

""What Pro Bono Lawyers Could/Should Do to Promote Linguistic Justice & Diversity; Bangladesh Case Study""

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Bangla Language as a philosophy

- The State Language of the Republic is Bangla. (Article 3 of the Constitution)
- We fought for our mother tongue to be Bangla on 21 February 1952.
- Students and the protestors laid down their lives for Bangla language.
- They have been given the status of a martyr in Bangladesh.
- The celebration of the International Mother Language Day was an initiative taken by Bangladesh.
- Following which the UNESCO announced 21 February to be the International Mother Language Day on 17 November 1999.
- It was formally recognized by the United Nations General Assembly with the adoption of UN resolution No. 56/262 in 2002.
- The language movement is very close to our heart and we are proud as a nation to be able to speak in Bangla.

Languages used in Education

- Previously, starting from the British Raj to the Pakistan period, the medium of instruction in education has faced heavy influence of English in the cities.
- In Pakistan period Urdu and Bangla were chosen as vernacular.
- After the independence, both English and Bangla education stream got their own motion.
- The Madrasa Education also got introduced where Bangla and English are taught as any other language courses. Arabic is given more emphasize.
- After graduating from English or Bangla or Madrasa education stream one can choose their University level legal education in Bangla or English language.



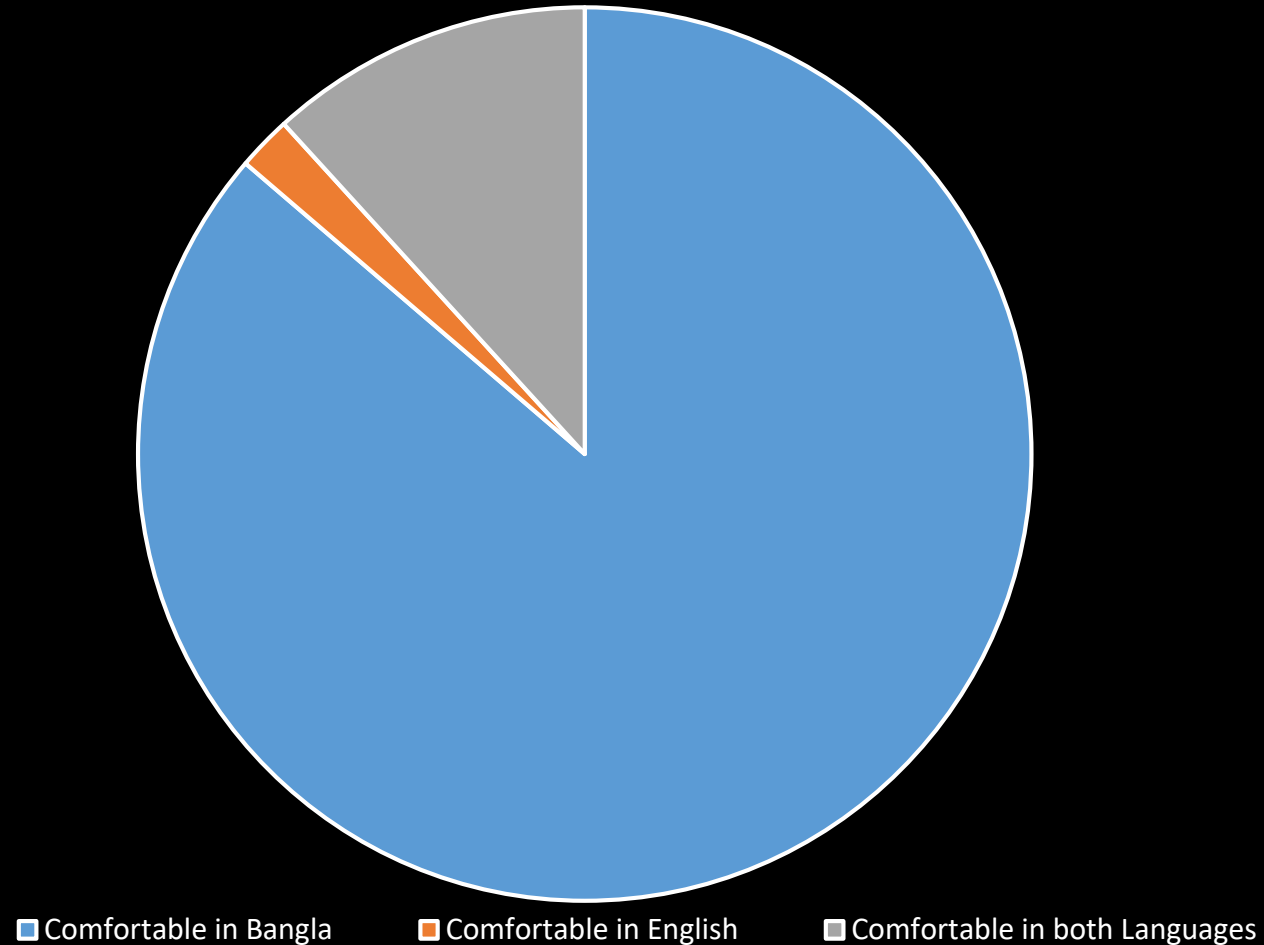
Legal Education Structure in Bangladesh

- Typically the Law degree is granted through an undergraduate level Honours degree which consists of four years of study.
- Bangladesh has two different structures of legal education.
- One is provided in English language: where starting from the examination questions to answer scripts to results, transcripts and certificates are provided in English.
- The other one is provided in Bangla language.
- However, the teachers mostly explain in Bangla no matter the medium of instruction. Also, it is a classroom based education.

Languages used in the Legal Education

- The Universities which use English as a medium of instruction has to set their questions in English and students has to appear in the examination using the English language as well.
- It is irrelevant in terms of a student's understanding of the language.
- However, in some public Universities students can choose the language in which they want to appear in the examination and be evaluated.

Which language of instructions are the student's comfortable with?



Student's Choice in Languages

- The poll was conducted among 51 students.
- Among them 44 said that they are comfortable in Bangla language in terms of reading the laws and also while appearing in the examination. This consists 86.28% of the total students.
- 6 students said that they are comfortable in both languages. That consists of 11.76% of the total students.
- And only 1 student said that she was comfortable in English consisting only 1.96% of the total number of students.
- This one student was schooled abroad and was never taught Bangla.
- She came back and learnt Bangla in order to study law in Bangladesh.

The Core Laws in Bangladesh

- In Bangladesh, we are still following the age old British Laws that were drafted when the subcontinent was under the British Raj.
- The Penal Code, 1860
- The Code of Criminal Procedure, 1898
- The Code of Civil Procedure, 1908
- The Limitation Act, 1908
- The Specific Relief Act, 1877
- The evidence act, 1872
- Without much amendment to the proceedings and languages the Court proceeding remains the same as British Raj mostly.

The Court Languages

- The court language is Bangla.
- The oral proceeding and the trial proceedings are in Bangla mostly.
- However, the Supreme Court Judgements are generally written in English.
- The laws are enacted in Bangla and there are official translations for the age old English statutes which are still in force.
- However, the Law schools do not use Bangla text books or assess their students in Bangla where the medium of instruction is English.
- Lower Court matters include a heavy use of Persian and Arabic jargons. Those are not taught in law schools either.

The problems

- The legal education in Bangladesh is a mix of Bangla and English language where students are comfortable in using Bangla.
- The courts use the Bangla language in the proceedings.
- The problem lies with the textbooks, the colonial influence and with non-interaction of the students with real world problems.
- There are not enough textbooks in Bangla which can be used as reference while studying the core laws.
- The colonial influences are still there which requires a student to study in English to be accepted in the Global job market.
- The poor clients who are in need of pro-bono services are also comfortable in Bangla.
- There is a significant dearth of law clinics and street law programs in the law schools.
- I myself has faced these problems as a student and currently facing it as a law teacher.

Pro-bono Lawyers Role

- The pro-bono lawyers should advocate to use either Bangla or English language in the legal education system in Bangladesh.
- There are examples of court ruling in using Bangla language in the Courts. Pro-bono lawyers can initiate Court proceedings to ensure a common language in legal education.
- Pro bono lawyers should encourage young lawyers to provide pro-bono services in their local dialect (when needed).
- They should advocate to establish a uniform system regarding pro-bono services to ensure the preservation of Bangla as well as local dialects.

Short-term Solutions

- The solutions are two fold: short term and long term.
- In short term solutions: the law schools must start legal clinics and street law programs in order to mitigate the language barrier among the students and the text books.
- The law clinics should focus not only in associating the students with the local community, but also train them up so that they themselves can mitigate the mixed language issue in legal education.
- The Law schools should introduce mandatory street law programs. Again, the street law students should be trained in a way so that they can resolve this language issue for the trainees.

Long-term Solutions

- The long term solutions should focused on the reform of legal education.
- The reform should consider introducing new curriculum and make the legal education of a five years law degree. This can be done under the Law Universities as has been introduced in India.
- Also, the reform may introduce the Law degree to be of a second Bachelors degree as it is in the North America.
- In any cases of reform, the language has to be set into either Bangla or English.
- The Court language has to change according to the legal education language.
- The age old Statutes has to be changed.
- In all cases, National level policies should be introduced regarding this and should be strictly implemented.

**** Thank you ****