SONARGAON UNIVERSITY (SU)

Research Monograph

On

"Implementation of Legal Aid Act, 2000: Problems and Prospect"

This Research is prepared and Submitted to Sonargaon University (SU) for the partial fulfillment of requirements of the Degree of LLB (Hon's)

Supervised By

Sharmin Jahan Runa
Assistant Professor
Department of Law
Faculty of Arts and Humanities
Sonargaon University (SU)

Submitted By

Kazi Moshiur Rahman
ID No: LLB1901016006
Batch: 16A
Department of Law
Faculty of Arts and Humanities
Sonargaon University (SU)

Date of Submission: 5 January 2023

Letter of Transmittal

To

Sharmin Jahan Runa
Assistant Professor
Department of Law
Faculty of Arts and Humanities
Sonargaon University (SU)

Subject: **Submission of Research Monograph onImplementation of Legal Aid Act, 2000: Problems and Prospect**

Dear Madam,

It is a great pleasure for me to submit research paper on the topic of the "Implementation of Legal Aid Act, 2000: Problems and Prospect" While conducting this research paper, I tried my level best to make this research paper to the required standard. I hope that this paper will fulfill your expectation. I, therefore, hope that you would be kind enough to go through this paper for evaluation.

I am always available for any clarification of any part of this research paper at your convenience.

Yours faithfully,

Kazi Moshiur Rahman
ID No: LLB1901016006
Department of Law
Faculty of Arts and Humanities
Sonargaon University (SU)

Student Declaration

I do hereby solemnly declare that the work present in this research work has been carried out by me and has not been previously submitted to other University/ College/ Organization for an Academic Qualification or a Personal degree.

I hereby ensure that the work has been presented here does not breach any existing copyright.

I further undertake to indemnity the University against cost or damage arising from breach of the forgoing.

Kazi Moshiur Rahman
ID No: LLB1901016006
Department of Law
Faculty of Arts and Humanities
Sonargaon University (SU)

Certificate of the thesis supervisor

This is to certify that the research paper on Implementation of Legal Aid Act, 2000: Problems and Prospect is done **Kazi Moshiur Rahman**in partial fulfillment of the requirement for the degree of LL.B. (Hon's) from Sonargaon University (SU). The dissertation has been carried out under my guidance and is a record of the bona fide work carried out successfully.

Sharmin Jaha Runa
Assistant Professor
Department of Law
Faculty of Arts and Humanities
Sonargaon University (SU)

Acknowledgements

At first, I would like to thank Almighty Allah for his kindness on me in accomplishing the report. I would like to express my deep sense of gratitude to my honorable and distinguished supervisor **Sharmin Jahan Runa,** Assistant Professor, Department of Law, Faculty of Arts and Humanities, Sonargaon University (SU) for herindividual suggestions, valuable time, important information and guidance during the study period that has greatly inspired me in preparing this report successfully.

It could not possible to think all those people who have contributed for the preparation of this report. Of course there are some very special names that cannot be forgotten. I am also grateful to the Department of Law, Faculty of Arts and Humanities, Sonargaon University (SU) for providing me such an opportunity to come closer to real situation.

Finally, I want to express my deep gratitude to my family members and all well wishers whose enormous helps assisted me to complete this report.

Thanking You.
Yours faithfully

Kazi Moshiur Rahman
ID No: LLB1901016006
Department of Law
Faculty of Arts and Humanities
Sonargaon University (SU)

Abstract

Legal aid is essentially a mechanism that enables the poor and the vulnerable sectors of the society to be able to enforce their legal rights in order to access a fair and equitable justice in the society. Nowadays, a legal aid can be justifiably said as a crying need to ensure social and legal justice in Bangladesh because most of the citizens are illiterate and they live below the poverty line which incidentally makes matters worse. Due to their financial crisis or lack of legal knowledge they are often precluded to access justice. In recognizing the legal aid as a right, the government has enacted some laws. However, unfortunately those laws are full of weaknesses, loopholes, and procedural complexities which have to be judiciously addressed in the proper legal perspectives. As a matter of fact, legally speaking, much has been said and done, but ironically not much has been practiced. Due to these ever unsettling defects, the ultimate objectives of those laws have frequently failed to ensure enjoyment of the legal aid services among the vulnerable sectors of the society. In this research, focuses on the present legal aid services of Bangladesh, and frame out a comprehensive solution for ensuring the legal aid program by adopting the analytical research methods.

Table of Contents

		Page No.
Capter:01	**Introduction**	**9-13**
	1.1 Introduction	9
	1.2 Statement of the Problem	9-10
	1.3 Methodology of the Study	10
	1.4 Limitations of the Study	10-11
	1.5 Definition of Important Terms Used	11-13
	1.6 Significance of the Study	13
Chapter:02	**Overview of Legal Aid Provisions in Bangladesh**	**14-19**
	2.1 Introduction	14
	2.2 Historical Background of Legal Aid:	14-15
	2.3 History of Legal Aid law in Bangladesh	15
	2.4 The Constitution of the People's Republic of Bangladesh	16
	2.5 Legal Aid under the Code of Criminal Procedure, 1898	16
	2.6 The Code of Civil Procedure, 1908	17
	2.7 Legal Aid under the Legal Aid Services Act, 2000	17
	2.7.1 Who Can Apply for Legal Aid	17-18
	2.7.2 How to Apply for Legal Aid	18
	2.8 Provisions of Legal Aid In International Instruments	18-19
Chapter:03	**Administration of Legal Aid Services in Bangladesh**	**20-23**
	3.1 Introduction	20
	3.2 National Legal Aid Board	20-21
	3.3 Functions of the National Board	21
	3.4 Meeting of the Board of Governors	21
	3.5 District Legal Aid Committee	22
	3.6 Duties and Responsibilities of the District Committee	22-23
	3.7 The Meeting of the District Committee	23
Chapter:04	**Identifying the Problems and Prospects of Legal Aid Act 2000**	**24-28**

	4.1 Introduction	24-25
	4.2 Problems/Weakness of State Funded Legal Aid Act	25-26
	4.3 Prospects of State Funded Legal Aid Act	26-28
Chapter 5:	**Conclusion and Recommendations**	**29-35**
	5.1 Introduction	29
	5.2 Key Recommendations	29-35
	5.3 Conclusion	35
	Bibliography	36

Chapter One

Introduction

1.1 Introduction

Bangladesh is a developing democratic country of the world and all of its citizens have the right to access to justice and get fair trial. The Constitution of the People's Republic of Bangladesh 1972 has theoretically ensured access to justice, fair trial, rule of law, fundamental rights, human rights, equality before law, and equal protection of law. However, to provide legal aid services and ensuring access to justice the Legal Aid Services Act, 2000 was enacted in 2000. But due to financial crisis and ignorance of law, these protections have become a fake promise to the vast majority of the people. The study will evaluate the existing legal aid services of the country and the challenges faced by the service seekers and providers which may aid to ensure access to justice. Equal access to justice for the rich and the poor alike is prerequisite to the maintenance of the rule of law. But, the justice system through judicial adjudication is very costly and that cost has been the most difficult factor for the average people to get justice. Regarding this, the former Chief justice of India P.N. Bhagwati observed:

"Where one of the parties to litigation belongs to a poor and deprived section of the community, and does not possess adequate social and material resources, he is bound to be at a disadvantage as against a strong and powerful opponent under the adversary system of justice because of his difficulty in getting competent legal representation, and more than anything else, his ability to produce relevant evidence before the court."[1]

1.2 Statement of the Problem

Rule of law is meaningless if there is no access to justice for the common people. The judiciary must be accessible to all if rights are to be enforced. It is not sufficient that there exists a system of independent judiciary, the cost of having recourse to the courts and tribunals must be such that there is real access to the courts and tribunals. There may be set of laws defining the rights of people, but if the common people cannot seek enforcement of those rights, those rights merely embellish the papers on which they are described and have no significance in real life.

[1] *BandhuMuktiMorcha* vs. *Union of India*, (1984) 3 SCC 161

The rich and powerful can always have their ways but it is the poor and weak that needs the support of the law. Having regard to the social and economic situation of the common people, the cost of litigation in Bangladesh is high and is mounting and most people cannot afford to seek remedies in courts.

It is absolutely necessary to undertake a meaningful legal aid scheme to ensure access to justice without which it is idle to talk about rule of law. Implicit in articles 31 and 32 is the right to access to justice as a man cannot be said to have been dealt with in accordance with law unless he has reasonable opportunity to the court in vindication of right or grievance.

1.3Methodology of the Study

To make this research monograph, the instruction of my course teacher is followed. The whole research monograph has been done in an organized way. First, necessary divisions have been selected. Then I made every possible effort to collect required information for each division.

The methodology followed throughout the research monograph has been pointed out below-

I. Planning the whole research.
II. Dividing the research monograph into different chapters and subsections.
III. Study and discussion with the concerned supervisor.
IV. Taking advice from honorable faculty regarding the collection of necessary information and collection of study materials.
V. Collection of respecting paragraph through internet browsing.
VI. Concentrated study through many books, journals, and publication about the issues.

1.4 Limitations of the Study

This research work is mainly related to the legal aid service for poor people who are not received access to justice. In this study, effort has been made to find out how much the legal aid services providing justice for the poor people. In doing so, relevant laws which contain the provisions of legal aid system have elaborately been discussed. In this study, attempt has been made to find out the ways for overcoming the obstacles in case of ensuring access to justice.

However, the present study is not above limitations. The following points may be considered as the limitations of this study-

1. Access to justice is primarily the state's responsibility to make laws to enhance accessibility to justice and legal aid. Our constitution prepares us for institutional intervention to empower the marginalized and backward sections of the society. That is the starting point of judicial responsibility of ensuring access to justice.

2. Access to justice is for all peoples as recognized both in the internationals and national instruments. But, the study will only discuss access to justice in respect with the poor people who are within the jurisdiction of laws providing access to court.

3. There are numerous books and research works at national and international level on access to justice and legal aid system. All of those books and research papers have not been possible to review in this study.

1.5 Definition of Important Terms Used

In this study, several important terms are used to clarify the problem of them following are mentionable:

a) Legal Aid: legal Aid – what does mean? Dictionary meaning of term 'Legal ` is- relating to or required by the law and 'Aid' means- help or support. To express the term in a single word 'legal aid' 'required support of the law.' It means the assistance in the legal matters both inside and outside the courts to the indigent litigants.

The New Encyclopedia defines legal aid as the professional legal assistance given, either free or for a nominal sum, to indigent persons in need of such helps.[2]According to section 2 (a) of the Legal Aid Services Act 2000, " legal aid" means to give the litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socio-economic conditions-

(i) Legal advice and aid in the cases to be filed, filed or pending before a court;

(ii) Remuneration for the mediator or arbitrator appointed for dissolving a case of civil procedure, 1908 and other laws prevailing;

(iii) Any other assistance along with expenses for a case;

2 (http://encyclopedia2.thefreedictionary.com/Bangladesh) Accessed on 27th July, 2018.

(iv) Remuneration for the lawyers at the rate determined by the regulations for the purposes the following aids:

- Providing monetary aid; or
- Counseling on any legal issue; or
- Defending a person in a court of law at all stages of litigation, including appeals.

b) Access: Generally, the term 'Access' means a way of opportunity.According to the Aiyer's Judicial Dictionary, the term 'Access' means approach or means of approach. According to the Free Online Dictionary by Farlex define the term 'Access' as freedom of approach or communication; or the means, power, or opportunity of approaching, communicating, or passing to and form.[3] In other words 'Access' means convenient, understandable, timely, and affordable to everyone.

c) Justice: Generally, the term 'Justice' means the awarding of what is due. The term 'Justice' implies the virtue by which we give to every man what is his due, opposed to injury or wrong.[4]

d) Access to Justice: The term 'access to justice' is not defined in any national or international law and has been used in different ways in different contexts. It is associated with the ability to bring a grievance before court, including the right to a fair hearing and an effective remedy. The right to access to courts, while not specifically mentioned in international human rights law, has become increasingly explicit over time, through case-based standard setting. Traditionally, the term refers to opening up the formal systems and structures of the law to all disadvantaged groups in the society. This includes removing legal and financial barriers as well as social barriers such as language, lack of knowledge of legal rights and intimidation by the law and legal institutions. UNDP has defined access to justice as the "ability of people from disadvantaged groups to prevent and overcome human poverty by seeking and obtaining a remedy, through the justice system, for grievance in accordance with human rights principles and standards."[5]while

[3]The Free Dictionary at (http://legal dictionary.thefreedictionary.com) Accessed on 29th July.2018.
[4]K.J.Aiyer's*Judicial Dictionary* (12thEdn.), p.699.

[5]R. Sudarshan,*Rule of law and access to justice: perspectives from UNDP experience*, UNDP Oslo Governance center accessed 30.05.04 at(http://www.undp.org/oslocentre/access.htm.) Accessed on 25th July, 2018.

this definition gives little recognition to the role of informal or traditional justice, it is worth noting that it employs an expanded "material" rather than formal understanding of justice, characterized as "related to a model of construction of a legal system in which such ideas/values as human and economic rights, recognized at an international law level, are to be Implemented by the law, regardless of whether they are formally recognized by the national legal system of the country being assisted.

e) Bangladesh: Bangladesh means the People's Republic of Bangladesh located in South Asia. It is a unitary, independent and sovereign State since 26th March, 1971. From 1947-1971, it was known as East Pakistan as a part of Pakistan. From 1757-1947, it was a part of British-India and a region of Bengal Province. The territories of its western side is West Bengal, eastern side is Tripura of India and Myanmar. The northern side is West Bengal and Assam of India. The southern side is exclusively the Bay of Bengal. The State language of Bangladesh is Bangla. The total population is about 160 million, out of which 88% is Muslim and rest portions are Hindu, Buddha and Christian covering a total area of 56977 square miles or 147570 square kilometer.[6]

1.6Significance of the Study

Bangladesh is a low middle income country. There are huge people to fight poverty and in several time there acting political influences, now a days there are the way of living condition is hard and people comes capital for earning money . Day by day it has been going urbanizations and lost farming land. There may be set of laws defining the rights of people, but if the common people cannot seek enforcement of those rights, those rights merely embellish the papers on which they are described and have no significance in real life. In there are people face delay of justice in civil and criminal cases. Rich people and dominant people are influence access to justice that poor people not get justice. The Bangladesh government tries to change this tradition and government did separation of judiciary from executive. But there is access to justice not executed for deeply various problems. The government and NGO's are works together that people are getting access to justice. By in this research try to identified problem of access to justice and provides many recommendation for execute access to justice.

[6]Talukdar, Dr. S.M. Hassan, *Access to Justice, Bangladesh Perspective*, Law Research Centre, 1st Edn., Dhaka, 2010, pp. 5-6.

Chapter-Two

Overview of Legal Aid Provisions in Bangladesh

2.1 Introduction

It is stated earlier that the Constitution of the Peoples Republic of Bangladesh, 1972 recognized the concept 'Equality before Law', 'Equal Protection of Law' and 'Rule of Law' etc. in these concepts, the issue legal aid id underpinned. We get the flavor of legal aid in specific provisions is very limited scale in Bangladeshi laws both civil and criminal nature.

2.2 Historical Background of Legal Aid:

It is very tough to trace out the history of legal aid. If we reflect the definition of legal aid then it can br inferred that the history of legal aid is as old as the practice of law because throughout the history, lawyers have advice and represented poor people without charge.

The first traces of the entitlement to be represented by a counsel can be traced in the Prisoners Counsel Act, 1836. Before the legislations a person charged with felony in Britain did not have an entitlement to be represented by a counsel but, by this Act, a person charged with felony got a right to be defended by a counsel or solicitor.

The earliest legal aid movement appears to be of the year 1851when some enactment was introduced in France for providing legal assistance to the indigent. In Britain, the history of the organized efforts on the part of the state to provide legal service to the poor and needy dates back to 1944, when Lord Chancellor, Viscount Simion Appointed Rushcliffe Committee to advice to the poor and to make recommendations as appear to be desirable for ensuring that person in need of legal advice are provided the same by the state. The Committee reported in 1945 and described the existing facilities for gratuitous legal aid and advice as "a service which was at the somewhat patchy and which has become totally inadequate".

Their main recomendations were that-

i) Legal aid should be available in all courts.

ii) It should not be limited to those normally classed as poor, but should include a wider income group.

iii) Those who could not afford to pay anything for legal aid should receive it free, and these should be a scale of contributing for those who could afford to pay something.

On the basis of Rushcliffe Committee report, the Legal Aid and Advice Act, 1949 was passed. They cane the Legal Aid Act, 1947. Now, legal aid issues are dealt by the Legal Assistance Act, 1972 and the Legal Aid Act, 1974. Now, legal aid issues are dealt by the Legal; Aid Act, 1988

It is pertinent to mentioned here is that important and landmark cases as *Ridge vs. Baldivin*.[7]On administrative law, *Rooks vs. Branard*[8], relating to law of torts and *Goody vs. goody*[9]. Relating to international law has been contested with the financial assistance of legal aid board.

2.3 History of Legal Aid law in Bangladesh

In 1967, Government of Pakistan set up a committee consisting of ten members and headed by eminent justice Hamoodar Harman to recommend ways and means by which competent legal aid may be brought within the means of poor litigants. The committee submitted a fairly comprehensive report on February 15, 1970. Due to the liberation war in 1971, the recommendations were stalled.[10]In 1976, the Government of Bangladesh set up a Law Reform commission headed by Mr. Justice KemaluddinHossain to recommend ways and means by which competent legal aid may be brought within the means of poor litigants. The government accepted quite a good number of suggestions and enacted the law reforms Ordinance, 1978. But, this law did not include the legal aid provisions.

The Government took formal and specific initiative for enacting aid laws only in 1994. By a Resolution in 1994, the government established a national legal aid committee chaired by the Minister, Ministry of Law, Justice and Affairs and District Committees chaired by the District Judge to poor litigants and an amount of money was allocated to cover the costs of such representation under the authority of the District Judge. Funding is made available from government resources, donation from national and international organisations and other sources, Nevertheless, government's initiatives had achieved only minimum success. However, by another Resolution of 1996, the Resolution of 1994 was repealed.

[7] 1964 AC 40; (1963) 2 All ER 66 (HL)
[8] (1968) 3 All ER 611
[9] 64 AC 1129
[10]IsratAzim& Md. ErshadulKarim, *Principles of Civil Litigation: Bangladesh perspective*, 1st Edn. Law lyceum, Dhaka2006, pp-185-186.

2.4 The Constitution of the People's Republic of Bangladesh

The Constitution is the superior piece of legislation. It entered into force on the 16th December, 1972. It contains provisions relevant to the public functions based on the principles of equality before the law and respect of fundamental human rights and freedoms, according to international standards. Moreover, the constitution goes a step forward by prescribing imposition of measures, above the principle of equality, in order to protect and promote rights of individuals and groups in unequal position.[11]In the preamble of the Constitution of the People's Republic of Bangladesh, the one of the fundamental aims of the state has been vow, to realize a society in which equality and justice would be secured for all citizens.

2.5 Legal Aid under the Code of Criminal Procedure, 1898

There are also provisions relating to the right to legal defense have been made in the Code of Criminal Procedure, 1898. According to section 340 (1) any person accused of an offence before a criminal court, or against whom proceedings are instituted under this code in any such court, may of right be defended by a pleader. More recently, the Legal Remembrance's Manual, 1969 provides that an indigent person accused of an offence punishable with death sentence is to be provided with the assistance of' a lawyer at the expense of the state. The above provisions may be seen as embedded in a 'negative right'1 to legal aid contained in the Constitution of the Peoples Republic of Bangladesh. Article 33(1) of the Constitution provides that no arrested person shall be detained in custody without being informed of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

The need for legal aid is felt more in criminal matters as the life, property and personal liberty of a person are inseparably connected there. As regards criminal matters, section 340 Cr. P.C. states that an accused should be defended by a lawyer and he must pay the fees and nothing more. Commenting on section 340 (1) of the Code of Criminal Procedure, 1898, the Supreme Court of India observed that the right conferred by section 340 (1) does not extend to a right in an accused person to be provided with a lawyer by the State, or by the police or by the Magistrate. That is a privilege given to him and it is his duty to ask for a lawyer if he wants to engage one and to engage one himself or get his relations to engage one for him. The only duty cast on the Magistrate is to afford him the necessary opportunity.

[11]Talukdar, Dr. S.M. Hassan, *Access to Justice, Bangladesh Law Research Centre*, 1stEdn., Dhaka, 2010, pp- 17.

2.6 The Code of Civil Procedure, 1908

In civil matters, Order XXXIII of CPC deals with the pauper‘suit. A pauper is a person without any means of support especially a destitute person who depends on aid from public welfare funds or charity. But under civil procedure code a person is a ―Pauper‖ when he does not possess sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or where no such fee is prescribed, when he is not entitled to property worth five thousand taka other than his necessary wearing- apparel and the subject-matter of the suit.

2.7 Legal Aid under the Legal Aid Services Act, 2000

The Government started Legal Aid System in the country for the first time in 1994 by adopting a resolution to establish National Legal Aid Committee, charged to provide legal aid at the national and district level. This scheme was later modified and formalized into legislation as the Legal Aid Services Act, 2000 ("LASA"), which came into effect in 2001. LASA established a countrywide legal framework with a view to providing legal aid to the poor litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and also for various socio-economic conditions. It was an initiative taken by the government to provide legal assistance to indigent litigants either in the cases filed and/or to be filed. In terms of LASA, National Legal Aid Services Organization (NLASO), a statutory body has been established to implement the government legal aid program across the country. NLASO implements legal aid programs through Supreme Court Committee, District Committee, Special Committee, Upazila Committee & Union Committee.

2.7.1 Who Can Apply for Legal Aid

In the Act, there is no reference as to the eligibility criteria to get a legal aid. Subsequently, the Ministry of Law, Justice and Parliamentary Affairs formulated guidelines and rules under section 24 of the Act to carry out the objectives of the Act. The guidelines enumerate the following categories of persons as eligible for seeking the legal aid:[12]

a. Freedom fighter who is incapable of earning or partially incapable of earning or who is without any employment or whose annual income is below six thousand taka;

b. The person who is receiving old age honorarium;

[12]*The Legal Aid Service Rule, 2001*,r.2

c. Poor women who are holders of VGF Cards;

d. Women and children who are victims of human trafficking activities;

e. Women and children who are acid-burnt by the miscreants;

f. Any person who has been allocated land or house in a village; poor widow, women deserted by her husband;

2.7.2 How to Apply for Legal Aid

All applications for getting the legal aids must be submitted to the National Board of Legal Aid or in appropriate cases to the District Legal Aid Committee. If an application is rejected by the District Committee and the person feels aggrieved by that decision, then the applicant may prefer an appeal to the National Legal Aid Board within 60 days of the pronouncement of the decision of the District Committee.[13] Apart from the aforesaid provisions, the Legal Aid Rules, 2001 provides for the following provisions on how to make an application for a legal aid:

a. The candidate shall apply, along with his full name & address and the underlying causes for his application, in a white paper.

b. If the application is made for legal aid for any matter in the Supreme Court, it is to be submitted to the Chairman of the organization, on the other hand, if it is for legal aid in any contract, it is to be made to the chairman of the District Committee.

c. The application accepted by the committee is considered in its next meeting.

d. If it is not possible for the committee to make a decision based on the submitted information then the committee may request for further information.

e. Once any application considered to have been accepted, the applicant litigant shall be informed in the prescribed manner.[14]

2.8 Provisions of Legal Aid In International Instruments

In criminal matters, the provision of legal aid is recognized throughout the world. The right to get legal aid has been recognized as human rights which are implicit in Articles 7, 8 and 10 of the Universal Declaration of Human Rights (UDHR), 1948 and more it flows clearly and inevitably from clause 3 (d) of Article 14 of the International Covenant on Civil and Political Rights (ICCPR), 1966.Article 7 of the Universal Declaration of Human Rights, 1948 provides that- all are equal before the law and are entitled without any discrimination to equal protection

[13]*The Legal Aid Service Act, 2000, s.16.*

[14]*The Legal Aid Service Rule, 2001, r.3.*

of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. According Article 6 (3) (c) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 the right to free legal aid to a person charged in a criminal case is ensured. Besides, the United Nations Conference on the Prevention of Crime and Treatment of Offenders, 1965 and the International Conference on Human Rights, 1968 (the Tehran Conference) accepted the provisions of legal aid in criminal matters attaching due importance. Some other international instruments provided provisions of legal aid in criminal matters. For example, the International Covenant on Civil and Political Rights, 1966 provides for legal aid in criminal matters under Articles 14 (3) (d), 6 (1), 20(1) of the Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms, 1995 contain similar provisions as article 7 of the Universal Declaration of Human Rights. Article 24 of the American Convention on Human Rights, 1978 declares that all persons are equal before the law and consequently, they are entitled, with the discrimination, to equal protection of the law.

Chapter Three

Administration of Legal Aid Services in Bangladesh

3.1 Introduction

The AingotoSohqyotaProdanAincomprehensively provides for the decentralization of activities in the national and the district level. At the national level, there is a National Legal Aid Board, at the district level, there are District Legal Aid Committees, in the Upazilla or Thana level there are the Upazilla Legal Aid Committees and at the Union level, there are provisions for the Union Legal Aid Committees.[15]

3.2 National Legal Aid Board

At the national level, the whole legal aid scheme is controlled by the National Legal Aid Board (National Board) which is a statutory body whose head office is situated in Dhaka.[16]

The Board is managed and administered by a Board of Governors who is constituted by the following persons:

a. The minister of the Ministry of Law, Justice and Parliamentary Affairs who will also be the Chairman of the Board of Governors.

b. Two members of parliament one of whom is from the Govt. ruling party and the other is from the opposite party in the parliament, both of whom will be nominated by the Speaker of the JatyaSangshad.

c. The Attorney General for Bangladesh.

d. The Secretary of the Ministry of Law, Justice Parliamentary Affairs.

e. The Secretary of the Ministry of Home Affairs.

f. The Secretary of the Ministry of Social Welfare.

g. The Inspector General of Police.

h. The Inspector General of jail.

i. The Vice-Chairman of Bangladesh Bar Council.

j. The President of the Supreme Court Bar Association.

---

[15]*Bangladesh Legal Aid and Services Trust (BLAST), Annual report 2004-2005*, Dhaka: Bangladesh Legal Aid and Services Trust (BLAST), 2005, pp. 12-19.

[16]Ibid.

k. The Chairman of the National Women Organization. l. Representatives of three NGOs, dealing with the Law and Human Rights nominated by the Govt. and who have contributed in different districts.

m. Representatives of three women organizations nominated by the Govt. and who have contributed in different districts.

n. Director, who will be the Secretary of this Board.[17]

3.3 Functions of the National Board

The Act lays down an institutional framework for administering a legal aid at national and district levels. According to section 7 of the Act, the National Legal Aid Board will mainly act as a policy-making authority and will discharge the following functions:[18]

(a) Formulate rules and policies to select a person and to provide legal aids to the people who are unable to get justice due to financial crisis or due to different socio-economic reasons.

(b) Frame the scheme to provide a legal aid.

(c) Take an initiative to organize research and educational activities to provide a legal aid;

(d) Telecast different programs in order to create awareness among general people on the availability of legal aids in different printed and electronic media.

(e) Review the application rejected by the District Committee (monitor the activities of the District Committee).

(f) Publish different books, leaflets, pamphlets, etc., for making people aware of getting the legal aid.

3.4 Meeting of the Board of Governors

The Act provides for the procedure to be followed while convening a meeting of the Board of Governors of the National Legal Aid Board.[19] The Chairman of the Board of Governors shall call the meeting at any place at any time in every three months. The Chairman will be the Chairman of all the meetings and in his absence anybody appointed by him shall perform his duties. One-third of the total number of the members will constitute the quorum of the meeting. But for any adjourned meeting no quorum will be required. In such meetings all members will have a single vote.

---

[17] The Legal Aid Services Act, 2000, s.6

[18] The Legal Aid Services Act, 2000 ,s.7

[19] The Legal Aid Services Act, 2000, s.8

3.5 District Legal Aid Committee

The District Legal Aid Committee (District Committee) is solely responsible to provide legal aids at grass root level subject to the availability of funds from the government. The committee shall invite application from the seekers of legal aid, screen the applications, determine the criteria for proviso of legal aid and finally provide the legal aids. The District Legal Aid Committee is constituted by:

a. The District Judge who he will be the Chairman and also

b. The District Magistrate

c. The Superintendent of Police of the District

d. The Jail Superintendent of the District

e. The Social Welfare Officer of the District, if any

f. The Women and Children Officer of the District, if any

g. The Chairman of the National Women Organization or his nominee

h. The President of District Bar Association

i. The Govt. Pleader of the District

j. The District Public Prosecutor

k. The Inspector of the District Civil Jail

l. One representative of the NGO nominated by the District Women Association.

m. The General Secretary of the District Bar Association, who will also be the member-secretary of the organization.

n. The Metropolitan Magistrate and the Metropolitan Police Superintendent will also be the members of the District Legal Aid Committee where there is a metropolitan city district.[20]

3.6 Duties and Responsibilities of the District Committee

The District Legal Aid Committee is responsible to perform the following duties:

a. To provide legal aid to the people who satisfy the criteria as set up by the Board of Governors and who are unable to get justice due to financial crisis or due to different socio economic reasons.

b. To set up the conditions on which a successful applicant will get the legal aid.

[20] *The Legal Aid Services Act, 2000, s.8*

c. To take initiative to make the people aware of availability of legal aid.

d. To perform the duty invested by the Board and.

e. Any other activities necessary for the performance of the above mentioned activities.[21]

3.7 The Meeting of the District Committee

The Act provides for the procedure to be followed while convening a meeting of the District Legal Aid Committee.22 The Chairman of the District Committee, i.e., the District Judge shall call the meeting at any place at any time every month. The District Judge will be the Chairman of all the meetings and in his absence, anybody appointed by him shall be the chairman. One-third of the total number of the members will constitute the quorum of the meeting. But for any adjournment meeting no quorum will be required.

[21] *The Legal Aid Services Act, 2000, s.10*

[22] *The Legal Aid Service Act, 2000,s.27*

Chapter-Four

Identifying the Problems and Prospects of Legal Aid Act 2000

4.1Introduction

There are some obstacles derived from the defects in the Legal Aid Law to implement the legal aid scheme in practice. By focusing on these obstacles, the real situation in providing legal aid in Bangladesh practically could be realized and then it will be easy to find out the solution so as to overcome the situation. There is no media propaganda about the legal aid and so people are unaware of the government initiative. The lack of awareness about the legal aid scheme and its purpose among the indigent litigants and also among the lawyers and judges in general, is the main obstacle to achieve the objectives of the scheme of legal aid. The Distance between the Bench and Barmakes it complied to work together. The nature of the work of District judge isolates him from the Bar and other officials. Therefore, calling a meeting becomes embarrassing for him as he may expose to uneasy situation. The District judge is disinterested in legal aid programme also become it is an extra job on his shoulder without remuneration. Being in the position of the District judge, it is not possible for him to monitor the lawyers and see whether they are discharging their duties properly. Therefore, whether a lawyer is taking money from the client (who is mostly illiterate and ignorant) and also drawing money from the fund is difficult to monitor.The following steps to get the legal aid accepted by the committee takes a long time and a litigant who is poor cannot afford to visit the office to pursue the matter let alone bear the expense of traveling cost and other related expense. Constitution of Committees itself show that it is quite impossible to bring all the concerned people in a proceeding under one umbrella on a particular day. Therefore to hold meetings by them. Become a futile exercise. Firstly, it is doubtful whether a poor person can have access to the District judge as there is no specific office to register the complaint. Secondly, it is also doubtful whether after much persuasion with the office clerk the application will actually reach the committee without providing any money to the clerk. Moreover, to prove the insolvency, one has to bring a certificate from the Chairman of the Upazilla, which is also a questionable process.

The funds are not allotted every year but according to need. Amounts of unutilized money in forty eight (48) districts under the GOB legal aid committee at the end of 1997 was

89,76,185.00taka according to the Law Ministry. This plainly shows the disinterested of the committees in providing legal aid as most of the fund is un-utilized.[23]

4.2 Problems/Weakness of State Funded Legal Aid Act

Though the Legal Aid Services Act, 2000 is a landmark to the legal empowerment of the disadvantages and vulnerable people, it is not free from criticisms. The Act is full of loopholes and weakness in the whole mechanism of legal aid services. On a careful analysis of the Legal Aid Services Act, 2000 the following loopholes are worth mentioning:[24]

a. The Act does not specify cases for which legal aid can be provided.
b. The process of consideration of application can be identified as another source of delay in meeting the ends of justice as the members of the Board and Committee who will consider the applications are often very busy. As a result the applicant does not get justice when really needed.
c. In comparison with the number of legal aid seekers, the number of meetings held to consider these applications fall short of the requirement, as the Board holds at least one meeting in every three months and the Committee holds one meeting in every month.
d. The accountability of the members of the Board and Committee are not ensured in the Act and for this reason, this Act may meet the same fate as other Acts of Bangladesh.It will be treated as a mere ambitious work of the government and this Act will help the Government to speak up in national and international seminars but the fate of the poor people will remain largely unchanged.
e. The procedure of the selection of the application is not clear in this Act, i.e., the basis of consideration, the criteria for selection and above all the requisite number of members to give consent to such granting of application is not clear.
f. The members of the committees being from the upper strata of society, they often fail to realize the depth of miseries of these persons and cannot acquaint themselves with their problems. g. In the Upazilla and Union committees, the inclusion of Chairman and 14 other members makes the system more complex as

[23] NusratAmeen, *The Legal Aid Act 2000: Implementation of Government Legal Aid Versus NGO Legal Aid,* Journal of the Faculty of Law, vol. XV, No, 2 (Dec. 2004), p.75.
[24](http://www.bd.undp.org/content/dam/bangladesh/docs/Projects/jsf/Legal%20Aid%20Mapping%202015.pdf) Accessed on 29th November, 2022

it will be seen in most of the cases the legal aid seekers are the victim of the activities of these people. h. Though the Act has emphasized to sensitize local people on the legal aid scheme by publications, seminars and media, the services are not implemented due to lack of publicity to a great extent. i. The whole procedure to get legal aid under this Act is full of difficulties due to its highly bureaucratic system.

g. j. The whole attempt to establish the National Legal Aid Services and facilities in the country can be aptly considered and stated as an Exercise in Futility as long as there is no time frame fixed and pragmatic solutions found for the coordination of operation and application of the legal aid services.

4.3 Prospects of State Funded Legal Aid Act

NLASO is a statutory body created by law with permanent character having specific mission and vision and also a methodology to achieve its goal. NLASO has a roadmap for its future attainment. As a part of this roadmap, NLASO has been implementing a strategic plan prepared for a period of five years. Legal Aid Committees as well as other work units formed under the NLASO framework aligned themselves with common goals. Following the amendment in 2013 LASA 2000 itself act as strength for the government legal aid service. LASA contains primarily the structural requirements for the overall administration of a legal aid programme, i.e., establishment of national organization, its head office, formation of National Governing Board (NGB) and its discretion, management, duties and functions of the organization, staffing, board and responsibilities, subordinate committees and their composition, meetings and responsibilities, the financial management, reporting and monitoring procedure, panel lawyer's enlistment requirement etc. The government legal aid system has been given an institutional status by the Act of the Parliament.

A major strength of government funded legal aid program can be demonstrated as of its sustainability and longevity. One of the main reason behind this sustainability is infrastructural and monetary support from the government side. NLASO receive fund for legal aid from the government revenue budget in every fiscal year. NLSO did not face fund crisis yet for operation of legal aid program. The availability of necessary fund and other resources from the government

side helped the NLASO in administering countrywide legal aid program. This also made the government legal aid program stable and long lasting.

NLASO has made significant achievement in developing the mechanism of providing nationwide legal aid service for the last couple of years through a number of initiatives. Reform of laws and policy, establishment of district legal aid office, recruitment of staffs, formation of legal aid committee at Upazila and Union level, upgrading the panel lawyers list, increasing the eligibility range of legal aid recipient, regular allocation of legal aid fund to DLACs, raising panel lawyers fee, skill development of officers and staffs through training etc made the government legal aid system more effective and progressive.

Bangladesh retains judiciary dominated legal aid mechanism. Judges are the key persons as well as integral part of whole government legal aid system. The government legal aid service is currently administered through the DLACS, each chaired by the respective District and Session Judge who also presided over the judicial structure of the district. District Legal Aid Officer who acts as head of district legal aid office and also member secretary of DLAC is a judicial officer in the rank of Senior Assistant Judge/Assistant Judge. During the survey it has been found that the District and Session Judges symbolised and professed as the guardian of justice; hold an inherent degree of respect by the legal judicial community as well as the society at large. This also strengthens the acceptance of his/her leadership amongst key administrative, judicial and private sector actors involved in the operation of government legal aid service.

National Governing Board (NGB) of NLASO, which is the highest policy maker of government legal aid services has ample authority to exercise all powers in all such functions as needed for administrations of NLASO. Section 7 (b) empower the NGB to take projects for expanding, upgrading and promoting legal aid programmes, sub-section (b) authorize the NGBto take and research activities for providing legal aid. This power has increased the strength of NLASO that ultimately promoted the NLASO to develop an effective, efficient and appropriate operational mechanism.

The current legal framework of various legal aid committees, such as SCLAC, DLAC, LLAC, CALAC, UPLAC, ULAC are principally a representative body comprising the key persons of the judiciary, administration, prison, police, health sector, District Bar Association, NGOs, women's organisation, government law officers etc. It forms a forum of key stakeholders involved in the respective justice e delivery system that has the potential as a strong platform for

advocacy and outreach that are needed in addressing the causes of vulnerable and disadvantaged peopleA remarkable progress in the government legal aid sector, without any doubt, is establishment of separate District Legal Aid office and posting of full time District.
Legal Aid Officers from judicial cadres in those offices. This helped the NLASO at a large scale, to institutionalize the countrywide government legal aid programme faster. The office of District Legal Aid Officer works as secretarial unit of DLACs. It implements DLACs decision and ensures the quality of legal services given to the clients through panel lawyers.
NLASO attitude towards public private partnership as well as joint collaboration with other organizations both GO & NGOs is praiseworthy. NLASO, with the mandate of LASA started various legal aid programme like training, workshop, seminar, awareness campaign etc with the joint collaboration of GO-NGOs. Community leaders, NGO, local government representatives, professional associations, media, and other civil society members are highly fascinated with such approaches of NLASO. This constructive approach is very helpful for addressing necessary awareness, outreach and also for spreading out the legal services to the grass root people.

Implementation of legal aid act in both developed and underdeveloped countries indicates government's willingness to serve the poor. Bangladesh is a developing country with more than thirty percent ultra poor population living in the darkness of illiteracy and therefore without access to any such state-run programme. The existing wide range of disparities between the poor and the rich can only be mitigated through strengthening this Legal Aid Programme which is closely linked with the Poverty Reduction Strategy and it must be seen as an instrument of achieving Millennium Development Goal. However, the government must also ensure that the act is regularly reviewed to address loopholes. The Government should follow a strategy of continuous improvement. In order to judge the success of reforms in legal aid provision, it is necessary to first establish a set of criteria against which it will be evaluated.

Chapter-Five

Conclusion and Recommendations

5.1 Introduction

In Bangladesh a significant number of people are still deprived of their constitutional right of access to justice and fair judicial processes caused mainly by poverty, ignorance, illiteracy, oppression and exploitation. Notwithstanding there exists a government operated legal aid system in Bangladesh, whose support mechanism is inadequate. The idea of legal aid represents the very spirit of equality and equity enshrined in the modern notions of constitutional law, as stated in the Constitution of the Peoples' Republic of Bangladesh. The doctrines of equal treatment of law and fair judicial trial have found expression as one of' the foundations of the modern legal understanding of fundamental human rights, both national and international arena. The concept of legal aid is thus neither a charitable feeling nor an idealistic vision of a utopian venture. It is rather a vital and essential part of the principles of Rule of Law and administration of justice. The notion of Legal Aid viewed in a broad generic sense, is a compilation of activities, which can be undertaken by lawyers or non-lawyers, including NGOs and other civil society, as may be appropriate according to law, custom and capacity.

5.2 Key Recommendations

A. Institutional, Organization and Structural Reforms

1. The official status of NLASO is still a governmental organization which is termed as Directorate. As a national institution, its status needs to be upgraded. Now the office Chief of NLASO is Director who is equivalent to Joint Secretary. To make an effective control over all national and regional legal aid committees and other authorities,the position of Director may be raised to Director General equivalent to Additional Secretary.
2. The NLASO headquarter is presently positioned at the rented house in Baily Road, Dhaka. In order to set up a sustainable infrastructure, the headquarter of NLASO should be shifted to a self-owned house. This headquarter should be reasonably equipped with logistic equipments and resources considering the extent of governance,

monitoring, management systems along with monitoring and coordination network that may facilitate the NLASO to operate the legal aid program all over the country.

3. The institutionalization of legal aid providing NGOs has been hampered due to lack of fund and other resources. NGOs are fully dependent on donors for fund. But donors fund is often limited to activities of specific project or programs. As a result, NGOs can not do anything beyond their project proposal. Government may come forward with fund for housing and other infrastructure of leading legal aid providing NGOs.

B. Procedural Reforms

Most of the procedural complexity so far existed in legal aid management has been removed by the NLASO with a number of positive initiatives. However, following factor should be considered to remove other complexity or barriers:

1. Chairman of District Legal Aid Committee who strictly remains busy with judicial and administrative work is still approval authority of legal aid application. It would be wise to empower the granting power of application to District Legal Aid Officer for its quick disposal. Applications received for legal aid should be disposed on daily basis instead of waiting with all the applications for the monthly meeting next to be held.
2. In line with the provision inserted in the newly formulated Legal Aid Regulation, separate forms/registers need to be developed for case management and case diary, which will be used in district legal aid office.

C. Accessibility and simplicity of legal services

1. DLAC maintains series of official procedure that starts with submission of application for legal aid. These formalities now maintained in providing legal aid from beginning to ending should be minimized to a reasonable limit.
2. Legal advice can be one of the best supports for the legally distressed people. But this support is not yet available in 64 district legal aid office due to non-posting of District Legal Aid officer in full range. Full time District Legal Aid Officer need to be appointed soon in all districts for the interest of justice seekers.

3. Legal aid services must be easy accessible for the women, children and other vulnerable group or community. This service should be made available at every contact point. Initiatives can include appointment of panel lawyer on part time basis in some crucial points such as Jail, Juvenile Court, Police Stations etc for representation of the victims. Special program can be taken to meet the legal need of the affected person including the prison or other institutions to take interview and taking steps readily for under-trials or detainee.
4. According to the provision of LASA 2000, NLASO mandate is not limited to provide legal aid only to those whose incapacity of seeking justice is constrained merely by financial insolvency. Therefore, the 'income limit' criteria should not be strictly applied in giving legal aid. In terms of LASA, it is the sole consideration of NLASO to determine the eligibility criteria of legal aid applicants. Side by side the financial capacity, other relevant issues like socio-economic perspective as well as real scenario, nature of case etc should be taken into consideration.
5. DLAC chairman remains tremendously busy with the entire administration of judgeship as well as his own judicial functions. Therefore, the approval authority of legal aid application should be shifted to District Legal Aid Officer from DLAC Chairman for its quick disposal. Presently it is already being practised in a good number of districts.
6. From the client's view, the panel lawyer's service to the legal aid recipients is not satisfactory. Most of the legal aid clients are not happy with the role of panel lawyers particularly in protecting the client's interests. District Legal Aid Officers and staffs opined that lack of sincerity devotion on the part of panel lawyers and poor honorarium is the prime reason behind this performance.

D. Ensure speedy but quality legal services

1. One of the major findings identified by this mapping is lack of speedy and quality legal services on the part of panel lawyers in dealing legal aid cases. Most of the panel lawyers have little commitment and it ultimately causes poor services to the clients. Many opines that the poor performance or reluctance of panel lawyers in dealing legal aid cases is closely connected with inadequacy of panel lawyer's fee

provided by NLASO for their services. Therefore, rates of fees given to the panel lawyers need to be reviewed in more practical terms in order to encourage the lawyers in paying more attention and quality services to the legal aid clients.

2. Panel of lawyers should be restructured. New panel may be made with the lawyers having efficiency, proficiency and expertise in legal profession. Devotion to legal aid work and poor friendly attitude must be given the highest priority in the process of enlisting panel lawyers. The panel should be consists of the lawyers having proven track in the respective fields such as civil, criminal, family matters, women suppression etc.
3. Quality of legal services can be improved at a large scale with the capacity building of panel lawyers. Lawyers as a community of legal aid providers, should learn the strategies how the client's need would be properly addressed. Extensive training programme on sensitization, case handling, client counseling, skill development etc should therefore be on high priority of NLASO.
4. A code of conduct for the panel lawyers of NLASO may be framed. Further to this, a strong recommendation of this mapping is to take effective initiatives on improving and monitoring the quality of legal aid services. One crucial aspect in this regard is to ensure that the panel lawyers provide the same quality of services, as they would have done in the case of their own private clients. A monitoring system therefore needs to be established to monitor and evaluate the overall performance of panel lawyers.
5. It is often seen that people facing various legal crisis come to the NGOs for help but NGOs cannot provide relevant support if such helping area is not within the purview of concerned NGO. Therefore, strong referral system can be developed to respond all legal aid seeking people. By following referral method, non-legal aid providing organizations may also help the client referring the case to the relevant legal aid providing organizations.

E. Publicity, Awareness, Campaign and Community Mobilization

1. Massive awareness programs must be adopted both at national and local level with a view to spread out the message of legal aid across the country.
2. Media campaign on the legal aid should be undertaken through both print and electronic media. Legal aid concerning TVC, Talk-Show, Documentary, Cinema Clips, Folklore Music and Cultural Shows can be telecast through radio and television. On the other hand, legal aid related news, advertisement, report etc can be published through national and local newspapers.
3. Legal aid related Bill board; Sign Board etc should be displayed at prime locations particularly in front of District Court, Bar Association office, District Comissioners office, Prison, Police Station, UNO, Upazila and Union Chairman office. Hotline number or other contact information must be inserted on the Bill Board and Sign Board.
4. The information related to the legal aid would be more effective if these are circulated through the teachers, imams, kazis and other religious leaders of the temple, churce etc. Organizing workshop, seminar, exchange meeting etc on legal aid at grass roots level in participation of chairman, members, local elites as well as school and madrasha teachers will create awareness among the people.
5. The local government representatives specially the Pouroshova Chairman, Councilors, Upazila Chairman, Vice Chairman, UP Chairman, Female Members should be sensitized about the government legal aid services. The role of local representatives in making legal aid accessible for the poor must be well informed.

F. Partnership and Networking

1. It is imperative for the state to engage in partnership with non-state legal aid service providers including NGOs, Civil Society Organizations, professionals and community mobilizers for the promotion of legal aid across the country. It would be difficult for the government alone to provide legal aid for all vulnerable people. Coordiantion and cooperation among all legal aid providing organizations are essential as their objectives are same.

2. The government needs to probe into the mechanism, tools, means and strategies applied by the private sector initiatives in legal aid field with a view to identify the lessons and best practices that could be replicated or adapted by the operational policies and implementation module for the state-sponsored legal aid system.
3. The legal aid providing organizations can share their views and experience with each other to serve the poor people better. Avoiding overlapping activities, GO-NGOs should exchange their views, experience, case study, resources and other output in this regard in meetings and sittings.
5. Joint collaboration between GO-NGO on dissemination as well as complementing each other's services and exchange of information would be a very effective strategy for fruiteful networking. Specific initiative can be taken to develop collaboration with local NGOs in addressing promotional activities at the grass root including legal literacy program.
6. Government can take steps to engage some well reputed NGOs having wide coverage both national and regional level for creating awareness in legal aid. Government should primarily select some NGOs capable of running awareness based legal aid program. The government, in this regard, may issue an order to introduce a program on ‘legal aid’ side by side their other regular activities.

G. Reporting, Transparency and Accountability

1. A sound reporting system is available in government legal aid. NLASO developed various forms and registers to bring the subordinate offices, committees and panel lawyers under monitoring tools. But NLASO has not been successful in implementing the whole reporting system mainly for non cooperation on the part of panel lawyers. Panel lawyers need to be motivated for proper and timely reporting regarding their case status.
2. Reporting by the SLAC, DLAC, CALAC, UPLAC and ULAC to the NLASO must be regular, consistent as per the formt designed by NLASO. However, some formts are undated. These should be revised based on the current development of government legal aid services.

3. NLASO should publish detailed annual report each year. The annual report should be a compilation of largely quantitative monthly and quarterly reports with detailed element of qualitative assessment done by all subordinate offices, service centres and committees working under NLASO.
4. The accounts of NLASO and all its subordinate offices As well as committees is auditable under section 18 of LASA 2000. Therefore it is recommended by this study that NLASO and its subordinate offices fund disbursement, accounts, expenses etc need to be regular auditing by the competent auditors.
5. People have very little information regarding the financial management of the fund received by NGOs. Both the NGOs fund and activities should be accountable to the public. Receipt of fund and its disbursement should be brought under both internal and external auditing.

5.3Conclusion

Equality before the law, equal protection of the law and rule of law which are all guaranteed by the constitution of the Republic will cease to be effective if the poor and vulnerable sectors of the populae are not properly provided with a legal aid facility or legal aid mechanism which has to be properly implemented. It is better to do something imperfectly rather than to do nothing flawlessly. A good plan implemented today is better than a perfect plan left for tomorrow. Hence, the government should develop an atmosphere which should be more conducive to address the loopholes of the legal aid service mechanism and to take concerted efforts with the NGOs to provide a smooth legal aid for ensuring access to justice among the poor litigants. It is not too misleading if we were to say that ideas without action are worthless. Vision without action is just a daydream. Action without vision is a nightmare.

Bibliography

Books

1. Ahammad, Dr. Zulfiquar (2014) ADR Theory and Practice including Legal Aid Services Act, Muhit Publications, 1st Edition., Dhaka.
2. Akhtaruzzaman, Dr. Md. (2013) Concept and Laws on ADR and Legal Aid Services Act, 5thEdition., Dhaka.
3. Ali, Mohammad Rustom (2009) Alternative Method to Resolute Dispute, Sajib Law Books, 1stEdition., Dhaka.
4. Halim, Md. Abdul (2011) ADR in Bangladesh: Issues and Challenges, CCB Foundation, 2ndEdition., Dhaka.
5. Hoque, Dr. A.B.M. Mahmudul (2015) Alternative Dispute Resolution in Bangladesh: Challenge and Prospect, Law Book Company, 1st Edition, Dhaka.
6. Talukder, Dr. S.M. Hassan (2010) Access to Justice: Bangladesh Perspective,Bangladesh Law Research Center, 1st Edition, Dhaka.
7. Rahmankhaledur (2016) Alternative Dispute Resolution & Legal Aid, Law Place Innovation for Reformation, 1st Edition, Dhaka.
8. IsratAzim& Md. ErshadulKarim,(2006) Principles of Civil Litigation: Bangladesh perspective, Law lyceum, 1st Edition, Dhaka.

Journal and Report

1. Journal of Educational and Social Research, MCSER Publishing, Rome-Italy Vol. 4 No.3 May 2014.
2. International Journal of Humanities and Social Science Invention ISSN (Online): 2319 – 7722, ISSN (Print): 2319 – 7714 www.ijhssi.org Volume 4 Issue 2 ǁ February. 2015 ǁ PP.01-09.
3. The Dhaka University Studies, Part-F Vol. XV (2): 59— 82, December 2004.
4. International Journal of Social Science Research ISSN 2327-5510 2014, Vol. 2, No. 1.