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Nature of the Non-Government Legal Aid Service in Khulna, Bangladesh: A Socio-Legal Analysis

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ABSTRACT: Khulna is a Divisional City as well as a District of Bangladesh. This research is based on legal aid service in Khulna which is provided to the poor and destitute people by the non-government organisations. In case of providing legal aid, those organizations have their own style or nature, success and failure or limitations. This research is an endeavor to find them out with their actual scale. By nature, the entire legal aid activity is comprised of free legal counseling, litigation, Alternative Dispute Resolution (ADR), building awareness among the mass people, rehabilitation programs, legal and human rights education to the poor, capacity development of poor women, students, leaders and officers, social empowerment of women etc. No doubt, people are being helped a lot with these programs. Ultra poor and vulnerable people are having their justice. Their human rights and social security are being ensured. People's faith on law and justice system is regaining.

KEYWORDS: Legal Aid, Litigation, ADR, Counseling, Human Rights, Rehabilitation, Capacity Development, Social Empowerment etc.

I. INTRODUCTION

Legal aid means to provide free legal assistance to the poor who are not capable of arranging their legal expenses by themselves. The term 'Legal Aid' includes legal advice, assistance and representation for victims and for arrested, prosecuted and detained persons in the criminal justice process, provided free of charge for those without means. Furthermore, 'legal aid' is intended to include the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice process¹. A good number of NGOs are providing legal aid in Khulna at present. The non-government legal aid service is little bit different by nature from the government legal aid service provided in Khulna. NGOs are innovative and practical regarding their service of legal aid. The first difference is that NGOs are not stuck up with any type of statute or law like the LASA 2000². They can follow and implement their own strategy in case of providing legal aid. Secondly, NGOs choose their legal aid receivers as per their own objects. Most of the NGOs are trying to provide legal aid to all the people. But some of them are providing legal aid only to the women and children; some are providing only to the victims, some are helping to the poor prisoners etc. Beside the regular legal aid service, some NGOs are providing education about different law and rights to the ultra-poor, rehabilitating the prisoner and poor victims, creating awareness among the elites, poor and students of various stages. They are working in the field of free legal assistance with multidimensional approach. They are discovered below:

II. LITIGATION

Litigations are the last weapon to ensure someone's lawful rights. So, the NGOs have given a huge priority for receiving and conducting various types of litigations in Khulna. Legal aid providing NGOs are independent and self-motivated organisations. As mentioned above, they frame, follow and implement their own strategies. It's also followed in case of receiving and conducting different types of cases and suits. Every NGO has its own distinct policies regarding litigations. After a close observation on litigation policies of the legal aid providing NGOs of Khulna, it is found that there are some policies which are common among all of them. But there are some litigation policies also which distinguish them from one another. One of the common policies is that, no NGO has any income limit like the government legal aid service to select and provide legal aid to the poor and destitute receivers. If the NGOs are satisfied that the aid seeker is a poor and helpless people, they provide legal aid to that person. In most of the cases the NGOs stand by the poor and vulnerable people from the lower court to the apex court. Different types of cases and suits are

¹Principle No: 6 of Part I, 'Draft UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems'

²Legal Aid and Services Act 2000

dealt by the NGOs under their legal aid scheme. Among them, 90% cases relate to maintenance, dower, dowry, domestic violence and restitution of conjugal rights etc. and in most of the cases women are found as the victims. The other cases relate to recovery of money, kidnap, sexual harassment, land related civil suits, acid throwing, rape etc. Most of the poor litigants come from the urban areas such as from Khulna city and its surroundings. Rural people also come for free legal assistance but they are less in number due to their ignorance of legal aid service and lack of awareness about their rights. In case of urban litigants, people come from different slums like Chanmari, Soto KhalPar, Notun Bazar, Bastuhara, Greenland etc. of Khulna Metropolitan Area. The rural litigants mainly come from different villages of Rupsha, Koyra, and Paikgasaetc³.

When a poor litigant comes to an NGO, it pays heed to that person at the very beginning. If the problem is found with proper lawful ground, the NGO collects the relevant documents and looks forward to solving the problem by mediation (also called ADR) if it is possible as per law. If the problem is not solved through mediation, the concerned NGO enters into the litigation process. In this case, if the concerned parties fail to produce the relevant documents due to their own incapacities, NGOs help them to collect the documents. Most of the legal aid providing NGOs of Khulna has their own panel of lawyers not only for Khulna but also for Koyra⁴ and Paikgasa⁵ Chouki Court. In Khulna, all the NGOs are donor based for providing legal aid. Only BRAC partially uses its own fund simultaneously with the donors for providing legal aid. Some problems are inherent for donor base legal aid service. Donors are not available all the time. They provide fund for a fixed time. After the time is expired or donors stop funding due to any cause, the project will be stopped which creates an uncertain and risky situation. Most of the time the donors have own choices or target people. They provide funds only for aiding their targeted people, not for all. This is why; different NGOs are providing free legal assistance to different types of people. Such as, in Khulna BNWLA provides legal aid only to the women and children. It does not provide legal aid to any man. BRAC does not provide legal aid to the accused because it's out of their official decorum. BLAST provides legal aid to the men only in the civil suits, not in all the cases or suits. BLAST also takes special care of the poor and helpless prisoners. It finds out those prisoners and helps them by free legal assistance as per their necessity concerning their legal problems. Another barrier is that most of the legal aid providing NGOs of Khulna is authorized to take and conduct a limited number of litigations by their Head Offices due to shortage of funds. This type of policy actually creates barrier for an extensive legal aid activity. Sometimes it is found that one or two NGOs have been stopped with all its activities due to the banning of funds from the donors. A five (5) years (2011-2015) litigation chart of the visited legal aid NGOs of Khulna is given below:

III. ALTERNATIVE DISPUTE RESOLUTION (ADR)

ADR (Alternative Dispute Resolution) is practiced by all the leading legal aid providing NGOs in Khulna. It has become a very important and effective tool of free legal assistance. ADR is a modern system through which NGOs try to solve any lawful dispute among the concerned parties by mutual understanding without filing any case or suit in the court of law. It protects from unusual cost & time consuming, harassment and creates peaceful environment among the concerned parties as well as in the society. In Khulna NGOs conduct ADR daily⁶ and weekly⁷ basis. This depends on the official policies of those organizations. When any poor litigant comes to an NGO for free legal assistance, it suggests and tries to solve the dispute through ADR at the very beginning. General practice is, most of the NGOs make ADR every day in their offices in Khulna. But this schedule changes when the quantity of ADR is increased. In such situations NGOs like to fix a specific day with a day long program for conducting all the ADRs. BRAC has 'Legal Aid Center' in all the Upazillas of Khulna and it arranges such type of day long ADR camping in those centers when it is necessary due to over pressure of cases or other relevant causes⁸. It will be a misconception if we think that only the poor and destitute people come to the NGOs for ADR. Now a days the rich and elite people of the society also come to these NGOs to solve their problems through ADR. In such cases most of the disputes relates family issues⁹. One thing is worth mentioning here that NGOs face no limitation from their higher authorities for making ADR which they face in case of filing cases or suits. Because it requires no money and a short time to reach the final decision. This may be one of the reasons for the increasing interest in ADR process for solving the disputes among the concerned parties and the

³ Information given by Adv. HamidaLaila Khan, *Divisional Head of BNWLA*, Khulna on 21.01.2016

⁴ An Upazilla of Khulna

⁵ An Upazilla of Khulna

⁶ BLAST, BRAC, BNWLA make ADR on daily basis

⁷ When the number of ADR increases, BRAC arranges ADR in a fixed day of the week in the concerned

⁸ Information provided by Shankar Roy Chowdhury, Staff Lawyer, Human Rights & Legal Aid Services, BRAC, Khulna, on 15.02.2016

⁹ Information provided by Adv. HamidaLaila Khan, *Divisional Head of BNWLA*, Khulna on 21.01.2016

NGOs. Na TA/DA is also provided while the parties come to the NGOs for ADR. Most of the legal aid providing NGOs in Khulna has well trained officers who arrange and make ADRs in the office premises. In case of making an ADR, if the concerned parties are not satisfied with the resolution, they can go to the court and file a case or suit on the concerned issue.

IV. COUNSELING

Counseling means providing guidelines to the people that what they should do in a specific legal problem. It is an integral part of free legal aid service. Providing counseling is one of the primary responsibilities of each legal aid providing NGOs in Khulna as well as in our country. In most of the cases, the legal aid procedure starts through counseling to the poor and destitute justice seekers. Counseling is an open and available opportunity for all. Not only the poor, has anyone can come for legal counseling if he feels that it is necessary for him. In this case, nature and number of the clients is not a barrier. For an example, BNWLA provides legal aid only to the poor women and children. But it provides free legal counseling to all types of people in Khulna whether they are poor, rich, men, women etc. Other NGOs of Khulna like BRAC, BLAST also provides counseling for all the people. The number of clients for counseling is a huge one. That's why NGOs don't preserve the data concerning the number of the clients. But it is found that most of the clients are women and the problems they come for mostly relate to dowry, dower, restitution of conjugal rights, guardianship of children, domestic violence etc.

V. HUMAN RIGHTS & LEGAL EDUCATION

Generally legal literacy means learning the theoretical and practical knowledge of law. It's a method through which legal education is given to the mass people to make them aware about their rights. A common thinking is that every citizen needs to know laws. It is very easy to maintain the 'Rule of Law' and democracy in such a society where mass people are aware about the general rules of law and judicial system. The fact is, a certain degree of legal literacy is required for effective participation in a modern society, but it is not necessary for the average citizens to reach the professional standard of thinking like lawyer¹⁰. Basically, on the basis of theoretical and practical analysis, it can be said that legal literacy is a method through which mass people are taught about the necessary legal issues of their daily life. This can be either theoretical or practical. The main object of this is to make the citizens aware about their legal rights, responsibilities and duties.

In Khulna, among all the legal aid providing NGOs only BRAC has been providing free legal education for creating legal awareness among the mass people since 1986. It has named this initiative as 'Human Rights and Legal Education Program' and only poor and destitute women are provided education under this program. This program can also be treated as an indirect legal aid service. Through this program, BRAC is trying to aware the poor and destitute women as well as other people of the remote areas of the whole Khulna district about their various legal rights and duties. In this case only those laws are selected to be taught which are closely related with the daily life of those remote people. The laws are Muslim, Hindu and Christian Succession Laws, Criminal Law & Civil Law, laws related to dower, dowry, restitution of conjugal life, divorce etc. This legal education program is designed in a common academic format. Twenty five (25) ultra-poor women are selected in every batch and they are taught the above mentioned laws in 12 consecutive classes. Those participant women are advised to inform the rules and laws to their husbands and other members of their families and society. For this program, only the women have been selected as the participants because in our country, especially in the remote areas women are victimized in a great proportion. During the class time they learn about their various rights as a daughter, wife, woman and a citizen. They are also taught that how they can protect their rights and can have free legal assistance from government and non-government organizations in Khulna? After the completion of all the 12 classes a committee is formed named as 'Odhikar Bastobayon Committee' including three (3) of those women participants who are influential in their society and have a good capacity of understanding. These three (3) members are responsible for building awareness in their areas about child marriage, dowry system, domestic violence etc. Beside this, they are also responsible to inform BRAC About some violent issues like acid throwing, rape etc. and later BRAC initiates proper steps on behalf of the victims of those occurrences. For this reason BRAC provides additional training to the selected members of the 'Odhikar Bastobayon Committee' in its office by arranging different workshops and taking them in the local Kazi Office, Union Parishad Office, Tahshil Office etc.

¹⁰Uddin, Md. Jasim, 'AingotoShohayotaBabostha : Bangladesh O AntorjatikPrekhhit', ManusherJonno Foundation, Dhaka, 2015, p 33

VI. REHABILITATION PROGRAMS

At present, rehabilitation has become an extended part of the legal aid service. We know that providing legal aid is a humanitarian service and rehabilitation fulfills this sense of 'Humanitarian Service' actually. In some cases it is found that a victim cannot lead a normal life like the other people of the society though he has been provided with proper remedy through legal aid procedure. Such a situation can be created when an accused of a criminal case has been imprisoned for a long time. An accused remains completely detached from his family, friends and other close people for a long time till the completion of the major portion of the case from the time of arrest. Sometime it is found that a convicted person cannot be frank or relate to his family, friends or society after coming back from the jail. When a poor man or a laborer is imprisoned for a long time, it influences negatively on his profession and life. They cannot find any job after coming back from the jail due to lack of money. In the developed countries such situational victims get rehabilitation along with free legal assistance. The concept of rehabilitative legal aid is very important in the socio economic context of Bangladesh. In Khulna, the government legal aid service doesn't provide any type of rehabilitation but most of the legal aid providing NGOs offers this service. Some NGOs are rehabilitating the poor justice seekers as a part of their regular activity and some are doing as an optional one or if it is needed, or if the budget supports it. BNWLA has included rehabilitation as one of its regular programs. This organisation mainly rehabilitates the rescued trafficked women and poor women who came for having justice. It provides training to those girls on tailoring including block and batik printing, parlor management etc. Not only this, after the completion of the training BNWLA provides sewing machine, cloths and bobbins to those trained girls¹¹. BRAC's rehabilitation to its legal aid clients is not a regular program. It only rehabilitates in an extremely essential ground and in a smaller scale. Sometime BRAC provide cow and goats from its 'Ultra Poor Program' to the extremely poor and destitute legal aid seekers or victims but these are given in a very narrower scale¹². BLAST doesn't have any rehabilitation agenda directly in its official decorum. But it can arrange skill development projects for the poor and helpless prisoners under its IRSOP prisoner project if it feels necessary. But no such project has been launched in Khulna so far¹³. Though some NGOs are offering rehabilitation as a regular program but they take legal aid is their first priority. If the rehabilitation issue is more prioritized and a better budget is allocated the poor mass will be more benefitted and legal aid program will turn into more fruitful.

VII. CAPACITY DEVELOPMENT OF STUDENTS, LAWYERS, WOMEN & OFFICERS

Capacity development is a process by which individuals and organizations increase their abilities to successfully apply their skills and resources toward the accomplishment of their goals and the satisfaction of their stakeholder's expectations.¹⁴ With a view to make the legal aid activities more effective and fruitful in Khulna, most of the legal aid NGOs are providing various efforts to develop the regular capacities of the different stakeholders such as selected public servants, elected public representatives, different professionals etc. of the union, Upazilla and district level. No doubt, most of these people are highly meritorious and well aware about their responsibilities. Under such circumstance, these local NGOs are trying to make the above mentioned persons to think gravely about legal aid and updating them about the latest state laws and legal aid facilities of the government and non-government organisations. To do this, BRAC is arranging workshops both in the urban and rural level and updating people about civil, criminal, family, succession, trafficking laws and of course on legal aid facilities. In the Union level, BRAC arranges workshops of twenty (20) people including the Chairman, Councilors, Secretary of the local Union Parishad, some local people etc. In the Upazilla level, the workshops are conducted in two segments. The 1st segment includes twenty people including the UNO, Upazilla Chairman, Upazilla Social Welfare Officer, Officer in Charge (OC) of the local Police station, all government officers of the Upazilla; President of the marriage registers (Kazi) society. The 2nd segment includes six (6) marriage registers, four (4) religious leaders from two different religious communities; headmasters and the commander of the freedom fighters etc. In the district level, two types of workshops are arranged. The first one includes the chiefs of the different administrative wings of the district such as the Deputy Collector (DC), the Superintendent of Police (SP), Civil Surgeon, District Social Welfare Officer, District Women Affairs Officer, District Information Officer etc. The second workshop includes the judges of different designations of the local judiciary. In

¹¹Information provided by Adv. Hamida Laila Khan, Divisional Head of BNWLA, Khulna on 21.01.2016

¹²Information provided by Shankar Roy Chowdhury, Staff Lawyer, Human Rights & Legal Aid Services, BRAC, Khulna, on 15.02.2016

¹³Information provided by Adv. Farhana Yeasmin Sheuli, District Project Officer of IRSOP under the supervision of BLAST, Khulna on 21.10.2015

¹⁴Capacity Development, at '<http://www.lencd.org/learning/capacity-development>' accessed on 27.09.17

this capacity development program BRAC has also included three (3) ‘OdhikarShebi’ from each Union who has completed SSC and influential in their locality. These ‘OdhikarShebis’ are also trained for two weeks on those above mentioned laws and land measurement. They are also provided with some equipment for land measurement by BRAC. These OdhikarShebis are responsible to provide legal counseling and suggestion as per their knowledge to the local villagers and help them in measure their lands. Like BRAC, BNWLA also arranges workshops for capacity development of the students, lawyers, different government officers, its staffs etc. BNWLA arranges its capacity development programs in a very short scale, not in a larger scale like the BRAC. It only arranges seminars and workshops three or four times in a year in which it invites female students from different educational institutes, advocates and different officials. It tries to inform those participants about its legal aid activities and other contemporary legal issues. These capacity development programs actually help to strengthen the base of the legal aid service in the district level. These programs are the active part of legal aid service. By nature, these can also be called as indirect legal aid service.

VIII. SOCIAL EMPOWERMENT

Social empowerment is understood as the process of developing a sense of autonomy and self-confidence, and acting individually and collectively to change social relationships and the institutions and discourses that exclude poor people and keep them in poverty. Poor people’s empowerment, and their ability to hold others to account, is strongly influenced by their individual assets (such as land, housing, livestock, savings) and capabilities of all types: human (such as good health and education), social (such as social belonging, a sense of identity, leadership relations) and psychological (self-esteem, self-confidence, the ability to imagine and aspire to a better future). Also important are people’s collective assets and capabilities, such as voice, organisation, representation and identity¹⁵. Now the question arises, how far the concept of ‘social empowerment’ relates with the legal aid activities? Yes, a good relation is existing here in Khulna between these two issues. As mentioned earlier, more than 90% of the legal aid seekers of Khulna are poor women and they are victimized by their family members and other influential’s of the society in most of the cases. Now a day, some of them are coming to the legal aid providing authorities to defense themselves. But a big portion of those women don’t dare to claim remedies for the violation of their rights due to poverty, suppression and ignorance. They keep themselves silent. BRAC is trying to aware and empower these ultra-poor people by uniting and including them into some groups named as ‘PolliShomaj’. These deprived people have lot of children but don’t have strong source of income. Most of them don’t have their own land. BRAC includes 60-70 of those people in ‘PolliShomaj’ group. It arranges a meeting in every month in the concerned local area where a resource person such as OC (Officer in Charge) of local police station, councilors etc. is invited to discuss some common issues among those people so that they can be aware about their rights. Those discussing issues include child marriage, dowry, polygamy, domestic violence, fatwa, sexual harassment, rape, acid throwing, hilla marriage, women & children trafficking etc. With the discussion, the ‘PolliShomaj’ members are frequently informed that they should not hesitate or think about the cost of the court. Free legal assistance is available for them both from the government and non-government organisations. Not only is this, training also provided for generating reliable income source so that they can be self dependant. This program has been continuing since 1998. Now, the result is that poor people, specially the women become mentally and socially strong. Leadership has been grown among them. At present, they take part in the arbitrations held in their locality and express their opinions which cannot be imagined before they were trained in the ‘PolliShomaj’. Another result is that, child marriage is decreased in a great proportion due to the influence of ‘PolliShomaj’.

IX. AWARENESS BUILDING

Awareness is the ability to directly know and perceive, to feel, or to be cognizant of events. More broadly, it is the state of being conscious of something. Awareness is a relative concept. Again, Awareness may be focused on an internal state, such as a visceral feeling, or on external events by way of sensory perception. Insects do not have consciousness in the usual sense because they lack the brain capacity for thought and understanding¹⁶. Like the other parts of the country, creating awareness is very much essential in Khulna district because legal aid is a very recent practice in our country. Lot of people are ignorant of legal aid service. Realising this, most of the legal aid providing NGOs of Khulna

¹⁵ ‘Social and economic empowerment’ at <http://www.gsdrc.org/topic-guides/voice-empowerment-and-accountability/supplements/social-and-economic-empowerment/#soc> accessed on 10.10.2017

¹⁶ ‘Awareness’ at <https://en.wikipedia.org/wiki/Awareness>, accessed on 20.10.2017

have included different initiatives for creating awareness on legal aid service among the mass people along with their other regular legal aid activities. These NGO led awareness movements are versatile. Such as Radio program, Poster and Leaflet distribution, Legal Aid Fair, Meeting, Seminar, Training, Legal Aid Day observation etc. Different NGOs are performing different awareness programs. Among all the awareness activities, postering and leaflet distribution is very common to all the NGOs of Khulna. But the problem is that posters and leaflets are distributed mainly in the urban areas. Such as BLAST does not distribute poster in Paikgasa and Koyra which are two remote Upazillas of Khulna. A radio program, named as 'AmraoPari' is conducted regularly in every Tuesday and Wednesday by BLAST from Khulna Radio Center. An awaking 'Short Play' on different legal issues and a 'Phone in' program is arranged in its each episode to aware the mass people of Khulna and it has been continuing since 2014. BLAST also arranges 'Legal Aid Fair' two or three times in a year in Khulna for the awareness purpose. Like the postering and leaflet distribution, it is also arranged in the central Khulna but not in the rural areas. Every year along with the GLA, BLAST observes 'International Legal Aid Day' in a befitting manner with a colorful rally, banners, festoons etc. so that it can draw the attention of the mass people. Training programs regularly arranged both in the rural and urban areas for legal aid awareness by different NGOs. BNWLA trains up students, advocates, different types of government & non-government officials on legal aid issues in their office premises in Khulna. Sometime it visits some schools and teaches the students about law and legal matters to create awareness among the students. But most of the time it includes the urban schools. The village boys and girls are depriving of it. BRAC touches the people of root level in case of training on legal aid issues. It doesn't have any student awareness program rather it includes the matured and ultra poor people of all most all the Khulna district for teaching and training on several laws and legal aid issues. In this case BRAC avoids the urban areas. The NGO's awareness programs on legal aid in Khulna are multidimensional and effective but most of them are based on urban areas. If they are extended among the rural people, it would be more effective and fruitful perhaps.

X. SPECIALISED PROJECTS

Specialised projects on legal aid are initiated mainly to fulfill any specific goal such as to provide free legal counsel to any specific category of people or for creating awareness in a selected area or among a fixed category of people. These are launched for a short term or as a pilot project. In Khulna at present two specialised projects are running at present under the direct supervision of BLAST. Both of these projects are funded by the foreign donors. One is for the protection of the children from violence and another is for the protection of rights of the poor and helpless prisoners of Khulna.

(a) Community Action for Child Protection from Violence (CACPV)

This is a pilot project running at present in the Khulna City Corporation area. European Commission funded this project for protecting the children of Khulna city from different kinds of violence such as sexual harassment, torture, attachment in risky jobs etc. Though BLAST is playing the main role to implement this project but it's a joint collaboration in fact. Here BLAST is supervising the entire activities of the project and entrusted to provide free legal support¹⁷ to the victimized children. Two other organisations such as 'Family Planning Association of Bangladesh' (FPAB) is promised to aware on health issue among the children and 'Oporajeo Bangladesh' will provide shelter to the victims in their shelter homes. At the very beginning fifteen (15) schools have been chosen for implementing this pilot project¹⁸. In each school a watch group has been formed which includes fifteen members among whom five teachers, five guardians and five elites of that locality are available. They are responsible to look after whether any child is sexually harassed or tortured or forcefully employed in a risky job. After every two months a meeting is conducted in which the 'Watch Group' members and BLAST officials take part. In the meeting the situation of the children of that school are discussed and if it is found that any child is victimized in any way, necessary action is taken by BLAST to protect him/her. BLAST also informs to the 'Watch Group' members about related provisions of different laws and its legal aid activities. The committee members are becoming aware about the nature of the victimization of the children and also knowing that one can access to court though he is a poor or destitute. After the inauguration of this project, children specially the girls have been benefited highly. They are safer now than the previous time because the local people are more conscious now. They know the laws, their rights and place of getting remedy, even in free of cost.

¹⁷ Information provided by Adv. Fatema Khondokar Rima, Staff Lawyer of BLAST, Khulna on 21.05.2016

¹⁸ Information provided by Adv. Fatema Khondokar Rima, Staff Lawyer of BLAST, Khulna on 21.05.2016

(b)Improvement of the Real Situation of Overcrowding in Prison in Bangladesh(IRSOP)

This is the second specialised project running in Khulna on legal aid. The name of the project is ‘Improvement of the Real Situation of Overcrowding in Prison’ (IRSOP) and its funded by the German governmental organisation ‘Deutsche Gesellschaft fur Internationale Zusammenarbeit’ (GIZ) and UK Aid for providing legal aid only to the prisoners of Khulna Jail who are poor, helpless and cannot get any help from the outside of the jail. Like the previous one, this project is also operated by BLAST Khulna Unit. A separate office has been established to run this project and BLAST Khulna has deputed some of its staffs to run the IRSOP project and its office. Question is how BLAST finds and selects the prisoners as eligible to receive legal aid? Jail is strictly a restricted area for the mass people to enter in. This problem is solved very easily because this project is also a joint collaboration of the Home Ministry, Law Ministry, Central Jail Authority of Bangladesh and BLAST is implementing their project in the field level. BLAST has appointed some paralegals who enters into the jail and finds out the targeted prisoners and reports to the IRSOP Khulna office. Then the relevant papers of those prisoners are collected and BLAST appoints lawyers on behalf of them for providing free legal counsel to them¹⁹. These paralegals are trained on law of Criminal Procedure Code, Penal Code, and Evidence etc. They not only find out the poor prisoners but also regularly visit bus stands, court buildings, police stations. They help the people to find out the court and other relevant offices, become the insurer of the people etc. Under this project the fund and the number of the cases are unlimited which creates an actual opportunity for preserving the rights of the poor and helpless prisoners of Khulna.

XI. CONCLUSION

In case of providing legal aid, NGOs follow time worthy and advanced policy. This is their strength and it has given them acceptance to the mass people in Khulna. It seems NGOs have had deep research on implementation of their legal aid policies and projects here. Their intention was to create awareness among mass people about their legal aid programs and make easier legal aid systems so that people can access them without any hustle and undue delay. NGOs tried to reach door to door. Their representatives search and ask for the victims who need help. They work with proactive attitude in this regard. But in some cases these initiatives fail due to late and lack of funding, less manpower, procedural complexity, statutory limitations, weak monitoring and awareness programs, consistency on the donors, less-cooperation among the legal aid providing organizations and for some other causes.

REFERENCES

1. Draft UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. Principle No: 6 of Part I
2. Legal Aid and Services Act 2000
3. Adv. Hamida Laila Khan, Divisional Head, Bangladesh National Women Lawyers Association, Khulna
4. Shankar Roy Chowdhury, Staff Lawyer, Human Rights & Legal Aid Services, BRAC
5. Uddin, Md. Jasim, ‘Aingoto Shohayota Babostha : Bangladesh O Antorjatik Prekhhit’, Manusher Jonno Foundation, Dhaka,
6. Adv. Farhana Yeasmin Sheuli, District Project Officer of IRSOP under the supervision of BLAST, Khulna
7. Capacity Development, at ‘<http://www.lencd.org/learning/capacity-development>’ accessed on 27.09.24
8. Social and economic empowerment’ at ‘<http://www.gsdr.org/topic-guides/voice-empowerment-and-accountability/supplements/social-and-economic-empowerment/#soc>’ accessed on 10.10.2024
9. Awareness’ at ‘<https://en.wikipedia.org/wiki/Awareness>’, accessed on 20.10.2024
10. Abdul, Halim, ‘The Legal System of Bangladesh: A Study of Problems and Procedure in Legal Institution in Bangladesh’, (CCB Foundation, Dhaka) 2019

¹⁹ Information provided by Adv. FarhanaYeasminSheuli, District Project Officer of IRSOP under the supervision of BLAST, Khulna on 21.10.2015



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