candidates an M.Phil. degree at the end of the second year, if the 1-year LL.M degree cannot be abolished.

Unless the departments of law of leading universities like Dhaka, Chittagong, and Rajshahi initiate a serious LL.M/M.Phil program directed to train competent teachers of law, improving the quality of legal education in the increasing number of law teaching institutions in the country would be difficult.

Establishing a Center of Excellence

The Need for a Center of Excellence in Legal Education

The need for a center of excellence in legal education is universally felt in the legal community. One way of answering this need is by restructuring existing institutions such as the law departments at Dhaka, Chittagong, and Rajshahi. An alternative is creating, through legislation, an autonomous

university with a mandate to act as a pacesetter on legal education reforms and produce at least a hundred globally competitive law graduates every year. Such a model national law school should have complete freedom to design its own courses, admit students, fix the fee structure, select the teachers, and decide on their service conditions. The National Law School of Bangalore is an appropriate model in this regard. This can be done in the public sector or in the private sector or as a joint venture of the two. Whereas there is no unanimity as to which option is more beneficial, majority subscribe to the double-track strategy of setting up an independent model national level law university and at the same time pursuing incremental reforms in the established centers of legal education.

Options to Restructure Legal Education in Established Universities

One option is a legislative strategy recently adopted in certain states in India (Tamil Nadu and Karnataka) wherein the entire legal education within the existing institutions (public university departments and private colleges/universities) was brought under a proposed law university that will be responsible for affiliation and accreditation, setting standards of instruction, curricular reform, examination, and recognition of degrees.

The law university will evolve norms to ensure equal access to legal education and penalize erring institutions through disaffiliation of colleges and de-recognition of degrees. It will conduct the entrance test for law school admission in both the public and private sector institutions and prescribe the minimum qualification and the number of students to be admitted to each institution based on facilities and resources. The law university will conduct the final examination (leaving internal assessment to individual colleges based on agreed norms) and declare the results promptly. The final LL.B degree can be conferred

either by the law university or the teaching university concerned.

Such a system would provide uniformity in standards, facilitate implementation of reforms at periodic intervals throughout the country, control the admission process and make it more efficient, and provide an accountability mechanism for educational institutions through an accreditation system. Needless to say, such a system may invite opposition from existing universities, but such opposition can be contained so long as these universities remain solely authorized to provide legal education and confer degrees. The new law university need not be a teaching institution; it may be an examination and accreditation body where policies are developed in response to national needs, public interests, market demands, and professional requirements.

The second option to restructure legal education in existing universities is to recognize selected law departments as advanced centers of legal learning eligible for special assistance from the Government based on performance. A committee can be created to advise, monitor, and recommend appropriate grants for achieving stipulated results over a 5-year period. A legal education committee has to plan and approve the program. Admissions would have to be selective and limited. To determine the parameters of the selection process, interested universities may be required to submit initial proposals.

Establishment of a Center of Excellence in Legal Studies

It should be emphasized that the objective is not to establish yet another law department or college but to create a unique, world-class center for experimentation and creative innovation. The proposed center will be a pioneer in reforms and influence the course of legal education in the country. In the process, the legal profession will improve, access to justice will be enriched, the judiciary will be able to attract better talents, specialized legal services will become locally available, and the quality of governance under a rule of law will get the desired momentum.

In terms of budgetary requirements, the initial requirement is 30–40 acres of land and taka (Tk)600–750 million for construction of infrastructure. For the land requirement, the Government can lease a suitable place in the city suburbs. On the other hand, the cost of education would amount to roughly Tk70,000 per student per year, based on the experiences of the National Law Schools of Bangalore and Kolkata. Assuming

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that there are 500 students (100 in every class of the 5-year program), the total cost of organizing instruction will amount to Tk35 million. The annual budget, including expenses for post-graduation, research, and extension activities, will be roughly Tk50 million. If the tuition fee charged from students every year is fixed at Tk50,000 per year (or Tk250,000 for the entire course), the annual collection by way of tuition fee will be around Tk25 million or 50% of the budgetary requirements. The balance can be addressed by seeking government grants, sponsored projects, private endowments, or foreign support. When the institution has established a reputation for providing quality education, fees can be increased as high as those in private universities (i.e., Tk400,000 for the entire course). Ultimately, the institution should become financially self-sufficient.

The most important step in establishing a center of excellence is selecting a capable director by a search committee composed of distinguished academics, lawyers, and judges chosen by the Chief Justice of Bangladesh who shall be its chancellor. The search committee may also be asked to recommend a panel of 15 to 20 outstanding teachers. Once the team composed of the director and 12 faculty members is identified (though not yet appointed), they must join a week-long residential retreat in which the project proposals would be thoroughly discussed and their individual and collective views gathered. The purpose is to make them claim ownership of the project, assess their individual commitments, reservations, and expectations for the work ahead, and understand each. None of the members shall have a permanent appointment. Their appointments should be under a contract, the terms of which may vary and for a maximum period of 5 years at a time. The contract may be renewed by mutual agreement for another 5 years. The proposed scheme has been introduced in the national law schools in India and is understood to be working reasonably well for both parties. Incidentally, this should also be the norm in selecting and appointing personnel for administrative services.

The next step is recruitment of highly competent, motivated teachers who are willing to learn and unlearn, work as a team with uncompromising zeal and dedication, and prepared to make personal sacrifices for the larger cause of building an institution of higher learning. In addition to this, the institution must maintain an efficient staffing and management system. The academic-administrative personnel ratio should be balanced to avoid unnecessary bureaucracy and simply

focus on improving the quality of education offered. With 100 new students admitted every year, it is advisable to have between 30 to 40 regular teachers and an equal number of administrative personnel.

The flagship program could be a 5-year B.A., LL.B (honors) degree. It will admit 100 students on competitive merit determined through an admission test nationally conducted in Dhaka and a few other cities. The eligibility for admission can be a passing mark in the higher secondary examination (intermediate) with English as a compulsory subject. Knowledge in the use of computers is a desirable qualification. A certain percentage of seats may be reserved for women, the disabled, and other weaker sections not adequately represented in the legal profession and in the judiciary. The selection process should be transparent, participatory, and free from external influence.

Classes should start every year on an appointed day with an orientation program for new students. The academic year should be divided into two or three teaching terms for purposes of organizing the curriculum and academic schedule. A trimester system is advisable although it makes heavy demands on teachers. The trimester system, which is followed at the National Law School of Bangalore, would keep teachers and students engaged almost 10 months in a year. During the 2 months of summer vacation, students would be on field placement with NGOs,



The legal education system in Bangladesh is still a remnant of the system during colonial rule, resulting in a great disparity between constitutional aspirations for the legal system and the educational system's performance.

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law offices, and corporate houses learning specific skills related to different types of legal and law-related works. This would cultivate work ethics that would adequately prepare them for the rigors of legal practice.

The B.A., LL.B (honors) degree program could be divided into 15 trimesters or 10 semesters. If five papers suitably developed into manageable modules are assigned to each term, the trimester system can take as many as 75 papers (subjects) and the two-semester system can take 50 subjects allowing enough scope for 20 to 25 optional papers in the LL.B curriculum. In this scheme, certain subjects can be divided and taught in two or more terms allowing thorough study of the topics involved. The teacher can modify the syllabus as is found necessary after every term. Visiting scholars can teach part of a course and the credits for that course can be apportioned accordingly. If part of the course is to be taught in an institution outside the law school, it can also be organized for appropriate credits and added to the rest of the courses taught in the law school. Flexibility

and variety involved in the structuring and management of the trimester/semester system will maximize learning opportunities.

Field placement with organizations or law offices for 2 months during the summer vacation every year is an excellent medium for experiential learning. It exposes students to the operation of law and its limitations. It equips them with skills to make responsible and correct moral judgments. As such, the law school should coordinate with NGOs, government departments, lawyers'/judges' chambers, prosecutorial departments, and corporate enterprises for apprenticeship of students on a rotation basis. This would afford every student 10 months of field experience that could give him/her the confidence and capacity to handle independent work upon entering the profession. They can also share their learnings in class for the benefit of other students.

Aside from academics, students should also be encouraged to engage in cocurricular and extracurricular activities. Such activities cultivate creativity, intelligence, and capacity for hard work. As such, sports and games, arts, and music should become a compulsory part of the law curriculum. Similarly, the practice of debate, moot court, mock trial, and essay writing should be part of the training. This would develop a student's full potential that would lead to excellence.

In conclusion, it is clear that existing legal education in Bangladesh does not sufficiently respond to the needs of law students, legal professionals, and the nation at large. There is no mistake that further delay in implementing the legal education reform agenda would be deleterious not only to the legal and judicial system but to national interests as well. It is therefore imperative that the reform process commence soonest.