

For Paralegals and
Paralegal Trainers

Basic Paralegal Training



Inspiring Excellence

Centre for Peace and Justice (CPJ)
BRAC University

For Paralegals and Paralegal Trainers

Basic Paralegal Training Course

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Centre for Peace and Justice (CPJ), BRAC University

Centre for Peace and Justice (CPJ), is a post graduate learning, research and advocacy institution which is an initiative of BRAC University. The main objective of the organization is to establish justice and peace in the society through legal education, training, research and advocacy. CPJ intends to identify and work towards finding long term solutions to global conflicts, fragility and extremism.

With the goal of increasing the skills and knowledge of paralegals and paralegal trainers and to build the competency and/or capacity of the organizations that hire them. The CPJ has established a steering group comprising of the country's leading organizations providing legal aid and assistance. The journey of articulating this module began with the initiative of South Asian Institute of Advanced Legal and Human Rights Studies (SAILS) under BRAC University, financed by Open Society Foundation (OSF). Later on, the CPJ based on the foundation laid down by SAILS has continued the task of putting the module together. Since 2015 opinions and feedbacks from the leadership and activists of various participating organizations within the steering group have helped to initiate the articulation of the basic training module for Paralegals and trainers. The leadership and activists of various organizations such as Ain O Shalish Kendro, Madaripur Legal Aid Association, Nagorik Uddyog, Bangladesh National Women's Lawyers Association, Council of Minorities, Friendship Move Foundation, BRAC HRLS and BRAC University have supported this initiative with their efforts, knowledge, expertise and infrastructural facilities. Therefore, I would like to acknowledge my gratefulness to every individual and organization that has been involved with us in this endeavor.

This training module is accessible and open for all and any legal aid organization may use this module for their paralegal trainer or their paralegal training. I hope that this module will play an integral role in the process of spreading the paralegal movement in Bangladesh and to also give paralegal training an effective professional outlook.

Last but not the least, I would also like to thank everyone involved in editing, proofreading and translating and specially my co-workers in CPJ who have helped in the process of shaping this module in its final form.

Manzoor Hasan

Executive Director

Centre for Peace and Justice, BRAC University

Brief about the Module

The module has been developed to build up a group of paralegals with basic paralegal skills, knowledge and mindset.

The subjects, content and presentation of the module were chosen with the aim of developing a module that would be beneficial for both paralegals and paralegal trainers.

The module has been finalized after a lengthy process of feedback and deliberations from the stakeholders. Following multiple meetings, discussions and workshops organized in collaboration with leading legal empowerment throughout 2015 and 2016, a decision was taken to design, develop and implement a course on paralegal training. The initiative was undertaken by South Asian Institute of Advanced Legal and Human Rights Studies (SAILS) under the aegis of BRAC University and received financial support from the Open Society Foundation.

Subsequently, in June of 2016, with the help of 8(eight) trainers and lawyers from Ain O Shalish Kendra (ASK), Madaripur Legal Aid Association (M.L.A.A), Citizen's Initiative, and the Council of Minorities, a workshop was organized to start the development of this module. A 5-day residential workshop was run and aided by NRT and the subject matter of the course, its study materials and presentation methods were derived from this workshop. A compilation of these formed the first draft of the module.

Subsequently following some changes and adjustments to the initial draft of the module, the usable version was developed. None of the subject matters which had arisen during the workshop were discarded during the revamping of the module. Keeping in mind various factors like class, elderly education policy, material benefits, etc. of potential participants, some of the subject matter/content has been broken down into multiple sections. Accordingly the logistics, stationaries, items, method of presentation and the content of the course has been re-evaluated. The module has been divided under 6 headings with 6 sections each for an easier learning experience. For every Chapter, there will be more than 2 sessions and each session's title, purpose, time, method, ingredients, items, text books, advice for the trainer, the aspects of the topic to be discussed and the procedures to conduct the session have been described step by step. Furthermore, the effectiveness of the curriculum was tested at field level; with the scope of experts of the field in the national level to examine it and give their valuable feedback. The result from the field test as well as the feedback from the experts has culminated in the current form of the module.

Considering the possibility of the training being imparted not only across the cities but also in remote areas of the country, due consideration has been given to the method, material and items to be used for the training so that every training centre with minimum facilities can be utilized.

Taking the subject matter as well as the sessions' requirement into consideration the timeframe for the course ought to have been at least 7(seven) days. A timeframe of 9 (nine) days would have allowed for more practice exercises. After much deliberation regarding the participants and their respective organizations, the time the trainers are prepared to give, the budget and other aspects the course, the duration of the course was agreed at 6 (six) days. The daily itinerary therefore may appear constricted. However, the trainers as well as the administrators, upon discussion, are at liberty to reduce some of the sessions from the modules if they deemed necessary. If one can continue promising participants, trainers, managers/administrators, and other facilities, the endeavor shall bear fruits, even though the process may demand hard work.

Trainer

The success of the course depends mostly on the skill and sincerity/level of personal investment on part of the trainer. It is of course very difficult to hold the attention of the participants for about 9 and a half hours daily, but it is not impossible. Which is why, this course requires a trainer or trainers who –

- Have at least five years of experience in law and human rights issues and have enough experience to independently run the course.
- The general trainer training, subject-wise trainer training, communication and management related training, ought to regularly partake in these activities as well as be experienced in at least 5 similar courses and trained under an experienced trainer.
- The trainer ought to be knowledgeable as well as experienced in Elderly Education Policy, philosophy, theories, and successful course maneuvers.
- Well educated in paralegal activities, law and legal process, human rights, and gender related issues.
- Must have highest degree qualification from a university.
- Creative, hard-working, genuine and committed.

If there are multiple trainers, having at least 1 (one) lawyer will help the course to be more effective.

Basic Guideline for the Trainers

- The course will be hosted for participants who are adults, and as such the knowledge, skill, experience, status, and empathy of the participants should be kept in mind, and must be respected while conducting the sessions.
- The module must be read multiple times, and the method, steps and subject-matter must be properly understood.
- Relevant issues outside of the key-notes and the subject-matter provided must be practiced.
- The module's methodology, content and procedures have been provided as samples. A capable, experienced and creative trainer can, if necessary, emphasize on the main learning objectives, while applying their own techniques, or can add their own content or apply their own teaching methods.
- As the sessions will last for long hours every day, energizing games, meditation to help ensure focus, and examples to help eradicate hesitation, should be pre-determined. Use them at appropriate times. The trainer can use their own experiences or experience of those they know to draw such examples.
- Enter every seminar with the sufficient amount of materials, such as copies, markers etc.
- With every session follow the attached guidelines and learning materials.

In short, enter the session well prepared.

Essential Facilities

Around 20-25 participants will take part in the course. Therefore, including the aforementioned number of participants, trainers, and spectators, there will be need for the following facilities for about 30 people –

1. **Seating Arrangements:** Arrangement for about 25-30 people, to be able to sit in semi-circle, U-shaped and circular positions, as well as sufficient space to move around it.
2. **However**, ideal room measurement would be 25 feet by 30 feet.
3. **Group Work Facilities:** Sufficient space to seat multiple small groups of 7-8 people both inside and outside the session rooms.
4. **Board:** The room will require a white board, at least 2 clipboards measuring 4 feet by 6 feet, 1 easel stand for a flip chart, and sufficient wall space to attach relevant posters.
5. **Lighting and Temperature:** The training room will require sufficient light, and it is recommended that in summer there are heat controlling facilities.
6. **Food and Residential Rooms:** Dining room and living quarters must be clean and hygienic, with sufficient light and ventilation.
7. **Washrooms:** Appropriate washroom facilities for men, women and persons with disabilities.

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Introductory Session and Explaining the Objectives

Trainer's guideline for preparation

- *This introductory session is of immense importance. By doing this session you have to make the participants feel comfortable and try to formulate a learning team*
- *Read and memorize the steps carefully; before conducting this session with the participants, the trainer must practice the exercise by him/herself.*
- *See the attached materials and make five circular cards beforehand*
- *Place the cards in different areas of the room.*
- *If you have any visitor and/or guest speaker, speak with him/her before the session. Explain to him/her the aims and objectives of the session. If the guest speaker and/or visitor have a role to play in the session, explain to him/her the process and allocate him/her specific amount of time for the speech/performance/role playing.*

Objectives

At the end of this session participants will be able:

- to interact and become familiar with each other
- to create a better learning environment
- to appreciate the aims and objectives of the training



Duration : 1 hour



Method : Speech / forming groups and group performance



Materials : five circular cards (attached- to be used for group formation)



Stationeries : Marker pen, Board Pin, Masking tape



Reading Materials: Not Applicable

Key Message

Objectives of the Basic Paralegal Training Course

- Explain and clarify the concept of paralegal
- Identify the basic knowledge, work, mental ability and skills needed to become a paralegal
- Train a team of paralegals by explaining and teaching them the important laws, legal rules and procedures.

Process

Step 1: Greeting and explaining the objective

- Introduce yourself to the participants and welcome them to the training program and give the participants essential contact information about yourself.
- If you have any guest speaker/visitor for the inauguration of the course, welcome them to the event and give them opportunity to present their speech.
- After the guests' speech thank them, summarize their speech and reiterate the objectives of the training course in a very specific manner.

Step 2: Identify the necessity and status of a Paralegal in a Triad

- At the end of step 1 request all participants to stand up and state, "As we shall be spending the next six days together in this course, it is important for us to become familiarize with each other. Do you all think in the same way?"
- Listen to their answers, and state, "let's get introduced to each other in different way." Request the participants to hold each other's hands and stand in a circle.
- After standing in a circle instruct them to walk in a disorganized manner until further instructions. Let's Walk.....

- Let them walk for some time and encourage them to walk. Attach the circular card no. 1 at any corner of the room and instruct them not to stop the walking. Now state, “those of us think that rights are everything and want to know their rights in a proper and better manner please come near the card no. 1 and the rest should continue walking.”
- Let them walk for some more. Attach the circular card no. 2 at any other corner of the room and instruct them not to stop the walking. Now state, “those of us think that rights are meaning less without laws and want to know the laws in a proper and better manner please come near the card no. 1 and the rest should continue walking.”
- Similarly attach card no. 3,4,5 to different corners of the room and form the groups as per the instruction given above.
- After formation of five groups give them conditional opportunity to change the groups. Conditions are- i. each group cannot have more than five members (If there are only 25 participants), ii. Each group shall have both men and women.
- Conclude this step after the formation of five groups.

Step 3: Group Work

- Ask the participants to consult with their group members and make a slogan which shall represent their card topic.
- Instruct the Participants to act and direct a drama through which their slogan will be perceptible.
- Allocate them 5-7 minutes.

Step 4: Presenting the Group work and Introduction

- Give the Groups opportunity to present their slogan, mark or play.
- Allocate each group a maximum of 1.5 minutes.
- Instruct each group to pay attention during the other presentations.
- Ask each group about the others' presentation.
- Instruct each participant to tell their and their institution's name at the end of the performance.
- After the presentation of each group ask the other participants to tell the participants' names.
- Conclude the session after the introduction of all the participants.

Materials

**Rights
are
everything**

**Rights are
meaningless
without
laws.**

**Everything
is pointless
without
equity and
equality**

**What
does
paralegal
mean?**

**What is
judgment and
what is
arbitration?**

Module 1

Paralegal and Paralegalism

General Objective

Development of Paralegalism and knowledge, skills & attitude of a Paralegal

Specific Objectives

- To identify the role and tasks of a paralegal
- To analyze the necessity of Paralegalism
- To facilitate acquiring essential knowledge, skills and attitudes of a paralegal

Topics

- Who is a Paralegal and what is the relevance of a paralegal?
- The role and tasks of a paralegal
- Essential knowledge, skills and attitude of a paralegal

Who is a Paralegal and What is the Relevance of a Paralegal?

Trainer's guideline for preparation

- Read the steps carefully and practice at least once before the delivery of the session. Take mental notes of relevant examples and experiences to use as appropriate during the session. Relevant additional materials should be read along with attached key message and reading materials
- It is recommended that a session conducted by an expert trainer should be observed beforehand

Objectives

At the end of this session participants will be able:

- To clearly explain the concept of Paralegal
- To determine the relevance and position of a Paralegal



Duration : 1 hour



Method : Triad discussions



Materials : Attached Reading materials shall be used as learning material.



Stationeries : Flipchart, Marker pen



Reading Materials: Handout - 'What is Paralegal and what is the relevance of a paralegal' (attached)

Key Message

What is Paralegal and What is the Relevance of a Paralegal?

In general terms, a paralegal is a person educated in law and legal procedures, trained and experienced in related matters but not a lawyer. Professional lawyers, law firms, government organizations, voluntary organizations and other organizations appoint paralegals to work on legal issues on their behalf.

Globally, the term paralegal has been defined differently. Amongst them, the definition given by Japanese Institution of Judicial Scrivener gives a complete sense of a 'paralegal'. In Japan, the synonym of Paralegal is 'ShihoShoshi' which refers to a person engaged in legal activities who positioned at a higher level than a lawyer's assistant but one step lower than a lawyer.

The position of paralegals varies from country to country. For example, in Japan, especially in rural areas, 'ShihoShoshi' or Paralegals are treated like a lawyer. In Ontario of Canada, paralegals are even allowed to file cases on behalf of a senior lawyer. Due to high rate of pendency, UK and USA have been considering to engage paralegals in lower courts in place of lawyers.

Education and Accreditation of Paralegals

Specialized education and accreditation system are in place in the countries where paralegal is recognized as a profession. For example in USA two professional bodies namely National Association of Legal Assistants (NALA) and National Federation of Paralegal Associations (NFPA) provide certification through a competitive examination. Anyone with a graduation or paralegal diploma from an approved educational or training institute meets the minimum entry requirement for this examination. The Law Society of Upper Canada also accredits paralegals with graduation or paralegal diploma through a competitive exam. Similarly, UK, Australia and Japan also have similar certification process. 'ShihoShoshi' or paralegals in Japan are also required to obtain similar certificates. South Korea follows Japan as model.

Step 1: Forming Triads and clarifying the concept of paralegal

- Invite spontaneous participation from all and ask them to mention the title of the course. Listen to a few answers. Write the word 'paralegal' on the flip chart.
- Ask "What is paralegal? Relevance of a paralegal? After listening to a few answers tell the participants that we will proceed in an organized manner and divide the class into triads."
- Ask each participant sitting in U shape or half circle to utter the words 'right', 'dignity', and 'equality' either from the right or left end
- Every 4th participant shall start with the word 'right', and this shall continue till the last person and the 3 participants for each group shall be identified.
- Mark the participants who uttered 'equality', by raising their hands and request them to bring their seats ahead. They should now sit face to face with the persons who said 'right' and 'dignity'. In this way a triad will be formed.
- After the triads are formed, ask them to discuss and establish a consensus on what they understand by paralegal in light of their own experience and to write it down in a notebook.
- Instruct all triads to have an open discussion amongst themselves and write the concept of paralegal within 3-5 sentences.
- Allocate a maximum of 15 minutes.

Step 2: Identify the necessity and status of a Paralegal in a Triad

- Once the triads have finished their given task, now write on the flip chart, what is the necessity of a paralegal? Ask each triad to write 5-7 points on this question.
- Allocate 10 minutes for this task.
- After the completion of the task write on another page of flipchart "What is a paralegal and what he is not?"
- Ask this question to all the triads and instruct them to write down an answer in 2-3 sentences.
- Allocate 5-7 minutes for this task.
- After writing down their answers, give all the participants one copy of reading materials titled "Who is a Paralegal and why do we need Paralegals?" and ask them to go through it in groups.
- Allocate 5-7 minutes for this task.
- Allow them to modify further if they agree in the triad.
- Allocate 5-7 minutes.

Step 3: Concurrence and consolidation of the discussion

- After the participants have finished writing, ask them to present their concept of a paralegal one after another. Clarify that if the idea of one group is fully or substantially similar with others, the latter shall not present their ideas and concur with the earlier.
- When the triads are giving their presentation, write the important points in the page titled 'What do we understand by the term paralegal?' in the flipchart.
- In a similar manner, collect the answers of the other questions and write them down in two separate pages.
- With the help of the attached study materials and the key message write the synopsis of the session and draw a conclusion.

Materials

Use the reading materials as the materials

Who is a Paralegal and why do we need Paralegals?

In general terms, a paralegal is a person educated in law and legal procedures, trained and experienced in related matters but not a lawyer. Professional lawyers, law firms, government organizations, voluntary organizations and other organizations appoint paralegals to work on legal issues on their behalf.

In different countries, the term 'paralegal' is defined differently. After 1980 some national organizations and institutions of USA, England, Canada, Australia and South Africa have provided various definitions of the term paralegal. For example National Federal of Paralegal Association (NFPA) of USA have defined Paralegals as, "A person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer."

Association of Paralegal Education (AAPE) of USA defines paralegals as "Paralegals perform substantive and procedural legal work as authorized by law, which work, in the absence of the paralegal, would be performed by an attorney." UK institute of paralegal states, "A Paralegal is not a lawyer, however he performs such legal works that are generally performed by lawyers and for which he receives remuneration."

According to Paralegal society of Ontario of Canada, "Paralegal is a competent, educated, experienced and certified individual who upon receiving an approval from law society of Upper Canada provides legal services to lay people."

Hence, it can be seen that a paralegal is mainly a trained person providing legal services but who is not a lawyer. The definition given by Japan's Institution of Judicial Scrivener may be considered to have ascribed the meaning of the term 'paralegal' its fullest exposition. In Japan, the synonym of Paralegal is 'ShihoShoshi' which refers to a person engaged in legal activities who serves in a position, practically higher than that of a lawyer's assistant but one step lower than that of a lawyer.

'ShihoShoshi' or paralegals in Japan are required to obtain certificates awarded following an examination. South Korea also follows Japan in an identical manner in this regard.

In Bangladesh there is still no widely accepted definition of the term 'paralegal'. However, different voluntary organizations and government institutions have been providing legal services in the country by appointing paralegals. Like other countries, in Bangladesh as well, there are paralegals working-who are either organization based or independent, some of whom are working professionally for remuneration while others are working voluntarily.

Status of a Paralegal

An analysis of the above definitions clearly reflects the professional, social or the economic importance of paralegals and the necessity of the work carried out by them. While it is seen as a full profession in some countries, Paralegalism in others is often viewed as a type of social responsibility instead of a distinct profession. In many countries including Canada, USA, UK, South Africa, Japan paralegalism is a recognized profession and the concerned government and non-government institutions have paralegals in their operational structure.

However, in South Asian nations like Bangladesh and India, Paralegalism has not developed as a complete and distinct profession. Only a handful of voluntary organizations and a few government institutions appoint a small number of paralegals. It should be mentioned that, paralegalism has been established as a profession with utmost importance by the state of Ontario, Canada.

The financial position of paralegals varies from country to country. In Canada, USA and UK certified paralegals, on an average, earn between USD 80 to USD 300 per day.

The social status of paralegals also varies from country to country. For example, in Japan, especially in rural societies, 'ShihoShoshi' are treated with same status as that of the lawyers. In the state of Ontario, Canada, paralegals can file small cases in courts on behalf of senior lawyers. Due to an increased backlog of cases in USA and UK, it is being discussed as to whether paralegals can be used like junior lawyers in the lower courts. On the other hand, in many countries including Bangladesh, it has not yet been possible to establish paralegals as a complete and distinct profession.

Education and Accreditation

In countries where paralegalism is established as a profession, there are special arrangements for paralegal education and accreditation. Amongst them, in USA two non-government institutions namely National Association of Legal Assistance (NALA) and National Federation of Paralegal Associations (NFPA) provide certification following a competitive examination. For appearing in this examination a person needs to be at least a graduate or have passed paralegal diploma from an approved educational or training institute. In Canada as well, paralegals need to have general graduation or after their paralegal diploma, they need to acquire a certificate following an examination from law society of Upper Canada. By the same token, in USA, Australia and Japan such accreditation process has been introduced.

The rate in which the number of cases is increasing in South Asian countries like Bangladesh, it is not possible to solve this problem with lawyers only. Hence, it has now become important to provide paralegals with necessary education, training and accreditation to ensure professional standard of legal services.

Roles and Tasks of a Paralegal

Trainer's guideline for preparation

- Use your personal experience and other sources to make a draft list of tasks for yourself. You can use this list to help the teams if necessary.
- You can use a game or technique to divide the teams. Arrange brown paper and multi colour marker pens for each team beforehand.

Objectives

At the end of this session, the participants will be able:

- to identify the legal and social role of paralegals
- to create a list of tasks based on the role of paralegals



Duration : 75 minutes



Method : Discussion in large group, small group work and presentation



Materials : 3 Round cards titled 'Legal Role', 'Social Role' and 'Rights Activist's Role'



Stationeries : 4 brown papers, 12 marker pens, board pin, masking tape.



Reading Materials: Handout-“Role of Paralegals” (attached).

Key Message

Role of Paralegals

Paralegals are seen to perform different tasks in different countries. But all of their tasks concern legal services. Keeping the legal services as his/her primary duty, a paralegal is also required to perform various types of others tasks. An analysis of the tasks performed by a paralegal will reveal 3 roles in which a paralegal acts. They are –

1. Legal Role

2. Social Role

3. Rights Activist Role

While acting in these roles a paralegal has to perform various tasks which includes:

Legal Role	Social Role	Rights Activist's Role
<ul style="list-style-type: none"> • To maintain case records • To draft GDs and FIRs • To conduct legal/case research for lawyers • To advise the petitioner/respondent about case preparation • To inform the petitioner/respondent about the case progress/updates • To keep the petitioners/respondents aware of their duties during various stages of the case 	<ul style="list-style-type: none"> • To create legal awareness • To assist help-seekers in filing GD/ FIR • To take the affected person to hospital, police station or lawyers as per their need • To conduct primary counseling • To provide the person seeking help with the address of institution providing free legal services; and to take accompany/take them if necessary • To assist in obtaining free government legal aid service • To arrange 'Shalish' in matters which are allowed to be resolved through 'Shalish' 	<ul style="list-style-type: none"> • To find facts • To create public opinion • To advocate • To bargain • To negotiate • To arrange procession and rally • To draft memorandum and presentation • To arrange programs for celebrating different occasions • To publish information on law and rights • To collect and preserve information

The above mentioned roles are complementary to each other. Apart from these, different special tasks may be added to this task list depending on organizations, locality and country.

Step 1: Identify the 3 primary roles of a Paralegal in a Large Group

- Ask who is and who is not a paralegal? What are the roles of a paralegal?
- Compare the answers of the participants and record it on the flip chart.
- Arrange the answers to identify 3(three) primary roles of a paralegal. The 3(three) roles can be:
 - 1) Legal Assistant's Role
 - 2) Social Worker's Role
 - 3) Human Rights Activist's Role
- Note down any other role apart from those mentioned above. While specifying the role, consider the discussions of the previous sessions and the attached reading materials.

Step 2: Making a list of the works of a Paralegal in Small Groups

- Divide the participants into 4 small groups.
- Ask the groups to sit either inside or outside the room
- Advise each of the groups to make a list of 7-10 tasks under each role.
- Provide each group with 1(one) brown paper and 3(three) different colored marker pens.
- Provide them with sufficient cards, pins and masking tape for attaching the brown papers.
- Provide each group with the reading material- 'Role of Paralegals'. Inform them that they can take ideas from it.
- Allocate 25 minutes.

Step 3: Presentation, discussion and generalization of the small group work

- Now, ask a representative from each group to hang their posters in the four corners of the room.
- Ask the relatively active group to make their presentation first. Request the other groups to mark any point that completely or partially matches with the points being presented.
- Now allow the other three groups to present their points which were not mentioned by the first group.
- Allow the groups to have a discussion at the end of the presentation.
- Select the most enriched poster to be the main one. Attach any other remaining points from the other presentations in that poster. You can add a few points as well and assist the team to bring them under the proper role.
- Conclude the session in light of the key message and the reading materials.

Materials

Legal Role

Social Role

**Rights
Activist's
Role**

Paralegal's Work

Paralegals are seen to perform different tasks in different countries. But all of their tasks concern legal services. Keeping the legal services as his/her primary duty, a paralegal is also required to perform various types of others tasks. An analysis of the tasks performed by a paralegal in South Asian Countries including Bangladesh, India, Nepal and other countries like Japan, South Africa, America, Canada, England and Australia will reveal 3 roles in which a paralegal acts. They are –

1. Legal Role
2. Social Role
3. Rights Activist's Role

For fulfilling these 3 roles a paralegal also completes many more tasks.

Legal Role	Social Role	Rights Activist's Role
<ul style="list-style-type: none"> To maintain case records To draft GDs and FIRs To conduct legal/case research for lawyers To advise the petitioner/respondent about case preparation To inform the petitioner/respondent about the case progress/updates To keep the petitioners/respondents aware of their duties during various stages of the case 	<ul style="list-style-type: none"> To create legal awareness To assist help-seekers in filing GD/ FIR To take the affected person to hospital, police station or lawyers as per their need To conduct primary counseling To provide the person seeking help with the address of institution providing free legal services; and to take accompany/take them if necessary To assist in obtaining government legal aid free of cost To arrange 'Shalish' in matters which are allowed to be resolved through 'Shalish' 	<ul style="list-style-type: none"> To find facts To create public opinion To advocate To bargain To negotiate To arrange procession and rally To draft memorandum and presentation To arrange programs for celebrating different occasions To publish information on law and rights To collect and preserve information

The above mentioned roles are complementary to each other. Apart from these, different special tasks may be added to this task list depending on organizations, locality and country.

An analysis of the definitions of the term 'Paralegal' clearly reflect the professional, social or the economic importance of paralegals and the necessity of the work carried out by them.

While it is seen as a full profession in some countries, paralegalism in others is often viewed as a type of social responsibility instead of a distinct profession. In many countries including Canada, USA, UK, South Africa, Japan paralegalism is a recognized profession and the concerned government and non-government institutions have paralegals in their operational structure.

However, in South Asian nations like Bangladesh and India, paralegalism has not developed as a complete and distinct profession. Only a handful of voluntary organizations and a few government institutions appoint a small number of paralegals.

Essential knowledge, skills and attitude of Paralegals

Trainer's guideline for preparation

- Arrange the cards according to the attached sample.
- It is not only arranging a few cards under the 3(three) specific headlines. Bhutan endeavor to set a standard of the qualifications of an ideal paralegal. In this session, your ultimate goal shall be to inspire the participants to be dedicated in their work.
- Take mental notes of relevant examples and experiences to use as appropriate during the session.

Objectives

At the end of this session the participants will be able to cluster the necessary knowledge, skills and attitude of a paralegal under the three headlines appropriately.



Duration : 60 minutes



Method : Clustering cards



Materials : 3 round cards titled 'knowledge', 'skills' and 'attitude', and 30 square cards for listing under each heading



Stationeries : Board pin/masking tape



Reading Materials: Handout – “Knowledge, Skills and Attitude of Paralegals”

Key Message

Knowledge, Skills and Attitude of Paralegals

▶ Is fully aware of a paralegal's activities	▶ Can communicate successfully and expert in establishing relations	▶ Is respectful towards himself and others
▶ Has clear idea about the duties and responsibilities of a paralegal worker	▶ Can inspire others and organize them	▶ Is a believer in the equality of men and women
▶ Has proper knowledge about family law as well as other laws	▶ Can analyze different social and legal problems	▶ Can deal with any problem with a positive attitude
▶ Has proper knowledge about legal steps	▶ Can take the right decision at the right time	▶ Maintains the personal confidentiality of people
▶ Knows about the jurisdiction of the different courts	▶ Can organize and manage different programs	▶ Is sympathetic and sensitive towards people seeking assistance
▶ Has clear idea about human rights and gender equality	▶ Can write GD and FIR	▶ Can maintain a separation between professional duties and personal relationship
▶ Has knowledge about the duties and responsibilities of the police	▶ Can establish communication between the person seeking assistance and the police stations, hospitals or lawyers	▶ Solves problems with enthusiasm and courage
▶ Knows about the fundamental rights of the citizens	▶ Can provide assistance in conducting arbitration	▶ Finds pleasure in and enjoys the work he is doing
▶ Well informed about institutions providing service and support	▶ Can provide legal advice on succession	▶ Keeps himself away from corruption and other crimes
▶ Has a clear idea about the difference between the court's judgment and Shalish	▶ Can negotiate and advocate in favor of the person seeking assistance	▶ Keeps a non-communal mentality and behaves accordingly

Step 1: Creating groups and distributing headlines

- Ask each participant sitting in U shape or half circle to utter the words 'knowledge', 'skills', and 'attitude' respectively, from either right or left side.
- Ask the 4th person to start with 'knowledge' again. The persons stating 'knowledge' forms a group, the persons stating 'skills' forms another group and the persons stating 'attitude' forms the third group.
- Ask the three groups to stand in three corners of the room. Then ask them to look at the shaped cards kept at the centre of the room. Place the cards in a way so that all the participants can read them.

Step 2: Placing the right cards

- Provide each group with the cards bearing the group's headline and ask them to attach the cards in the specified place.
- Now ask the groups to pick cards from the centre of the room that they think are relevant to the group's headline. Ask them to attach the cards accordingly.
- If more than one group wants to take the same card tell them to discuss and reach a mutual agreement.
- Then allocate 2 minutes to each group to present their reasoning behind their classification.
- Then give out a copy of the attached reading materials to each participant. Ask them to read it.
- Now tell them to reconsider the classification.
- If necessary, give your own reasoning and opinion in light of the reading material.
- Try to reach a clear and logical classification.

Materials

Knowledge

Is fully aware of the activities of a paralegal

Has clear idea about the duties and responsibilities of a paralegal activist

Has knowledge about family law as well as other laws.

Is well aware about legal steps

Knows about the jurisdiction of different courts

Has clear knowledge about human rights and gender equality

Has knowledge about the duties and responsibilities of the police

Knows about the fundamental rights of the citizens

Has a clear idea about the difference between a court's judgment and Shalish

Skills

Can communicate successfully and expert in establishing relations

Can inspire others and organize them

Can analyze the different social and legal problems

Can take the right decision at the right time

Can organize and manage different programs

Can write GD and FIR

Can establish communication between the person seeking assistance and the police stations, hospitals or lawyers

Can assist in conducting arbitration

Can provide legal advice on succession

Can negotiate and advocate in favor of the person seeking help

Attitude

Is respectful towards himself and others

Is a believer in the equality of men and women

Can deal with any problem with a positive attitude

Maintains the personal confidentiality of people

Is sympathetic and sensitive towards people seeking assistance

Can maintain a separation between professional duties and personal relationship

Solves problems with enthusiasm and courage

Finds pleasure in and enjoys the work he is doing

Keeps himself away from corruption and other crimes

Keeps a non-communal mentality and behaves accordingly

Knowledge, Skills and Attitude of Paralegals

▶ Is fully aware of a paralegal activities	▶ Can communicate successfully and expert in establishing relations	▶ Is respectful towards himself and others
▶ Has clear idea about the duties and responsibilities of a paralegal worker	▶ Can inspire others and organize them	▶ Is a believer in the equality of men and women
▶ Has proper knowledge about family law as well as other laws	▶ Can analyze different social and legal problems	▶ Can deal with any problem with a positive attitude
▶ Has proper knowledge about legal steps	▶ Can take the right decision at the right time	▶ Maintains the personal confidentiality of people
▶ Knows about the jurisdiction of the different courts	▶ Can organize and manage different programs	▶ Is sympathetic and sensitive towards people seeking assistance
▶ Has clear idea about human rights and gender equality	▶ Can write GD and FIR	▶ Can maintain a separation between professional duties and personal relationship
▶ Has knowledge about the duties and responsibilities of the police	▶ Can establish communication between the person seeking assistance and the police stations, hospitals or lawyers	▶ Solves problems with enthusiasm and courage
▶ Knows about the fundamental rights of the citizens	▶ Can provide assistance in conducting arbitration	▶ Finds pleasure in and enjoys the work he is doing
▶ Well informed about institutions providing service and support	▶ Can provide legal advice on succession	▶ Keeps himself away from corruption and other crimes
▶ Has a clear idea about the difference between the court's judgment and Shalish	▶ Can negotiate and advocate in favor of the person seeking assistance	▶ Keeps a non-communal mentality and behaves accordingly

Module 02

Human Rights and Gender

General objective

Development of knowledge, skills and attitude of paralegals regarding Human Rights and Gender

Specific Objectives

- Rights and Human Rights
- Universal Declaration of Human Rights and Fundamental Rights
- Gender Concept
- Gender Roles and Division of Labor
- Power and Patriarchy
- Gender Needs and Affirmative Actions

Topics

- This session is highly essential for a paralegal/ paralegal trainer
- This course discusses roles and responsibilities of a paralegal from a human rights perspective.
- The concept of 'Right' is very closely related with the tasks and responsibilities of a paralegal.
- Effectiveness of other sessions is critical on the success of this session.
- Arrange the materials, reading materials and stationary for this session in advance.
- Take mental note of alternative methods, learning technique or strategy to accommodate any change in situation or physical facilities. Read additional relevant materials thoroughly along with the attached key message and reading materials.
- Arrange the cards sequentially and affix the brown paper (see attached sample) on the board or on the wall before the beginning of the session.
- It is recommended that a session conducted by an expert trainer should be observed beforehand.

Rights and Human Rights

Trainer's guideline for preparation

- This session is highly essential for a paralegal/paralegal trainer
- This course discusses roles and responsibilities of a paralegal from a human rights perspective.
- The concept of 'Right' is very closely related with the tasks and responsibilities of a paralegal. Effectiveness of other sessions is critical on the success of this session.
- Arrange the materials, reading materials and stationary for this session in advance.
- Take mental note of alternative methods, learning technique or strategy to accommodate any change in situation or physical facilities.
- Read additional relevant materials thoroughly along with the attached key message and reading materials.
- Arrange the cards sequentially and affix the brown paper (see attached sample) on the board or on the wall before the beginning of the session.
- It is recommended that a session conducted by an expert trainer should be observed beforehand.

Objectives

At the end of this session participants will be able:

- To define Rights and Human Rights.
- To explain 3 main elements and 4 characteristics of Human Rights
- To describe at least 8 fundamental principles of Human Rights.



Duration : 2 hours 30 minutes



Method : Simulation story exercise



Materials : Simulation story, cards with words - 'situation', 'relation', 'authority', 'liberty' etc. A blank brown paper/PVC Sheet measuring 3 feet x 8 feet. There should be 8 round cards of 'Principles of Human Rights'



Stationeries : Marker pen, vip card, vip pin, masking tape, board pin, masking tape etc.



Reading Materials : Handout- 'Right and Human Rights'

Key Message

Role of Paralegals

Right: 'Right' is an essential claim on opportunities/facilities or interests founded on a legal and moral basis required for self-development of human beings. The interactions of relationships between people in a society give birth to rights. In general words, by rights we understand a recognized claim made on the basis of relationships. If someone's justified claims are recognized, then those claims become rights; and to recognize a right means making a promise to perform a duty. The duty or the obligation is the promise of the person recognizing the right. When a state recognizes the claims of its citizens and thereby transforms them into rights, it is the duty of the state to meet those claims/rights. Rights are mainly of two types:

1. Moral or Social rights
2. Legal rights.

The rights which are created from social customs and traditions, are protected/preserved by social practice, and which despite not being backed by any legal consequences for violation of these rights are generally followed by everyone are called moral or social rights.

On the other hand, the rights that are recognized and protected/preserved by the law and legal remedies are available when these rights are violated are called legal rights.

Human Rights and its characteristics: The rights that are necessary for the life, freedom and security of a person, are called human rights. The rights that are enjoyed by people immediately after their birth for the complete evolution of personality are human rights. The Universal Declaration of Human Rights by the United Nations in 1948 mentions 25 such human rights.

Human rights can be identified based on the following four characteristics:

1. **Inherent** : Human Rights are a kind of rights that people acquire inherently by birth.
2. **Universal** : Human Rights are universal in application and they apply irrespective of one's race, sex, religion, political or other opinion, national or social origin.
3. **Indivisible** : Three fundamental elements of human rights i.e. freedom, security and life are indivisible. They are always concurrent and inter dependent.
4. **Imprescriptible** : Human rights can never be prescribed. That is, they are inseparable.

Step 1: Creating an environment for practice

- Welcome everyone in the present session after drawing connection to the previous sessions and ask them to hold hands and stand in a circle.
- Ask the question, 'What are we?' Listen to the answers. You may hear different answers like – workers, paralegals, human etc. If the word 'human' comes, then utter the word once again and say, 'yes, we are human before everything.'
- If no one mentions human in answer, tactfully bring the word yourself and repeat. Then ask, 'why are we human?', "How do we understand that we are human?" Listen to the answers. The probable answers can be – we have intelligence, conscience, we can think, we have senses etc.
- Add the word 'imagination' with the answers and say, "can we say that we are human because we have intelligence, imagination, conscience and sensation?" Listen to the answers.
- Then say "in this session we shall discuss rights through a special exercise. We shall not memorize anything through this but we want to understand and discover certain things, do we all want that?" Listen to the answers.
- Inform them that, if we want proper results from this exercise we have to go forward step by step with deep concentration and sincerity. For this exercise we will have to apply our highest intelligence, imagination and sensation, do we agree? Are we ready?
- Ask the questions a few times to make them eager and prepare them for the next step.

Step 2: Practicing a simulation story

- Request everyone to take their respective seats and give them the following instructions:
Instructions:
 - Keep your back straight and sit comfortably.
 - Do not keep any pressure in any part of the body
 - Take a deep breath and release slowly.
 - Repeat the same exercise 5 times.
 - Continue breathing normally, focus to hear something.
 - Be ready to hear a story now and be ready to get into the story. .
 - Use your imagination and try to live in the story yourself. As if you are roaming into the places at the time when the story projects.
 - Imagine everything told in the story is happening to you and try to keep a track of all the things.
 - Now you are ready to get into the story.
 - Now we shall close our eyes and will keep our imagination and senses sharply awakened to hear the story and to live into it.
 - Let us close our eyes.
- Tell the story with emotion and appropriately modulate your voice. (If needed you can use audio tape) (it may take 5-7 minutes)
- Now ask everyone to open their eyes and to come back with the experience he/she just received.
- Ask everyone to stand in a circle for bringing them back to normalcy.

- Spread the oval shaped cards which contain different 'emotions' in the middle of the circle and ask everyone to pick one card each that matches his or her emotion hearing the story.
- Now request everyone to attach the cards into the 3 feet × 8 feet affixed 'brown paper', serially from top to bottom and then ask them to take their seats.
- If required, make 2 columns.
- Now attach a round card written 'circumstance' above the other cards and ask “who wants to stay in that circumstance for the whole life”. Listen to the answers.
- Read the cards with the emotions again and again and ask the same question. Generally, the answers will be 'No'.
- Then ask “what do we want?” The answers may be relief or freedom.
- Now place the card written 'freedom' opposite to the round card 'circumstance' outside the text on the right side. (see the sample)
- Ask, 'Is what you are asking fair or unfair?’ Listen to the answer.
- Then say “this is fundamental and fair demand of human beings. But can someone be free from the circumstance so easily?” Hear the answers.
- Do we want freedom from such circumstances? Listen to the answers and then say that freedom is far away from such circumstances but it is a justified demand of people that they will get freedom from such circumstances. We shall gradually learn what they have done and what they are doing for meeting that demand.

Step 3: Discovering relationships, rights and human rights as a way to freedom from fear and destitute.

- Tell the participants 'freedom' from such 'circumstances' is far away, it cannot be reached whenever we wish. But human beings have searched, found out, lost and again searched for the way to freedom using his intelligence, imagination and senses. Can anyone of you tell us what the first step towards freedom was? Based on which human beings are still surviving and fighting?” Listen to the answers.
- After the answers are given request everyone to stand and say, lets ride on our imagination and get into the story once again , but this time,
- We have names and identities,
- We are all going together,
- We all know each other and depend on one another,
- Our eyes are open and we are wearing regular clothes.
- Imagine we are walking on the island, let us all walk See that, everyone is looking at one another, talking. Walk for sometimes, choose one participant and say 'A' is very thirsty but he does not have water. See how the others behave.
- Let everyone walk again. Shout at another participant, 'C' is very hungry but has no food..... Mark how others behave.
- In the same manner say “sick” or “tiger attacked” etc. and see how everyone behaves and then stop. Ask everyone to return to reality and to take their seats.
- Now ask “we travelled to the island twice. When did you find it better and safer?” Listen to the answer.
- Try to know what were the differences between the two visits? What was there in the second time that we felt it was better and we felt happier and safer? The island was the same on both occasions. Listen to the answers.

- If anybody from the team points out “relationship”, you would get what you were looking for. If none finds it out, you put the word relationship forward and explain that on the second occasion we had a relationship. On the second occasion we helped each other, stayed together and expected each other's assistance based on the relationship.
- Mention that Human beings discovered 'relationships' for achieving freedom from adverse 'circumstances'. Put the card written 'relationships' in the middle of the brown paper-at the right side of the 'circumstance' column.
- Ask why we have discovered relationship and from what do we want freedom? Listen to the answers.
- If we want to express these circumstances in two words, what would be the words? Listen to the answers.
- Now if the words 'fear; and 'need; do not come out as answers then place the cards written 'fear' and 'need' in between 'circumstance' and 'relationship' and ask if these two word accommodate all the cards titled 'circumstance'. Listen to the answers.
- Every human being wants freedom from 'fear' and 'needs'. This demand is completely fair and this is a demand of all times and as this demand cannot be met alone, human beings created relationships, formed groups, created society and states.
- In this manner keep asking questions. Move from relationship to demand, from demand to conflict, from conflict to the risk of break of relationships, creation of authority, recognition of authority and ascribing responsibilities from demands based on assurance. By this way see that relationship has been renamed as 'right.' Arrange the cards on the brown paper sequentially following the attached sample.
- In this way go from 'Rights' to 'Human Rights' and specify the characteristics and elements of 'Human Rights'.

Step 4: Identifying the main principles of Human Rights in small groups

- Divide the participants into 4 small groups once the concept of human rights has been clarified.
- Give the reading material 'Main Principles of Human Rights' to all groups.
- After 5 minutes once all groups have finished reading, allocate each of them 2 principles and give them 10 minutes to form a suitable rhyming slogan for those principles.
- Ask the groups to write it in the semicircular poster paper.
- Ask them to hang the posters below the large text.
- Now ask them to utter the slogans loudly.
- Repeat 3 times. Debrief and end the session.

Reading Material

Simulation Story

After the participants close their eyes tell them the story: Let us all think that we do not have any name and we never even had any name (say this 2/3 times). I do not have any identity, neither did I have any. I am alone. Completely alone. I do not have any name, any identity, any relatives, any friends, no one, never had any. I am alone, completely alone. I do not know anyone, no one knows me, I do not have any relation with anyone, I am alone. Let us understand the feeling that I am alone. (Say it more than once if needed)

I am standing alone in an open field, no one is here, I do not know anyone here, and no one knows me here. In this open field, there is only sand and sand as far as I can see, there is open sky above our heads. There is no water, no food, only sand and sand as far as can be seen.

I am walking and getting scared, there is scorching sun and I am burning with heat. I am sweating profusely. The heat is causing blisters. Still walking. My throat is drying up, I am getting extremely thirsty, I am burning due to thirst. My throat is still dry and I am feeling extremely bad. There is no water anywhere, I am thirsty and walking.

The sand in this area has become very hot and it feels like I am walking over blazing ashes. My feet are burning. The scorching sun is burning my skin and I am running, my feet are burning, I am still running, suddenly my stomach growled. I am very hungry but there is no food anywhere; there is no one to help. Due to extreme hunger, I cannot walk anymore, there is no energy left and I fell down in the sand. I cannot continue anymore due to hunger, thirst and heat.

Suddenly I see a huge animal, running towards me in a very violent manner to kill me. I started running again with all my energy but the animal is coming closer. Suddenly sandstorm starts and I am not being able to see anything. Sands and stones are hitting my face. I close my eyes and fell down again.

The storm has become more dangerous, it has started to rain. Stones started hurting my hands, legs and forehead. My forehead is bleeding; it is raining with a storm and cold. My hungry and weak body is shivering with cold.

I cannot do this anymore; there is no place to stand. I cannot do this anymore.

Rights

'Right' is an essential claim on opportunities/facilities or interests founded on a legal and moral basis required for self-development of human beings. The interaction of relationships between people in a society gives birth to rights. In general words, by rights we understand a recognized demand made on the basis of relationships. Rights imply duties. Rights and duties are the two sides of the same coin. If someone's justified demands are recognized, they become rights. To recognize a right means making a promise to perform a duty. The duty or the obligation is the promise of the person recognizing the right. When a state recognizes the demands of its citizen and thereby transforms them into rights, it is the duty of the state to meet those demands.

Types of Rights

Rights are mainly of two types:

1. Moral and/or Social Right
2. Legal Right

The rights which are created from social customs and traditions, are protected by social practices are called moral and/or social rights. These rights are not being backed by any legal sanction for its violation but are generally followed by the society.

On the other hand, legal rights are recognized and protected by the law and remedied by legal means when these rights are violated.

Human Rights and Its Characteristics

The rights that are necessary for the life, freedom and security of a person, are called human rights. For staying alive as a person, everyone needs life, for living peacefully they would need freedom and security. The rights that are enjoyed by people immediately after their birth for the complete evolution of personality are human rights. The Universal Declaration of Human Rights by the United Nations in 1948 mentions 25 such human rights.

Human rights can be identified based on the following four characteristics:

1. Inherent: Human Rights are a kind of rights that people acquire inherently by birth. The rights which are indispensable for the life, freedom and security of a person, those rights cannot be given or taken away by any authority.
2. Universal: Human Rights are universal in application and they apply irrespective of one's race, sex, religion, political or other opinion, national or social origin. They are not limited to any geographical or time boundaries.
3. Indivisible: Three fundamental elements of human rights i.e. freedom, security and life are indivisible. They are always concurrent and inter dependent.
4. Imprescriptible: Human rights can never be prescribed. That is, they are inseparable.

Main Principles of Human Rights

1. **Peace** Human rights seek to support peaceful approaches towards establishing a peaceful environment and never support means of torture or war.
2. **Non Violence** One of the main principles of human rights is nonviolence in all aspects. Human rights do not support hurting anyone's life or respect through violence or cruelty.
3. **Inclusion** Human right is universal. Its application is irrespective of the gender, religion, race or geographical borders. These rights are not limited to any country or are not time-specific. Someone cannot be just excluded from enjoying or practicing human rights as every human being has the right to progress to the highest level.
4. **Justice** One of the main aims of human rights is to establish justice which ensures the equality of distribution and solidarity of rights.
5. **Equal Participation** Human rights ensure the way to concurrence. It ensures the participation of the people of every class in the decision making, implementation and enjoyment of the outcome.
6. **Recognizing diversity** Diversity is the indispensable difference for a proper balance. Human rights recognize diversity. This paves the way for the maximum development of all human beings.
7. **Recognizing plurality** Human rights recognize plurality of thinking, ideology, philosophy, religion and culture. As a result, everyone's dignity is recognized and peace is established.
8. **Non-discrimination** Human rights do not support any discrimination in enjoyment or practice of rights.
9. **Equality** It is a precondition of human rights to ensure equal rights of everyone in acquiring access to a service or infrastructure or arrangement.

Universal Declaration of Human Rights and Fundamental Rights Afforded in the Bangladesh Constitution

Trainer's guideline for preparation

- Arrange the materials, reading materials and stationeries in advance.
- Take mental note of alternative methods, learning technique or strategy to accommodate any change in situation or physical facilities.
- It is necessary to read 30 paragraphs of Universal Declaration of Human Rights, ICCPR and ICESCR along with the attached key message and reading materials.

Objectives

At the end of this session the participants will be able to:

- Discuss the paragraphs mentioned in the Universal Declaration of Human Rights
- Describe the main principles and rights described in the Constitution of Bangladesh



Duration : 1 hour 15 minute



Method : Quiz



Materials : Quiz Outcome Table



Stationeries : Pen-paper, flipchart, marker pen



Reading Materials: Universal Declaration of Human Rights, Fundamental Rights in Bangladesh Constitution.

Key Message

Universal Declaration of Human Rights

The general assembly of UN announced the Universal Declaration of Human Rights on December 10, 1948. There are 30 paragraphs in this declaration. Amongst which in Paragraph 1 equality in the dignity and rights of human beings, in paragraph 2 non-discrimination, in Paragraph 3-27 rights of human and in Paragraph 28-30 duties of state, society and persons are discussed. In the following paragraphs, the rights discussed in Universal Declaration of Human Rights are discussed in short.

1. Equality: All human beings are born free and equal in dignity and rights. 2. Non-Discrimination: Everyone is entitled to all the rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. 3. Right to life, liberty and security of person. 4. Right to freedom from slavery. 5. Right to freedom torture or to cruel, inhuman or degrading treatment or punishment. 6. Right to recognition everywhere as a person before the law. 7. Right equal protection of the law. 8. Right to get right to an effective remedy by the competent national tribunals. 9. Freedom arbitrary arrest, detention or exile. 10. Right to a fair and public hearing by an independent and impartial tribunal. 11. Right to be presumed innocent until proved guilty. 12. Freedom from arbitrary interference with his privacy, family, home or correspondence. 13. Right to freedom of movement and residence within the borders of each state and right to leave any country, including his own, and to return to his country. 14. Right to seek and to enjoy in other countries asylum from persecution. 15. Right to get a nationality and to change that nationality. 16. Right to get married and form a family. 17. Right to own property. 18. Right freedom of thought, conscience and religion. 19. Right to freedom of opinion and expression. 20. Right to form peaceful assembly and association. 21. Right to take part in the government of his country, directly or through freely chosen representatives. 22. Right to social security. 23. Right to work and form trade union. 24. Right to retire and rest. 25. Right to a decent standard of life. 26. Right to education. 27. Right to freely to participate in the cultural life of the community. 28. Right to social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. 29. Right to enjoy these rights without infringing into another's right or freedom or violating their due recognition and respect. 30. Right to freedom from interference from any state, group or person when enjoying these rights.

Step 1: Reading the key message on the Human Rights and the fundamental rights

- Divide the participants into 4 small groups
- Ask the teams to sit in circles in four corners of the room
- Give the reading materials to each group
- Ask them to go through the reading materials

Step 2: Prepare questions on the subject matter

- Provide pen and paper to each group
- Then ask each team to prepare at least 5 questions on the given materials. The teams must know the answers to the questions that they prepare

Step 3: Quiz

- Invite the teams to take part in the quiz and give them the following instructions
 - The game will be of 5 rounds
 - Each team can ask 5 questions
 - Each team can answer 5 questions
 - If a team is unable to answer, then another team shall get the chance to answer the question
 - If none of the teams can answer, then the team asking the question shall have to answer
 - For each correct answer, the teams shall get 5 points
 - No points shall be deducted for giving wrong answers
- Conduct the quiz round after giving the above instructions properly
- Stay neutral. If needed give the correct answer and the explanation behind it.
- Draw the conclusion.

Materials

Quiz Result

Round	Team 1	Team 2	Team 3	Team 4
1				
2				
3				
4				
5				
Total Marks				

Universal Declaration of Human Rights

The general council of UN announced Universal Declaration of Human Rights on December 10, 1948. There are 30 paragraphs/articles in this declaration. Among which in Paragraph 1 equality in the dignity and rights of human beings, in paragraph 2 impartiality, in paragraph 3-27 rights of human and in Paragraph 28-30 duties of state, society and persons are discussed. In the following paragraphs, the rights discussed in Universal Declaration of Human Rights are discussed.

1. Equality: All human beings are born free and equal in dignity and rights.
2. Non-Discrimination: Everyone is entitled to all the rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Right to life, liberty and security of person: Everyone has the right to life, liberty and security of person.
4. Right to freedom from slavery: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
5. Right to freedom torture or to cruel, inhuman or degrading treatment or punishment: No one can be made subject torture or to cruel, inhuman or degrading treatment or punishment.
6. Right to recognition everywhere as a person before the law: Everyone shall have the right to be recognized as a person before the law.
7. Right of equal protection of the law: Everyone is equal in the eye of law and the law shall protect each and every person equally.
8. Right to get right to an effective remedy by the competent national tribunals: In every country there will be a right to get justice and remedy from the courts for the acts that infringe the basic and fundamental rights of another.
9. Freedom arbitrary arrest, detention or exile: No one can be made subject to arbitrary arrest, detention or exile.
10. Right to a fair and public hearing by an independent and impartial tribunal: If there is any criminal charge against a person then he should be given a right to a fair and public hearing by an independent and impartial tribunal.
11. Right to be presumed innocent until proved guilty: If a person is charged with a punishable offence, then he has a right to be presumed innocent until proved guilty by any competent court of law.
12. Freedom from arbitrary interference with his privacy, family, home or correspondence: The personal privacy, family, home or correspondence cannot be infringed.
13. Right to freedom of movement and residence within the borders of each state and right to leave any country, including his own, and to return to his country: Every person shall have the right to go and come anywhere within the territory of his own country and make any accommodation for himself.
14. Right to seek and to enjoy in other countries asylum from persecution: Everyone has a right to get support in another country for avoiding the inhuman torture in his own country.

15. Right to get a nationality and to change that nationality: Every person shall have the right to get the nationality of his own country and he cannot be stopped if he wants to change his nationality.
16. Right to get married and form a family: Every person shall have the right to get married and form a family without any national or nationality restriction as well as religious restriction.
17. Right to own property: Every one shall have the right to own property jointly or on his own. No one can be prejudiced from this right according to their own wish.
18. Right to freedom of thought, conscience and religion: Everyone has a right to his own thinking, conscience and religious freedom. Hence, as they have freedom to celebrate their own religion and faith, they also have freedom to change that.
19. Right to freedom of opinion and expression: Everyone has a right of free thinking and express his opinion towards that. This right cannot be infringed by another.
20. Right to form peaceful assembly and association: Everyone has the right to conduct assembly and form organizations peacefully. But they cannot force another to be part of that organization
21. Right to take part in free election and forming government: Everyone has a right to take part directly or indirectly in the forming of a government through a direct and proper election.
22. Right to social security: As a member of the society everyone has the right to social security
23. Right to work and form trade union: Everyone shall have a choice to decide his own work and profession. They shall get remuneration reflecting their work. Everyone has the right to form and take part in trade union for protecting his own right.
24. Right to retire and rest: Everyone has the right to rest, retirement and entertainment. Time limit in working hours and paid leave is included here.
25. Right to a decent standard of life: Everyone shall have the right to food, cloth, accommodation, treatment and other services. People have the right to get security if they are unable to earn living due to unemployment, sickness, inability, widowed, old age, maternity and being underage.
26. Right to education: Everyone shall have the right to education.
27. Right to freely to participate in the cultural life of the community: Everyone has the right to take part and practice his own culture
28. Right to international and social security for protecting human rights
29. Right to enjoy these rights without infringing into another's right or freedom
30. Right to freedom from interference from any state, group or person when enjoying these rights.

Fundamental Rights of Bangladesh Constitution

Bangladesh Constitution was promulgated through the then People's Council on 16 December, 1972. In the third part of this Constitution from Article 26 to Article 44, 18 rights for the people are described in a total of 19 Paragraphs.

No law can be implemented that infringe these rights and if such law is passed it will be void.

The rights are briefly mentioned in the following paragraphs:

- All citizens are equal before law and are entitled to equal protection of law. (Article 27)
- The state shall not discriminate against any citizen due to their religion, group, colour, gender or birthplace. (Article 28)
- There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic. (Article 29)
- No citizen shall, without the prior approval of the President, accept any title, honor, award or decoration from any foreign state. (Article 30)
- No steps can be taken against any person harming his life, freedom, body, name or property except in accordance with law. (Article 31)
- No person shall be deprived of life or personal liberty save in accordance with law. (Article 32)
- A person who is arrested has to be informed the ground of his arrest as soon as possible and he should be given the chance to seek advice from a lawyer and surrender if he wants. (Article 33)
- All forms of forced labor are prohibited. (Article 34)
- No person can subject to torture or to cruel, inhuman, or degrading punishment or treatment. (Article 35)
- All of the citizens shall have the right to move freely, reside, leave and again come back to Bangladesh and any area of it. (Article 36)
- Every citizen shall have the right to conduct assembly peacefully and unarmed and can also join any rally. (Article 37)
- Every citizen shall have the right to form any association or organization. (Article 38)
- Every citizen shall have the right to free speech and also freedom of expression. Freedom of the press is also guaranteed. (Article 39)
- Every citizen shall have the right to accept any lawful profession and scholarship. (Article 40)
- Every citizen shall have the right to profess, practice or propagate any religion any religion. (Article 41)
- Every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property. (Article 42)
- Everyone shall have the right to get security in his own home and also to maintain privacy of his correspondence and communication. (Article 43)
- Everyone shall have the right to make application to High Court to enforce any of the above rights. (Article 44)

Evaluation of the Day and its completion

Trainer's guideline for preparation

- Through this session the learning, environment, the presentation, the summary of the whole day shall be evaluated and written. Hence, this session has to be conducted in a planned manner.
- Participants may be tired during this session. Hence, innovative ideas should be used in this session. Use creativity, colour, tone and rhythm to make it interesting.
- Arrange the learning materials and the stationeries beforehand. Affix the text of the wallpaper. If necessary draw the outline as well.
- Assign everyone homework to write down 50 different activities of a human being.

Objectives

At the end of the session Participants will be:

- able to evaluate the learning of the day
- able to spot the changes in their attitude/thinking brought due to the learning



Duration : 30 minutes



Method : Wallpaper of the day



Materials : 3 feet × 5 feet paper or PVC text 1 for each day



Stationeries : Round, square, oval, triangle shaped and different colored papers and different colored markers, glue, masking tape, sign pen and push pin.



Reading Materials: Not applicable. (attached).

Process

Step 1: Making the wallpaper – 20 minutes

- Warmly welcome everyone into the session and ask them to stand in a circle.
- Place the materials in the centre of the circle.
- Ask everyone to close their eyes and do a breathing exercise for a minute.
- Ask them to remember all the sessions of the day.
- After 2 minutes ask everyone to take a paper and a pen from the centre and then stand in their respective positions.
- Say that we shall write about 3 topics that have stirred us up the most today.
- While writing each topic we shall write one heading and describe it briefly.
- Mention it that, the description should be in the form of a poem of 2 lines, a slogan or a cartoon.
- Allocate 15 minutes. Play any tune or audio song in the background.
- Once they are done, ask them to attach the writing on the text with glue.
- Ensure that the text is filled with balanced colors and if possible help them to attach the writing near to one another.

Step 2: Reading the wallpaper- 10 minutes

- Once the wallpaper is done, ask all of them to stand in a semi-circle in front of the wallpaper.
- Ask one or two of them to read it on behalf of everyone.
- Give your own comments or logic relating to the text while the wallpaper is being read.
- At this stage remind them of homework they may have for the next day.
- Conclude the day by thanking everyone for making the learning objectives successful with their activities, devotion and sincerity.

Day's Introduction

Trainer's guideline for preparation

- The introduction of the day is very important. we use this session for preparing the participants for the whole day.
- Through this session you will come to know about the physical and mental conditions of the participants and shall prepare accordingly.
- The learning team should be made alive and active. Ensure that they have appropriate team spirit.

Objectives

Through this session

- Everyone shall be included in the learning team
- Shall start to concentrate into the learning environment.



Duration : 30 minutes



Method : Check in, music and breathing practice



Materials : Not needed but it will be better if there are available opportunity of playing instruments, 12-14 pieces of colorful clothes of 3 feet × 9 feet



Stationeries : Flip chart, marker pen



Reading Materials: Not applicable

Process

Step 1: Breathing Exercise (7 minutes)

- Welcome everyone and ask them to stand in a circle.
- Ask them to keep space between them.
- Ask them to balance their weight on their both feet.
- Ask them to take a deep breath and release slowly. Ask them to repeat this 5 times.
- Tell them to imagine that while they are breathing in they are bringing joy, enthusiasm and energy and while realizing breath they are leaving all the tiredness, tension and pain.
- This can be practiced keeping eyes closed as well.
- After 5 times breathing practice ask them to continue breathing normally and ask them to laugh making loud sounds for 1 minute.
- Complete the step by thanking everyone.

Step 2: Check in – 18 minute

- Ask them to stand in a circle and instruct them to say the following information one by one:
 - Name
 - How was the previous day and night?
 - How is s/he at the moment?
 - How do you expect the day to be?
- They have to answer all the questions within 25 seconds. Once a person has answered s/he will tell the person standing to the right 'passes'. Then that person shall start answering.
- In this way include everyone standing in the circle in the learning team.
- You can start the answering or can answer at the end.

Step 2: Check in – 18 minute

- After the inclusion is done, request anyone to sing a song.
- If a solo performance is not possible, then request them to sing a chorus.
- It will be best if national anthem can be performed.
- Request everyone to sit in their respective positions for the next session.

Gender or Concept of Gender in Society

Trainer's guideline for preparation

- This session is very important as a paralegal plays a significant role in bringing equality between men and women.
- It is very important to draw the importance of equality in front of the paralegals besides discussing legal, social and other duties of paralegals.
- It is an integral part of duties and responsibilities of a paralegal to be able to explain the gender concept.
- Arrange learning materials, reading materials and the stationeries beforehand.
- Make alternative arrangements keeping in mind that circumstances and physical conditions may vary. Take mental note of alternative methods, learning technique or strategy.
- Study relevant topics other than the attached key message and reading materials.

Objectives

At the end of the session, the participants will be:

- able to mark the differences between social and natural gender concepts.



Duration : 60 minutes



Method : Trinayana Practice



Materials

- 3 poster/ brown papers which have eyes drawn in them, and 2 round cards with "+" and "-" sign drawn on them.
- Nail polish, handmade fan, hair clip, lip liner, bracelet, hair band, ear pin, bangles, anklet, necklace, car, powder case, frock, lungi, hair brush, paste, soap, football, shaving brush, doll, top, match box, marble, utensils, scarf, cricket bat, ribbon etc.



Stationeries : Masking tape, marker pen, brown paper, vip card etc.



Reading Materials : Gender Concept

Key Message

Gender Concept:

The concept of sex or gender has been introduced to fight the idea that physical features are the reasons of subordination of women. The concept of gender helps us to understand that sex and gender are two different subjects.

To understand 'sex' and 'gender' there are two different words in English but in Bengali there is only one word 'লিঙ্গ' (Lingo). For making the meaning of these words more specific, we can add two different words before it. We can define sex as 'natural gender' and gender as 'social gender',

Sex or natural gender is the difference that is created naturally between men and women and they are not changed due to society, time or geographical reason. On the other hand, the attitude and role defined by different society for men and women are gender or social gender. The difference between gender and sex are given below:

Sex (Natural Gender)	Gender (Social Gender)
Sex refers to the naturally created biological and physical differences between men and women.	The difference in dress, activity and attitude between men and women created by the society is called gender.
Sex is unchangeable and universal.	Gender is changeable according to family, society and country. Difference exists here because of society, country and time.
As it is created naturally, it is called natural gender.	As it is created by society, it is called social gender.
In all parts of the world, it is the same which means it is universal.	Due to differences in social and cultural context, difference in gender roles can be seen in different countries.

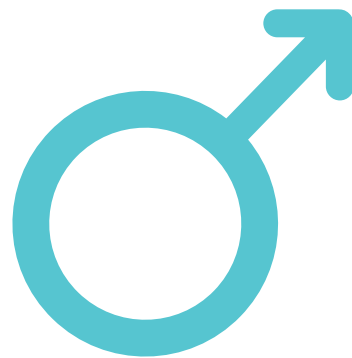
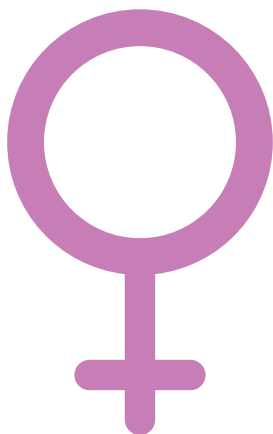
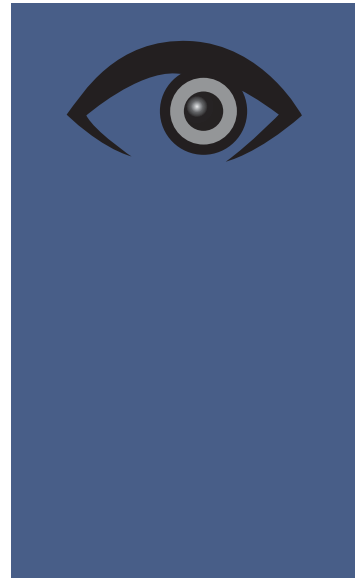
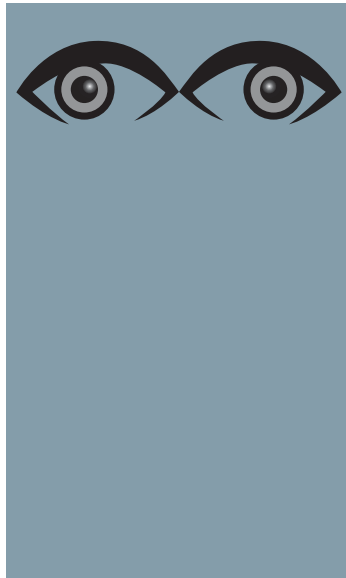
Step 1: Differentiating between dress, work, sports etc. of Men and Women

- Ask the question, what are we? There can be many answers, but first establish that we are human.
- Ask, how many types of human are there? Though many answers may come, still make it clear that human are two types – men and women. Many may ask about 3rd gender. Tell them briefly that to understand about 3rd gender, it is essential to understand clearly about the first 2 genders.
- Show them that '♀' is used to refer to women and '♂' is used to refer to men. Then attach two brown papers with eyes drawn on them on the floor. Then attach these signs (♀ and ♂) on the brown papers.
- Bring out different stationeries and place them at the center. Ask a volunteer to divide the materials between the two brown papers on the basis of gender. Ask others to observe carefully. Do not give them any opportunity to debate and tell them that they shall also have their turn to participate in the exercise.
- Ask 4-5 participants to do the same. Ask others to observe that while someone may allocate a material for women, other person may allocate it for men. Now ask whether there are any such materials which if used by a man, will turn him into a woman and vice versa. Listen to the answers. Say that, dress, sports or other activities are not naturally decided for man and woman. We i.e. the society have ascribed it for them. This division is not the same in all countries, was not the same at all times and will not be the same always. This is changeable.
- Now attach the 3rd poster below the previous 2 posters and place it in the middle. Explain that this poster is for the things that can be equally used by both men and women. Then ask 2-3 participants to reallocate the things from previous 2 posters to the 3rd one as they see fit. Give them the opportunity to discuss and add your own comments as well.
- When the first 2 posters become empty and the 3rd one is filled, say that this is actually the result of 3 perspectives. Due to different perspectives, different societies, countries have defined different dress, sports and activities for men and women. These are not something permanent but rather changeable.
- Now ask, “What are the differences between men and women which are permanent and will not vary from time to time in different countries?” Listen to the answers. Say that there are different organs that vary in men and women. These are not changeable generally. These are naturally created characteristics or differences between men and women which are called natural gender or sex. On the other hand, the differences which are changeable and created by the society are called social gender.
- After saying these bring out the posters written gender and sex.

Step 2 – Evaluate the clarity of the idea of gender and sex

- After the first step give everyone the table called 'find gender and sex' and ask them to fill it up by themselves. After that read the statements one by one and observe which one is ticked by whom. If someone has made any mistake then ask others to explain it to him and explain it yourself as well.
- Thank everyone and finish the practice.

Materials



Gender Concept

The concept of sex or gender has been introduced to fight the idea that physical features are the reasons of subordination of women. It has been believed for years that, the difference in characteristic, role and significance of men and women in the society are created due to biological reasons and are natural. As a result these are not changeable.

In other words, a woman and her body are being made responsible for the subordinate position of women in our society. If this kind of explanation is accepted as natural then nothing will be done about the discrimination between men and women and the existing injustice.

Gender concept helps us to understand that sex and gender are two different things.

A new born is either male or female and this can be determined by looking into their physical features. But every culture has its own way of evaluating this male or female baby and allocating different roles, duties and characteristics for them. The social and cultural processes in which male and female baby are brought up is called gendering. In every society male and female child are brought up as adult male and female with masculine and feminine behavior, different characteristics, roles, duties and expectations.

To understand 'sex' and 'gender' there are two different words in English but in Bengali there is only one word 'লিঙ্গ'. For making the meaning of these words more specific, we can add two different words before it. We can define sex as 'natural gender' and gender as 'social gender'.

While a new born is specified on the basis of natural gender as soon as it is born, it is also allocated with social genders. In different societies there are different ways of welcoming a newborn. Difference in language in addressing, method of taking care, dress up and imposition of rules a female child and a male child are taught how to behave as a member of the society in which they are born. This is called socialization.

From the very beginning, a boy is regarded as powerful and independent. In some societies a mother tells her daughter how beautiful she is, make her hair like adults and lets her wear fashionable dresses. This experience from their early childhood helps the children to make different ideas about themselves.

The second process is attached to drawing the attention of the boy or the girl towards different objects and elements. For example, girls are given household utensils, dolls etc. and boys are given gun, pistol, car and aero plane for playing.

In early childhood the children are made accustomed to orthodox practices. Girls are asked to help their mother in household activities and boys are asked to help their father outside home. In the societies where the mixing of boys and girls are strictly prohibited, there they stay in different places and engage themselves in absolutely different activities. In this way children learn different masculine and feminine behavior.

From this discussion, it can be understood that sex or natural gender is the difference that is created naturally between men and women and they are not changed due to society, time or geographical reason.

On the other hand, the attitude and role defined by different societies for men and women are gender or social gender.

The difference between gender and sex are given below:

Sex (Natural Gender)	Gender (Social Gender)
Naturally created biological and physical differences between men and women are called sex.	The difference in dress, activity and attitude between men and women created by the society is called gender.
Sex is unchangeable and universal.	Gender is changeable according to family, society and country. Difference exists here because of society, country and time.
As it is created naturally, it is called natural gender.	As it is created by society, it is called social gender.
In all parts of the world, it is the same which means it is universal.	Due to differences in social and cultural context, difference in gender roles can be seen in different countries.

Gender Roles and Gender Division of Labour

Trainer's guideline for preparation

- Draw the importance of equality along with legal social and other duties of a paralegal. With that it is very important to bring into light the discrimination and the unfair practices that are prevalent due to gender roles and division of labor.
- It is the duty of the trainer to prepare the learning materials, reading materials and stationeries beforehand.
- Make alternative arrangements keeping in mind that circumstances and physical conditions may vary. Take mental note of alternative methods, learning technique or strategy
- Study other relevant materials in addition to the attached key message and reading materials.

Objectives

At the end of this session, the participants will be:

- able to explain gender based division of labor as a discrimination
- able to identify patriarchal power infrastructure as the basis of discriminating labor division



Duration : 1 hour 30 minutes



Method : Working in a triad and filling up percentage table.



Materials : Percentage table (sample attached)



Stationeries : Marker pen, masking tape, notebook, pen



Reading Materials : Gender roles and division of labor, patriarchy

Key Message

Gender Labour Division: The difference in the activities and responsibilities of a man and a woman which has started socially and due to the social and cultural norms and traditions are called gender labor division. The society decides which activities are acceptable from men and which activities are acceptable from women.

Patriarchy: Patriarchy is a social system that refers to the mechanism where men control the relationship between different members of the family, property and other economic relations and men take all the decisions by themselves in all the matters. In this system it is believed that men are better than women, men should control women and women are the property of men. Philosopher Sylvia Walby said that, "Patriarchy is a social infrastructure and a system of customs where men control, torture and rule women." The thinking that men are more competent and powerful than women is an integral part of patriarchy. In patriarchy, that men have the authority, is an idea which is both spread and carried by women and men equally. Hence, it is important to address patriarchy as a system. Both men and women living in patriarchy adapt these ideas and women start to see themselves as weak and subordinate to men.

Areas controlled by patriarchy:

In patriarchal system generally men control the following areas of women's life:

1. Power of women in relation to mode of production or labour force: They do not give women power or any right in property through a discriminating labour division.
2. Women's Child Birth: Men decide how many children will be born and when will they be born.
3. Control over women's sexuality: The customs and laws are based on the idea that the prime sexual duty of women is to ensure men's satisfaction.
4. Mobility of women: Men can move freely but the mobility of women is restricted due to age, place, time etc.
5. Property and other economic wealth: Patriarchy does not give women equal rights on property.
6. Right of access: Patriarchy has mostly restricted the access to decision making, competence, power and status for women through customs, traditions, laws etc. and discriminatory division of labour.

Step 1: Making a list of works

- Make 5-8 triads and state that as a human we do different kinds of work and perform different roles. We work to earn a living. We do social work for the society, household work for family and at the same time we work for the state and for the preservation of reproduction and continuity. Ask each of the triads to list 5-10 tasks under each of the following categories- income generation, household, social direction, state administration and reproduction (ask them to take assistance from the previous day's home works).
- Go to the teams and advise them if necessary.

Step 2: Filling up the percentage table

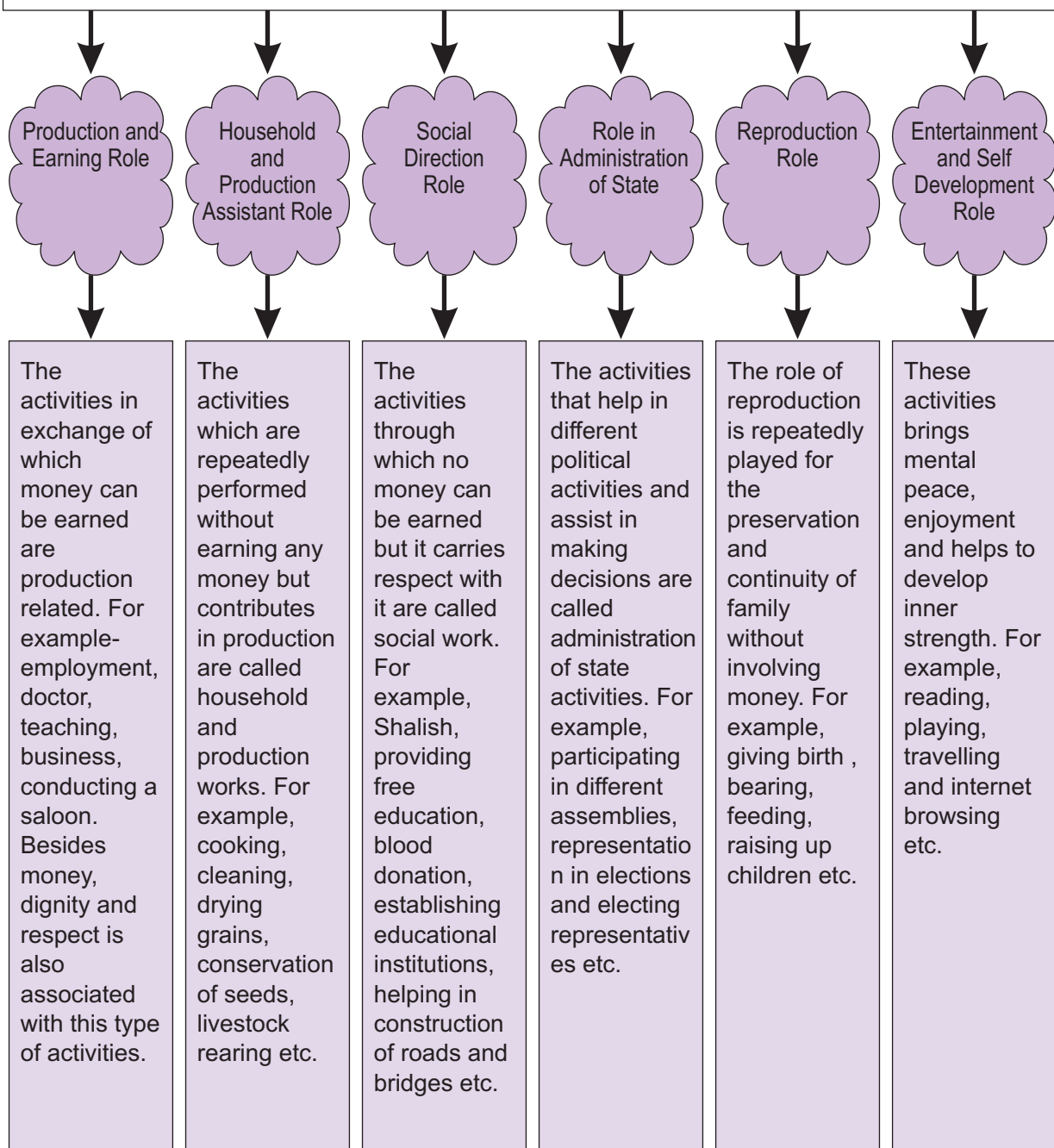
- Attach the prepared poster (with the table) in the board and fix the round cards titled 'Production oriented', 'household', 'social direction', 'state administration' and 'reproduction' below 'introduction'. Now write 5-7 points about tasks under the 'labor division' on the right side of production and earning related roles. In the same manner fill up the tables of the other 4 roles.
- It is not necessary to collect points from all the teams but to collect the points that are most relevant.
- After completing 2 columns ask them which of the roles according to them are necessary and which can be disregarded. In the same way which works are important and which works can be disregarded? Listen to their opinion and establish that all of roles and all of the works are important.
- Now in the columns with no headings, affix the round cards titled 'male' in one column and 'female' in the other, Tell them that we shall now identify from our practice and experience that- what percentage of a certain work is for women and what percentage is for men.
- Ask the large group showing each of the role and the list of the work, that what percentage of this work is allocated for men and what percentage is allocated for women? Remember that the percentage need not be accurate but it should reflect our team experience. If needed help them to understand.
- After determining the percentage for all the roles ask:
 - How justified is this division?
 - We have said that all the works and roles are important but is there equal respect for every task?
 - Which role is the most dignified and powerful at present?
 - Which role is the least dignified and powerless at present?
 - Who is dominating in respect of power and dignity, men or women?
 - Can women perform every role? (Remind them the trinayana exercise)
 - Then is it justified to confine her within the house?
 - Is there any discrimination in this division of labour?
 - Is this division of labor responsible for violence against women anyway?
- Give everyone the opportunity to take part in the discussion and enrich the discussion by giving examples keeping in mind the objectives of the practice.

Materials

Role	Work	Division of labour	
		%	%
			
			
			
			
			
			

Gender Role and Division of Labour

Due to difference in socio-cultural norms and traditions men and women take up different activities and responsibilities and such difference is regarded as gender division of labour. The society decides which activities are suitable for men and which activities are suitable for women. Gender Labour Division can be divided in the following six categories.



Patriarchy and its effects

Patriarchy refers to a social system where men control the relationship between different members of the family, property and other economic relations and take all decisions. In this system it is believed that men are superior to women, should have control over women and women are the property of men. Philosopher Sylvia Walby said that, "Patriarchy is a social infrastructure and a system of customs where men control, repress and rule women." The thinking that men are more competent and powerful than women is an integral part of patriarchy. In patriarchy, though men have the authority, these ideas are both spread and carried by women and men. Hence, it is important to address patriarchy as a system. Both men and women living in patriarchy adapt these ideas and women start to see themselves as weak and subordinate to men.

In this situation, the weak and subordinate attitude to which women become reliant are named as feminine behaviour. On the other hand, the powerful and arrogant behaviour to which men or their representatives become reliant are marked as masculine behaviour. In patriarchal system, masculine behaviour are considered superior while feminine behaviour are treated as inferior. From women only such behaviour are expected and such behaviour is established as appropriate or ideal. This traditional way of treating men and women or looking at men and women through such conventional moulds and dragging this idea forward is called gender stereotyping. The gender stereotyping is being preserved everyday by education, literature, film, advertisement, religion, art etc. As a result women and men become keen on expressing more feminine and masculine behaviours respectively.

In patriarchy, as all the power and property lies within the control of a man, hence every woman has to live in the shelter of a man to survive. If the man is satisfied on her, she may get an opportunity to represent the power and wealth. As a result it is seen that women compete with each other to keep a man to themselves and the best example of this is the fight between mother-in-law and the daughter-in-law. Patriarchy undermine women every day in this way and creates massive discrimination between men and women in respect of wealth, power and dignity.

From a general perspective, patriarchy is thought to be in favour of men but actually it is not. As days are passing, it is becoming more apparent that patriarchy is not only affecting men and woman but the whole mankind. Due to dominance in labour, deprivation from property, controlling their mobility etc. a large proportion of women are becoming unproductive day by day. As a result, a negative impact can be seen in the production and development. On the other hand, the wealth that is necessary for the growing population cannot be earned or produced by the labour and intellect of men alone. The nature provided a balance by giving both men and women the abilities of production but mankind has created an infraction in that regard. Despite the delay, mankind is now realizing the bad effects of patriarchy and are gradually trying to come out of it.

Areas controlled by patriarchy:

In patriarchal system generally men control the following areas of women's life:

1. Power of women in relation to mode of production or labor force: They do not give women power or any right in property through a discriminating labor division.
2. Women's child birth: Men decide how many children will be born and when will they be born.
3. Control over women's sexuality: The customs and laws are based on the idea that the prime sexual duty of women is to ensure men's satisfaction.
4. Mobility of women: Men can move freely but the mobility of women is restricted due to age, place, time etc.
5. Property and other economic wealth: Patriarchy does not give women equal rights on property.
6. Right of access: Patriarchy has mostly restricted the access to decision making, competence, power and status for women through customs, traditions, laws etc. and discriminatory division of labor.

Power and Patriarchy

Trainer's guideline for preparation

- It is necessary to draw the importance of equality between men and women in light of the legal, social and other duties of paralegals discussed in the course. It is also very important to bring into light the discrimination and the unfair practices that are prevalent due to gender roles and division of labour.
- It is the duty of the trainer to prepare the learning materials, reading materials and stationeries from beforehand.
- Make alternative arrangements keeping in mind that circumstances and physical conditions may vary. Take mental note of alternative methods, learning technique or strategy study relevant topics other than the attached key message and reading materials.

Objectives

At the end of the session the participants will be:

- able to tell the characteristics of patriarchy
- able to identify the areas that are being controlled by patriarchy
- able to explain the control of patriarchy in the access of women in different spheres of life



Duration : 45 minutes



Method : Large group session



Materials : 6 cards in which it is written 'Areas controlled by Patriarchy', one card written 'Patriarchy and Power' and 1 poster written 'source and definition of power'



Stationeries : Flip chart, marker pen, board pin.



Reading Materials : Patriarchy and its effects

Key Message

Patriarchy: Patriarchy is a social system that refers to the mechanism where men control the relationship between different members of the family, property and other economic relations and men take all the decisions by themselves in all the matters. In this system it is believed that men are better than women, men should control women and women are the property of men. Philosopher Sylvia Walby said that, "Patriarchy is a social infrastructure and a system of customs where men control, torture and rule women." The thinking that men are more competent and powerful than women is an integral part of patriarchy. In patriarchy, that men have the authority, is an idea which is both spread and carried by women and men equally. Hence, it is important to address patriarchy as a system. Both men and women living in patriarchy adapt these ideas and women start to see themselves as weak and subordinate to men.

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6. Right of access: Patriarchy has mostly restricted the access to decision making, competence, power and status for women through customs, traditions, laws etc. and discriminatory division of labour.

Step 1: Clarifying the idea of patriarchy

- In our last session we learnt how unjust and unfair is the gender roles and division of labour, ask how can this system continue? Listen to the answers.
- Ask whether it is an individual who preserves patriarchy or it is a system or process that is behind its continuity? Listen to the answers.
- If the answer comes from the team, then it is good, but if it does not, then state that the system that works behind is 'Patriarchy'. Now, attach the card titled 'Patriarchy' on the top of the flip chart with a masking tape.
- Now ask the question, what do we understand by patriarchy? Listen to the answers.
- Explain the idea of patriarchy by relating to the answers and the attached study materials.
- Ask short questions to evaluate whether the participants are being able to understand the concept.
- After clarifying this concept, present the features of patriarchy in light of the key message and write it in the flip chart.
- Clarify the idea of patriarchy through discussing its main features.

Step 2: Identifying the areas controlled by patriarchy

- Ask whom does patriarchy control and how? Listen to the answers.
- Present the areas controlled by patriarchy one by one following the attached study materials and linking it with the characteristics of patriarchy.
- While presenting each of the areas, attach the cards containing the areas on the flip chart.
- Explain each of the cards with example.
- Ask short questions to ensure that everyone has understood the subject.

Step 3: Presenting the topic 'Power' responsible for the success of patriarchy in controlling

- Ask how can patriarchy control these areas? Listen to the answers.
- State that patriarchy can control all these areas because they have 'Power' and relate it to the answers.
- Now attach the card titled 'Power' on the board.
- Ask, what do we understand by power? Listen to the answers.
- In light of the answers, present your own thought or questions. Again ask, from where does 'power' come?
- At one stage of the discussion attach the poster titled 'source and definition of power' on the board.
- Ask someone to read and take the opinion of everyone.
- Ask, if there is balance in the power of men and women at present? Listen to the answer.
- Present the fact that power and imbalance are the basis of discrimination and conclude the session.

Materials

Areas Controlled by Patriarchy

**The production power or
labour force of women**

Women's child birth

Controlling the sexuality of women

Mobility of women

Property or other economic wealth

Right of access

Patriarchy and Its Effects

Patriarchy is a social system that refers to the mechanism where men control the relationship between different members of the family, property and other economic relations and men take all the decisions by themselves in all the matters. In this system it is believed that men are better than women, men should control women and women are the property of men. Philosopher Sylvia Walby said that, "Patriarchy is a social infrastructure and a system of customs where men control, torture and rule women." The thinking that men are more competent and powerful than women is an integral part of patriarchy. In patriarchy, that men have the authority, is an idea which is both spread and carried by women and men equally. Hence, it is important to address patriarchy as a system. Both men and women living in patriarchy adapt these ideas and women start to see themselves as weak and subordinate to men.

In this situation, the weak and subordinate attitude to which women become reliant are named as feminine behavior. On the other hand the powerful and arrogant behaviour to which men or their representatives become reliant are marked as masculine behavior. In patriarchal system, masculine behaviour is considered superior while feminine behavior is treated as inferior. From women only such behaviour is expected and such behaviour is established as appropriate or ideal. This traditional way of treating men and women or looking at men and women through such conventional molds and dragging this idea forward is called gender stereotype. The gender stereotype is being preserved everyday by education, literature, film, advertisement, religion and art etc. As a result women and men become keen on expressing more feminine and masculine behaviors respectively.

In patriarchy, as all the power and property lies within the control of a man, hence every woman has to live in the shelter of a man to survive. If the man is satisfied on her, she may get an opportunity to represent the power and wealth. As a result it is seen that women compete with one another to keep a man to themselves and the best example of this is the fight between mother-in-law and the daughter-in-law. Patriarchy trample women every day in this way and creates massive discrimination between men and women in respect of wealth, power and dignity.

From a general perspective, Patriarchy is thought to be in favour of men but actually it is not. As days are passing, it is becoming more apparent that patriarchy is not only affecting men and woman but the whole mankind. Due to dominance in labour, deprivation from property, controlling their movements etc. a large proportion of women kind are becoming unproductive day by day. As a result, a negative impact can be seen in the production and development. On the other hand, the wealth that is necessary for the growing population cannot be earned or produced by the labour and intellect of men alone. The nature provided a balance by giving both men and women the abilities of production but mankind has created an infraction in that regard. Despite the delay, mankind is now realizing the bad effects of Patriarchy and are gradually trying to come out from that situation.

Areas controlled by Patriarchy:

In Patriarchal System generally men control the following areas of women's life:

1. **Power of women in relation to mode of production or labor force:** They do not give women power or any right in property through a discriminating labor division.
2. **Women's child birth:** Men decide how many children will be born and when will they be born.
3. **Control over women's sexuality:** The customs and laws are based on the idea that the prime sexual duty of women is to ensure men's satisfaction.
4. **Mobility of women:** Men can move freely but the mobility of women is restricted due to age, place, time etc.
5. **Property and other economic wealth:** Patriarchy does not give women equal rights on property.
6. **Right of access:** Patriarchy has mostly restricted the access to decision making, competence, power and status for women through customs, traditions, laws etc. and discriminatory division of labour.

Gender Needs and Affirmative Actions

Trainer's guideline for preparation

- It is necessary to draw the importance of equality between men and women in light of the legal, social and other duties of paralegals discussed in the course. It is also very important to bring into light the discrimination and the unfair practices that are prevalent due to gender roles and division of labour and analyze the justification of affirmative actions in bringing an end to the discrimination between men and women.
- It is of utmost importance to look at the works and responsibilities of a paralegal from a gender perspective.
- It is the duty of the trainer to prepare the learning materials, reading materials and stationeries from beforehand.
- Make alternative arrangements keeping in mind that circumstances and physical conditions may vary.
- Take mental note of alternative methods, learning technique or strategy study relevant topics other than the attached key message and reading materials.

Objectives

At the end of this session participants will be able to explain the justification and importance of the positive social steps on the basis of gender needs.



Duration : 1 hour 30 minutes



Method : Practicing the game 'A step forward and two steps backward'



Materials : 1 round card each for the words property, information, decision, power, dignity, development.



Stationeries : Masking tape



Reading Materials : Gender needs and affirmative actions

Key Message

Gender Needs: Gender needs have mainly originated due to the conventional division of labour, gender role. Secondly, due to discrimination between men and women in terms of opportunity, rights, dignity, power, decision making and choices. Gender needs can be divided into two categories:

1. Practical gender needs
2. Strategic gender needs

Process

Step 1: Understanding the discrimination between men and women in the access of women in property, power and decision making

- Select 4 women and 4 men from the participants. Divide the others into two groups and ask them to sit on two sides of the trainer facing each other. If the whole group consists of men or women only then attach men and women sign on any 4 and create an imaginary situation and practice the session.
- State that, now this 8 people shall start their journey for a place which if can be reached, they can achieve property, power, dignity and development. But it can be reached only following the instructions that I am going to give. After this, attach the previously prepared 6 round cards on the floor of the corner where the board is attached and state that this is the destination. After that bring those 8 participants into the opposite corner of the room and make them stand in a row facing the board and give the following instructions:
 - The observers of both sides should stay silent and watch this with concentration.
 - Tell the 8 participants that they should step forward or backward as and when instructed.
 - We are starting the game. Everyone be prepared!

1. Those of us who were born as a human shall come one step forward and stand in a row.
 2. Those of us who got opportunity to play as a child shall also take one step forward.
 3. Those of us who got the opportunity to go to school shall also come one step forward.
 4. Those of us who experience growing beard and moustache shall come one step forward and those who experienced menstruation shall take one step backward.
 5. Those of us who are competent to work shall take a step forward.
 6. (Reminding them of the division of labor state that those who have a higher percentage in income and production related works should take two steps forward and those of us who have a lesser percentage should take a step backward.
 7. Now state that those who have a higher percentage in social management works should take two steps forward and those of us who have a lesser percentage should take a step backward.
 8. Now state that those who have a higher percentage in state related works should take one step forward and those of us who have a lesser percentage should take a step backward. At this stage stop the game and ask the participants to stay in their respective positions. Say that, we all started our journey from the same position. Now who of us are in advanced positions and who are in backward positions? Who is responsible for this? In this way engage everyone and say, how women are kept at a distance from property, power and decision making through unjust division of labour.
- Now ask everyone, is the distance created between men and women justified? Is it good for mankind? Do we want to retain this discrimination or do we want equality between men and women in respect of property, power, decisions, development and dignity? Now ask and discuss whether it is justified to think that everyone should be able to reach the expected goal from their present position?

Step 2: Analyzing the justification for special measures to reduce discrimination

- Ask what can be done so that men and women can reach the expected goal at the same time? After listening to some of the answers ask them whether it will not be justified to bring the persons backward from forward. Hence, something should be done so that progress of men remains steady while the progress of the women should be doubled or tripled. Now ask the observers to help with the progress of the men and the women so that they all can reach the goal at the same time. If needed you should also help.
- After all the men and the women reach their goal at the same time, ask whether it is justified that the men went 1 step forward while the women went 2 or 3 steps forward. Listen to the answer and if needed provide some justifications for this. Now say that as both men and women have reached their destinations, is it appropriate to continue with the 1:2 or 1:3 processes? After listening to the answers say obviously not. This was a special arrangement to bring down the traditionally continuing discrimination.
- The backward position of women due to the restriction on their access to property, power and decision making is called gender discrimination which is the main reason of violence against women.
- The steps which are necessary for creating an equally dignified and respected position for men and women by eradicating discrimination is called gender need. It can be hoped that if the situation of women can be improved through meeting gender needs then the violence against women may stop. After saying a few words like this, thank everyone and conclude the session.

Materials

Areas of Restricted Access

Property

Information

Power

Decision

Dignity

Development

Gender Needs

Gender needs have mainly originated due to the conventional division of labour, gender role. Secondly, due to discrimination between men and women in terms of opportunity, rights, dignity, power, decision making and choices. Gender needs can be divided into two categories:

1. Practical gender needs
2. Strategic gender needs

Practical Gender Needs: Practical gender needs do not challenge the existing roles of men and women, it rather accommodates the existing roles within the conventional gender division of labour. This kind of need is absolutely personal and vary from person to person.

Strategic Gender Needs: Strategic gender needs challenge the conventional discrimination between men and women and if these needs are fulfilled then the conventional roles are changed and the overall situation improves.

Difference between practical gender needs and strategic gender needs

Practical gender needs	Strategic gender needs
<ul style="list-style-type: none"> ▶ These needs are of immediate importance, short termed and can be met very fast. 	<ul style="list-style-type: none"> ▶ These are the needs that improve the mutual situation of men and women and meet the needs that are necessary for that. They are long term and cannot be met fast.
<ul style="list-style-type: none"> ▶ They are related to everyday needs. For example: food, nutrition, health, accommodation, fuel, drinking water and safe motherhood etc. which can be marked easily. 	<ul style="list-style-type: none"> ▶ They cannot be marked easily. For example, dignity, rights, control, power etc. related.
<ul style="list-style-type: none"> ▶ Does not challenge the conventional gender roles but merely improves situations. 	<ul style="list-style-type: none"> ▶ Challenges the present discrimination and changes the situation of people.
<ul style="list-style-type: none"> ▶ Practical gender needs are related with necessities. 	<ul style="list-style-type: none"> ▶ Strategic gender needs are related to rights.

Affirmative Actions

Long term observation of social norms and customs help us to conclude that historically men and women had been assigned different behaviour, manner, clothes, games, activities and roles. These behaviour, activities or roles have been established as unavoidable and necessary through specific social process and these customs have introduced discrimination in the dignity of men and women. Patriarchal stereotype gender role and division of labour have made these discrimination permanent. As a consequence women face permanent obstacles within the patriarchal system in accessing social engagement, administration of state, income generation and property rights. In political and socio-economic spheres there are significant discrimination between men and women. This is called gender discrimination. This discrimination has been going on for thousands and thousands years and as a result women are becoming subject to exploitation, torture and deprivation and this has made them weaker.

Gender discrimination is one of the main barriers in building a peaceful, enriched world with equal dignity for everyone. For this reason, people have always stood for establishing women rights. However, if only equal rights are given to women who have been subjected to exploitation and deprivation and men who have got all the facilities, then women will still remain backward than men. Hence, this continuing gender discrimination will not stop.

For that reason, the idea for establishing equality between men and women on the basis of justified rights between them has come forth. Hence, some special steps have to be taken for bringing women subject to exploitation and deprivation into equal footing as men. These indispensable steps for justification are called positive initial steps. These steps are merely temporary ones, that means once the positions of men and women become equal in property, living, social engagement, administration of state and power, then no such steps will be needed.

The reserved positions for the women in employment, education, parliament and local government are merely positive initial steps for upholding the rights of women who had deprived historically. These are not mere charity towards women. The countries that signed the CEDAW Charter of UN in 1979 have made a promise to implement positive initial steps and have recognized it as justified rights of women. In light of that, Bangladesh constitution has also included these positive initial steps as fundamental rights.

Module 03

Law, Legal System and Procedure

General Objective

Development of knowledge and skills related to law, legal system and procedure

Specific Objectives

- Describing the origins, development and philosophy of law
- Explaining the judicial framework of Bangladesh and the jurisdiction of various courts
- Describing the stages of civil and criminal proceedings and steps to be taken during each stage
- Explaining the rights of an individual in relation to arrest and bail
- Developing the skill of drafting GD and FIR by way of practice

Topics

- Law and rights
- Legal system of Bangladesh
- Existing legal process in Bangladesh
- Steps of a lawsuit
- Rights of an Individual in the legal system

Law and Rights

Trainer's guideline for preparation

- Read the story attached as the material. Observe the process and prepare a strategy to ensure the use of the story. Make alternative arrangements keeping in mind that circumstances and physical conditions may change. Take mental note of alternative methods, learning technique or strategy.
- Read additional relevant materials thoroughly besides the attached key message and reading materials.

Objectives

At the end of the session, participants will be able to:

- Describe the origins, sources and philosophy of law
- Explain the necessity of law in recognition, preservation and realization of rights



Duration : 90 minutes



Method : Story reading, large group discussion



Materials : Story; 3 Cards displaying/bearing the words 'Recognition', 'Realization' and 'Preservation'



Stationeries : Flipchart, marker pens, masking tape, board pin



Reading Materials : Literature on origins of law and philosophy

Key Message

Origin of law, philosophy and role of law in protection of rights

People face various problems while performing their everyday activities and in order to solve these problems amicably amongst themselves they started the tradition of observing specific rules. Transaction of wealth started when people started rearing livestock and farming. At one point disputes started to rise amongst this transaction and co-operation. Hence arose the necessity of a balanced solution and a process of determination of rights and responsibilities. Law arrived through the age-old conventional practices and rules of the society. As a result there is no universal and equivocally accepted explanation or opinion about the origins and philosophy of law.

There are references of some written laws in the history, e.g. the humanitarian manuscript of Emperor Ashoka, philosophy of life of Gautam Buddha and the Cyrus Calendar promulgated by Emperor Cyrus. Moreover, we can find description of various laws in the religious books and biographies of ancient kings. The Bill of Rights of America, the French Declaration or even the Magna Carta before that, all these are milestones in the continuous journey of law.

The boundaries and use of law has greatly expanded in modern times. Law now refers to assertions and responsibilities which are determined and recognized by a state or interstate authority, and which everyone agrees to abide by and are enforced by appropriate specified authorities.

Sources of Law:

People have created law. Hence, various rules, principles, customs etc. has been developed by people to find out beneficial solutions to multifarious problems that they faced in different times in different curves of history. These curves of human civilization are where we can find the sources of law. Till now the recognized sources of law are: custom, religion, equity, previous judicial decisions or precedents, scientific discussion of the jurists, legislation and international agreements.

Philosophy of law:

The main philosophy behind law is the balanced and far reaching welfare oriented solution to differences and disputes that allow men to lead lives peacefully. Revenge or cruelty cannot be the basis of law. Hence the practice of dispensing justice through law has developed. Therefore, in every democratic state, the courts while exercising their judicial powers, abide by certain principles of natural justice. Firstly, no one can be the judge of his own cause. Secondly, no one should be condemned unheard. Thirdly, the accused has a right to defend his case. Fourthly, in any case the court shall act in good faith while conducting trial proceedings. Fifthly, any party to the dispute has the right to know the grounds of the judgment in the concerned case.

Step 1: Story Reading and discovering the philosophy of Law

- By drawing reference to the previous sessions, state that till now we have spoken about one's rights, equality, dignity, fairness etc. We will now discuss about the law, the legal system and the process required to protect and establish these basic rights. Then add the title "law and right" on the top of the flipchart.
- Firstly, we will discuss about law. In order to understand the subject thoroughly, we will now divide ourselves in 4 groups.
- After creating the 4 groups, provide a copy of the story to each group and ask them to read it attentively.
- After reading the story, provide them with the study material titled "Law, origin and philosophy of law" and ask them to identify the philosophy of law in the previous story after reading the study material. Give them 5 (five) minutes time.
- After the identification is complete, allow one person from each group to speak on the matter. At this point, if relevant, include your opinion.
- Then ask, "Where did law originate from? How did it originate?" Listen to the answer and after reaching an agreement through discussion, list down the relevant points in the flip chart.

Step 2: Identifying law as the instrument to acknowledge, protect and preserve one's rights

- Now ask what is the relation of rights with law? Listen to the answer.
- Relating with the answers, state that the rights of a person or a citizen is a "duty" or "responsibility" to the state. That is, whether we call it rights or human rights, these are actually the obligation of the state. This obligation of the state is completed in three steps. They are – recognition, preservation and fulfillment. Attach the three previously prepared cards on the flip chart.
- Explain each card in light of the attached reading materials.
- State the role of law in recognition, preservation and fulfillment.
- Moreover, mention that legal remedies are available in case of breach of these rights.

Materials

Story of Jayanti

A long time ago, there lived a very wise woman named Jayanti. Everyone in her city used to respect her a lot. One day a horse of the city's king was stolen. People of the king searched the whole kingdom and apprehended the accused.

The king started a trial for the theft but the accused did not answer anything that was asked to him. There was a rule that the accused must admit his crime or else judgment cannot be given.

The king tried in vain to make the accused to admit and at last he called Jayanti for help.

She came and asked at first whose horse was stolen? Everyone present answered that, "The horse of the king was stolen."

She again asked, who stole the horse? Everyone pointed at the accused and said that he was the one who stole the horse.

Jayanti again asked, who amongst you have seen him stealing the horse?

Everyone started looking at each other as no one has seen him steal with their own eyes.

Then she asked the accused whether he has stolen it or not?

The man started crying and said, "No, wise Jayanti."

Everyone started to talk amongst themselves that he was talking at last.

The king became furious and asked him why he did not talk before?

The accused did not answer and again kept quiet.

Then Jayanti broke the silence and asked, "Give the answer. Why were you quiet before?"

The accused answered that, "The horse of the king was stolen, he is furious and he assumed that I stole the horse. Hence, he will punish me anyway no matter what I said."

Jayanti replied "But now you are talking."

The accused answered that, "Until now everyone present here were the people of the king but now as you came, I know that you will be neutral and impartial."

Jayanti then asked, "Don't you know anything?"

The accused replied that, "Yes, I saw a person going to the South of the city with the horse in high speed. Honestly, I don't know anything more than this."

Then Jayanti looked at the King and said that "Pardon me but you are the king of the city, people come to you with their complaint with a view to solving their disputes. But when you are the complainant yourself, will it be fair if you deliver the judgment."

The king looked at Jayanti with embarrassment and everyone started to look at one another.

The king ordered others to release the accused.

Question: Is there any sign about the philosophy or principle of law in this story? If so, what is that?

Materials

Acknowledgement

Preservation

Fulfillment

The Origin and Philosophy of Law and The Role of Law in Protecting One's Rights

People face various problems while performing their everyday activities and in order to solve these problems amicably amongst themselves they started the tradition of observing specific rules. Transaction of wealth started when people started rearing livestock and farming. At one point disputes started to rise amongst this transaction and co-operation. Hence, arose the necessity of a balanced solution and a process of determination of rights and responsibilities. Law arrived through the age-old conventional practices and rules of the society. Law did not prosper through any specific time, place or instrument, rather slowly overtime, law created a strong place of its own. The philosophers of law have explained law in various ways and have expressed differing opinions about the origin of law. As a result there is no universal and equivocally accepted explanation or opinion about the origins and philosophy of law.

There are references of some written laws in the history, e.g. the humanitarian manuscript of Emperor Ashoka, philosophy of life of Gautam Buddha and the Cyrus Calendar promulgated by Emperor Cyrus. Moreover, we can find description of various laws in the religious books and biographies of ancient kings.

The Bill of Rights of America, the French Declaration or even the Magna Carta before that, all these are milestones in the continuous journey of law.

The question is what is law? Thinkers from different genres have shared different viewpoints on this subject. For example:

1. The analysts who rely on the historical opinions, think that law is the spontaneous and ever changing code of behaviour which is connected to public opinion and morals.
2. According to the teleological legal analysts, the objective of law should be remove maximum deficiency at the cost of minimum conflict.
3. The socialistic analysts say that it is the society that makes the law. Hence, law should be used to remove all social differences and for the benefit of the whole society. However, in a capitalist system, law helps to oppress the working class by depriving them of their rights to protect the interests of the rich and the owners, i.e. the oppressors.

The boundaries and use of law has greatly expanded in modern times. Law now refers to assertions and responsibilities which are determined and recognized by a state or interstate authority, and which everyone agrees to abide by and are enforced by appropriate specified authorities.

Sources of Law:

People have created law. Hence, various rules, principles, customs etc. have been developed by people to find out effective solutions to multifarious problems that they faced in different times in different curves of history. These curves of human civilization are where we can find the sources of law. Till now the recognized sources of law are:

1. Custom: From time immemorial, every society has been following various conventions and restrictions. These are deeply embedded in the social life. As a result, due to the social requirements, these became law by being acknowledged by the state.
2. Religion: Religion is also considered to be a major source of law. Many religious preachers have introduced religious laws. There are many such laws in Islam, Christianity and Hinduism.
3. Equity: The contribution of equity in the origin, excellence, development and advancement of law is immense. The judges in addition to providing new interpretations of law also apply the principles of fairness and conscience while conducting judicial proceedings. Here, the judges create new laws based on equity. One relies on equity and justice where there are no clear provisions of law. Hence, many laws have developed from equity.

4. Judicial Precedent: Judicial precedent is one of the most important sources which has enabled law to achieve excellence and accelerated dynamism.
5. Scientific discussion of the Jurists: The commentaries of famous jurists regarding law are also considered as a source of law. Even in ancient Rome the opinions of the famous jurists were taken into account in the courthouses.
6. Legislation: The meaning of “formulation of law” is the statutory enactment of law by the legal committee. Currently, the law that is enacted by statute is considered to be one of the most important sources of law.
7. International agreements: In modern times, various interstate agreements are acknowledged as a source of law.

Philosophy of law

The main philosophy behind law is the balanced and far reaching welfare oriented solution to differences and disputes that allow men to lead lives peacefully. Revenge or cruelty cannot be the basis of law. Hence, the practice of dispensing justice through law has developed. Therefore, in every democratic state, the courts while exercising their judicial powers, abide by certain principles of natural justice.

Firstly, no one can be the judge of his own cause.

Secondly, no one should be condemned unheard.

Thirdly, the accused has a right to defend his case.

Fourthly, in any case the court shall act in good faith while conducting trial proceedings.

Fifthly, any party to the dispute has the right to know the grounds of the judgment in the concerned case.

“Social morality” means all those moral behaviours which develop through public consent and approval. For the existence of a society, such general morality is extremely essential.

Hence, even after an accused of a murder case confesses before the police and claims to be the offender, the relevant judge, during the judicial proceeding, cannot punish the accused solely based on the confession made to the police, if there are no other independent witnesses affirming the confession made by the accused.

As a result, the court is under a legal obligation to release the accused in such circumstances. According to the science of law, this is called the “Justice according to law”. Similarly, it is not irrelevant to state that although law is not always the best it will still be considered to be better than the knowledge of any specific individual. Aristotle said “It is not accepted in the legal system to consider oneself to be wiser than the law”. Similarly, the Chief Justice Coke stated “The wisdom of law is wiser than any man's wisdom.” Similarly, Jeremy Taylor, while describing the importance of judgment according to law stated “Human conscience is as unstable as mercury, as a result without any specific rules and regulations the judges cannot always maintain equality in the legal system.”

What is the role of law?

Law mainly is a unique instrument to maintain balance amongst the social, financial, political and individual relationships of people. In the centre of the modern system lies the sense of right and the struggle to establish the right. Law acts as the main instrument to maintain balance among the acknowledgment, preservation and fulfilment of rights. In today's world, we cannot think about our life, independence and security without law. In one sentence, law acts as the instrument to establish and protect the dignity of people.

The Judicial System of Bangladesh

Trainer's guideline for preparation

- Before conducting the session, the trainer should learn about the judicial system of Bangladesh from various law books.
- In order to achieve the objective of the session, the trainer should prepare himself to conduct the session by thoroughly reading the reading materials and the procedure of conducting the session.
- He can share 1/2 cases from experience which can assist the participants to understand the relevant discussions of the session.

Objectives

After the completion of the session, the participants shall be able to:

- Describe the court structure of Bangladesh
- State the type and jurisdiction of the courts including the village courts
- Identify the distinction between the court system and the social system to resolve a dispute



Duration : 1 Hour



Method : Reading and exhibiting posters in triads



Materials : Masking tape, board pin, marker pen



Stationeries : Poster (with attached samples) and the study material



Reading Materials : The structure and jurisdiction of the courts of Bangladesh

Key Message

The highest court of Bangladesh, the Supreme Court is divided into two divisions –

- Appellate Division
- High Court Division

The other courts and their jurisdictions are stated below:

The jurisdiction of the general courts can be divided into two main categories:

- Original Jurisdiction
- Appellate Jurisdiction

The original jurisdiction of the civil court is determined by the fusion of three different types of jurisdictions.

- 1) Subject-matter Jurisdiction
- 2) Territorial Jurisdiction
- 3) Pecuniary Jurisdiction

According to the law of Civil Courts, currently, there are 5 types of civil courts in our country based on experience and jurisdiction.

- Court of District Judge
- Court of Additional District Judge
- Court of Joint District Judge
- Court of Senior Assistant Judge
- Court of Assistant Judge

Currently there are two types of criminal courts in our country

- 1) Sessions Court
Sessions Judge Court, Additional Sessions Judge Court, Joint Sessions Judge Court
- 1) Judicial Magistrate Court
Metropolitan Magistrate/ Chief Judicial Magistrate, First Class Judicial Magistrate, Second Class Judicial Magistrate, Third Class Judicial Magistrate

Step 1: Describing the type and structure of the court

- After reminding about the previous session, ask them “where do people go in case of a breach of law?” Listen to their answers.
- By maintain consistency with the answers, state that the court is a national structure dedicated to provide remedy for any breach of law.
- Ask them whether we can go to the same court for issues related to land and crimes like murder, robbery, rape etc. Listen to their answers.
- In order to know about these subjects, divide the participants into triads.
- After the formation of the groups, provide everyone with the study material and ask them to read it attentively.
- After all the groups complete the reading, request one member from each group to answer the three questions stated below.

Question:

- How many types of courts are there?
- How many class of courts are there in criminal courts and what are they?
- How many class of courts are there in civil courts and what are they?
- After listening to the answers from all the groups, place the poster consisting of the structure and jurisdiction of the courts, on the board. Ask someone from amongst the participants to read out the structure and the jurisdiction of the courts.

Step 2: The difference between the court/judicial system and the social system to resolve dispute

- Ask whether people go to courts for every dispute or whether some disputes are resolved socially? Listen to the answer.
- Ask again, what is the difference between the judgments provided by the courts and the disputes resolved by the society?
- Listen to the answer. If necessary, reach an agreement through short discussions and write down the points on the flip chart.
- Draw a vertical line across the middle of the flipchart. Give the heading “Legal System” to one side of the flipchart and the heading “Dispute Resolution through Social System” to the other side. Then list the relevant points under the appropriate headings.
- Stop after writing 4/5 points on both sides.
- After explaining the points, state that as a national structure only the courts have the jurisdiction to resolve disputes. On the other hand, we can also resolve a dispute through social system but it is not a judicial process.
- There will be a session on arbitration or social system to resolve dispute.

Materials

The Courts of Bangladesh



The Court and Its Jurisdictions

Jurisdiction

The power of a court to judge on a specific dispute or subject is called the jurisdiction of that court. That is, jurisdiction is the power of a court, the power that gives the court the right to judge on a certain subject.

Classification of Jurisdiction

The jurisdiction of a general court can be divided into two main classes:

- Original Jurisdiction
- Appellate Jurisdiction

Original Jurisdiction

Original jurisdiction is the right of a court to primarily accept any case. For example – Assistant Judge Court has the original jurisdiction to accept any civil suits valuing up to Tk. 2,00,000/-. The High Court has the original jurisdiction to accept writ cases.

The original jurisdiction of the civil court is determined by the fusion of three different types of jurisdictions:

- Subject-matter jurisdiction
- Territorial jurisdiction
- Pecuniary jurisdiction

Subject-matter jurisdiction

Same court cannot accept all types of cases. Suits are instituted in various courts based on the subject matter of the suit. In this way, the right of a court to accept all suits of a subject matter is called the subject matter jurisdiction of the court. For example – Suits related to family issues will have to be instituted in the Family Court whereas suits for recovery of possession will have to be instituted in Civil Courts.

Territorial Jurisdiction

The territory within which a court has the right to apply its power is the territorial jurisdiction of that court. For example- the Faridpur District Judge Court can hear all cases of the Faridpur District. The Assistant Judge Court (Alfadanga) can only accept suits of Alfadanga Upazila. A court cannot accept any suit outside the territory allocated to it.

Pecuniary Jurisdiction

The pecuniary jurisdiction of a court is the court's power to accept cases of certain suit value. For example - Assistant Judge Court can only adjudicate civil cases which values up to Tk2, 00, 000 whereas Assistant Senior Judge Court can take cases ranging from Tk2, 00, 000 to Tk4, 00, 000.

Appellate Jurisdiction

Appellate Jurisdiction is the judicial power vested in a superior court to accept appeals against the outcome of the decisions given by the inferior courts. That is, the power of a higher court to review the decision of a lower court with original jurisdiction is called the appellate jurisdiction. For example, High Court Division has a right to hear an appeal against the decision given by the District Judge Court.

Jurisdictions of different civil courts

The civil court can be divided into 5 different courts on the basis of experience and jurisdiction according to law. These are

1. Court of District Judge
2. Court of Additional District Judge
3. Court of Joint District Judge
4. Court of Senior Assistant Judge
5. Court of Assistant Judge

Court of District Judge

- Generally, the Court of District Judge do not hear civil cases directly but only hears the appeal arising from the judgments of lower courts. However, in some situations the Court of District Judge has the original jurisdiction. For example: the cases relating to trade mark in penal code has to be filed in the Court of District Judge.
- The Court of District Judge can hear appeals arising from the judgments of Courts of Assistant Judge, Senior Assistant Judge and Joint District Judge of cases worth up to BDT. 5, 00,000. The Court of District Judge can hear appeals directly or can send them to the Court of Additional District Judge.
- Again, the Court of District Judge adjudicates different criminal matters as the Court of Session Judge. The Court of District Judge exercises administrative functions upon the lower courts under the supervision of the High Court Division. The Court of District Judge has the power to reject or transfer or adjudicate a case of the lower courts.

Court of Additional District Judge

- The Court of Additional District Judge has the same jurisdiction as the Court of District Judge. However, a case or an appeal cannot be filed directly in this court.
- The Court of Additional District Judge resolves the disputes sent by the Court of District Judge.
- Again, the Court of Additional District Judge acts as the Court of Additional Sessions Judge while adjudicating Criminal Cases.

Court of Joint District Judge

The court of the Joint District Judge has the highest pecuniary jurisdiction in original civil cases. This court can hear any case valued more than BDT 4, 00,000/-.

Court of Senior Assistant Judge

The Court of Senior Assistant Judge can hear any civil case of suit value BDT 2,00,001/- to BDT 4,00,000/-.

Court of Assistant Judge

The Court of Assistant Judge can hear cases of suit value up to BDT 2, 00,000/-.

Jurisdiction of different Criminal Courts

The jurisdiction of the criminal courts is determined based on the matter, territory and the power to provide punishment.

At present, there are two types of Criminal Courts.

1. Court of Sessions Judge
2. Court of Judicial Magistrate

Reading Materials

Court of Judicial Magistrate

There are four types of Court of Judicial Magistrate

- Chief Metropolitan Magistrate in Metropolitan areas and Chief Judicial Magistrate in other areas.
- Magistrate of the First Class who is known as the Metropolitan Magistrate in Metropolitan Areas.
- Magistrate of the Second Class.
- Magistrate of the Third Class.

Court of Sessions Judge

There are 3 types of Court of Sessions Judge

1. Court of Sessions Judge
2. Court of Additional Sessions Judge
3. Court of Joint Sessions Judge

The jurisdiction of the Criminal Courts of Bangladesh is discussed below

Court of Sessions Judge

- The Court of Sessions Judge is the highest court to deal with different criminal cases. This court can give the order for death penalty (implemented with the permission of the High Court) or life imprisonment as punishment.
- Appeals can be filed in the Court of Sessions Judge against punishments up to 5 years ordered by the Court of First Class Judicial Magistrate, the Court of District Judge and the Court of Additional District Magistrate, the court of Chief and other Metropolitan Magistrate and the Court of Joint Session Judge. If the punishment is for more than 5 years then appeal should be filed in the High Court.
- The Court of Sessions Judge can adjudicate the appeal in their court or can send it to the Court of Additional Sessions Judge.

Court of Additional Sessions Judge

- The jurisdiction of the Court of Sessions Judge and the Court of Additional Sessions Judge is the same.
- The Court of Additional Sessions Judge cannot adjudicate on any case unless sent by the Court of Sessions Judge.

Court of Joint Sessions Judge

- The Court of Joint Sessions Judge can order for imprisonment upto 10 years in Criminal Cases.

Metropolitan Magistrate

In metropolitan areas, generally there are 3 types of courts

- Court of Chief Metropolitan Magistrate
- Court of Additional Chief Metropolitan Magistrate
- Court of Metropolitan Magistrate

Court of Judicial Magistrate**Chief Judicial Magistrate**

This Court can order maximum imprisonment of 5 years and a fine of BDT 10,000/-. However, according to section 29 (Ga) of Code of Criminal Procedure the government can give the Court of Chief Judicial Magistrate the right to provide any punishment other than death penalty with the advice of the High Court.

Magistrate of the First Class

The Court of Magistrate of the First Class can order maximum imprisonment of 5 years and a fine of BDT 10,000/-. However, according to section 29(Ga) of Code of Criminal Procedure the government can give the Court of Chief Judicial Magistrate the right to adjudicate crimes punishable up to 10 years, with the advice of the High Court.

Magistrate of the Second Class

The Magistrate of the Second Class can order maximum imprisonment of 3 years and a fine of BDT 5000/-.

Magistrate of the Third Class

The Magistrate of the Third Class can order maximum imprisonment of 2 years and a fine of not more than BDT 2000/-.

Jurisdiction of Supreme Court

Bangladesh Supreme Court has two divisions:

- Appellate Division
- High Court Division

Appellate Division

- The Appellate Division does not have any original jurisdiction and hence they cannot hear any cases primarily. The appellate division only hears appeals.

Appellate Division has 3 very important jurisdictions

- Appellate Jurisdictions
- Review Jurisdictions
- Advisory Jurisdictions

The Appellate Division accepts appeals against judgments, decree and sentences of the High Court. Appeals can be made to appellate division in two ways;

- Appeal as of Right
- Appeal with the Leave to Appeal

According to Article 105 of the Constitution of Bangladesh, the appellate division can review the judgments and orders of Appellate Division on their own initiative or on the application of a party.

According to Article 106 of the Constitution of Bangladesh, the President can seek advice from the Appellate Division on any Question of Law that has already been presented or may be presented and is of utmost importance. The Appellate Division can then give advice to the president, but this advice is not a judgment and hence is not binding. However, the Appellate Division is not bound to give such advice.

High Court Division

High Court has 4 types of jurisdictions-

- Original Jurisdiction
- Appellate Jurisdiction
- Revisional Jurisdiction
- Reference Jurisdiction

The cases relating to Company Law 1994, Admiralty Law 1861 and Banking Companies Ordinance 1952 have to be filed directly in the High Court and hence High Court has the original jurisdiction on these matters. High court also hears appeals against the decision of lower courts in both civil and criminal cases.

High Court has the jurisdiction to reexamine any order or judgment of the subordinate civil and criminal courts. The main objective of this jurisdiction is to ensure justice by rectifying any mistake or fault in the proceedings of the subordinate courts. This jurisdiction is called revisional jurisdiction. Revision can only be done on Question of Law and the High court can do this on their own initiative (Suo Moto) or on the application of a party. The High Court Division exercises this revisional jurisdiction under section 114 of Code of Civil Procedure (CPC) and section 439 (section 435 as well) Code of Criminal Procedure (CrPC).

The application placed for the opinion or order of the High Court Division on any ongoing case in the lower court, is called reference. Reference is an exclusive jurisdiction of the High Court i.e. only High Court can exercise this jurisdiction. The High Court Division can exercise this jurisdiction for both civil and criminal cases.

Besides, the Constitution of Bangladesh has given 3 other important powers to the High Court Division:

- Writ Jurisdiction
- Jurisdiction as to superintendence and control over courts
- Jurisdiction as to transfer of cases

Evaluation of the Day and its completion

Trainer's guideline for preparation

- *This session shall not only evaluate the quality of the learning, environment and the presentation of the whole day but also act as the summary of the whole day. Hence, this session has to be conducted in a planned manner*
- *Since the participants will be tired at the end of the day, there needs to be enough creativity during the practice session. You can introduce innovative ideas through use of creativity, colour, tune, tune and rhythm.*
- *The materials and the reading materials should be prepared beforehand. The text of the wallpaper should also be attached beforehand. If necessary draw the outline as well.*

Objectives

After this session, the participants will be able to:

- Evaluate the learning outcome of the day.
- Identify the changes in their thought process brought due to the learning outcome of the day.



Duration : 30 minutes



Method : Wallpaper of the day



Materials : 3 feet × 5 feet paper or PVC text 1 for each day



Stationeries : Round, square, oval, triangle shaped and different coloured papers and different coloured markers, glue, masking tape, sign pen and push pin.



Reading Materials : Not applicable

Process

Step 1: Making the wallpaper – 20 minutes

- Warmly welcome everyone into the final/last session of the day and ask them to stand in a circle.
- Place all the stationary/materials in the middle of the circle.
- Ask everyone to relax for 1 minute by closing their eyes and breathing.
- Ask them to remember all the sessions of the day.
- After 2 minutes ask everyone to take a sheet of paper and a pen from the centre and ask them to go back to their previous positions.
- Tell them that we shall write something in this piece of paper. Tell them that we shall write about the 3 subjects that have enriched us and moved us the most today.
- Tell them that while writing about each subject we shall give a heading followed by a brief description of the subject.
- Mention specifically that the description shall be in the form of a rhyme of at least 2 lines, a slogan, a picture or a cartoon.
- Allocate 15 minutes for this work. Play any tune/music or audio song in the background.
- After completion, ask them to attach the piece of writing with glue on the board.
- Ensure that that there is a proper colour balance in regards to the text and make sure that also it is properly filled up. If possible, assist them to attach the similar learning outcomes close to one another.

Step 2: Reading the wallpaper- 10 minutes

- Once the wallpaper is ready, ask all of them to stand in a semi-circle.
- Ask one or two of them to read it before everyone.
- Highlight your relevant comments, logic and their various reasoning.
- Conclude the day by thanking everyone for making the learning journey successful with their diligence, devotion and sincerity.

Introduction of The Day

Trainer's guideline for preparation

- The introduction of the day is very important. Use this session for preparing the participants for the whole day.
- Through this session you will come to know about the physical and mental conditions of the participants and shall prepare yourself accordingly.
- You should awaken and activate the learning team and rejuvenate their team spirit.

Objectives

At the end of the session the participants will be able to:

- Be included in the learning team
- Become attentive and concentrate during the learning journey.



Duration : 30 minutes



Method : Check in, music/singing and breathing exercise.



Materials : Not needed, however use of musical instruments is encouraged



Stationeries : Flip chart, marker pen



Reading Materials : Not applicable

Process

Step 1: Breathing Exercise (7 minutes)

- Welcome everyone and ask them to stand in a circle.
- Ask them to keep space between them.
- Ask them to balance their weight on their both feet.
- Ask them to take a deep breath and release slowly. Ask them to repeat this 5 times.
- Tell them to imagine that while they are breathing in they are bringing joy, enthusiasm and energy and while realizing breath they are leaving all the tiredness, tension and pain.
- This can be practiced keeping eyes closed as well.
- After 5 times breathing practice ask them to continue breathing normally and ask them to laugh making loud sounds for 1 minute.
- Complete the step by thanking everyone.

Step 2: Check in – 18 minute

- Ask them to stand in a circle and instruct them to say the following information one by one
 - Name
 - How was the previous day and night?
 - How is s/he at the moment?
 - How do you expect the day to be?
- They have to answer all the questions within 25 seconds. Once a person has answered s/he will tell the person standing to the right 'pass'. Then that person shall start answering.
- In this way include everyone standing in the circle in the learning team.
- You can start the answering or can answer at the end.

Step 3: Starting the day: 5 minutes

- After the inclusion is done, request anyone to sing a song.
- If a solo performance is not possible, then request them to sing a chorus.
- It will be best if national anthem can be performed.
- Request everyone to sit in their respective positions for the next session.

The Conventional Legal Process of Bangladesh

Trainer's guideline for preparation

- Before conducting the session, the trainer should learn about the trial process of Bangladesh from the Penal Code and the Code of Criminal Procedure. Moreover, they should consult with a skilled lawyer should he feel the necessity of clarification on any legal matter. This will be helpful for conducting the session properly.
- In order to achieve the outcome of the session, the trainer shall prepare himself by going through the study materials sample of a GD and shall also read the procedural steps to conduct the session.

Objectives

At the end of this session, the participants will be able to:

- Identify the characteristics of Criminal and Civil suits
- Tell the causes and characteristics of a police case and a petition case
- Make a list of the cognitions and specific considerations necessary before filing a case.



Duration : 1 hour



Method : Large group discussion



Materials : Not Applicable



Stationeries : Flip chart, marker pen



Reading Materials : Legal process/system of Bangladesh

Key Message

According to the conventional legal System of Bangladesh two types of cases can be filed in order to obtain a remedy.

1. Civil cases, and
2. Criminal cases

Civil cases: Civil cases are filed in order to establish the rights of a person that has been infringed. For example: land conveyancing, marriage, divorce, dower, alimony, contract, money suit, propriety interest of land, rank etc.

Criminal Cases: The cases which consider how to control criminal activities of people are called criminal cases. For example: theft, robbery, murder, hooliganism, rape, acid throwing etc. Criminal Cases are of two types:

- A. Police/ General Register Cases, and
- B. Petition/ Complaint Register Cases

General Register:

When a victim or any other person files a complaint in the police station after a crime has been committed is called a police case or a G.R. case.

Petition Case:

After the commission of an offence, when the police station refuses to take the case, the case can be filed before the court through an application. This is called a petition or a C.R. case.

Step 1: Learning the characteristics of civil and criminal cases through discussion

- Ask, where do people go to get justice for rape or murder? Listen to the answers and write them down in the flip chart.
- Then ask where one should go to in order to obtain resolve disputes regarding dower, alimony or succession. Listen to the answers and write them down in the flip chart.
- State that the mode of the two cases is different and hence the trial process is also different. Ask them in what aspects are they different?
- Listen to the answers and add your own opinion. Draw a vertical line in the middle of the flipchart and write the characteristics of the civil and criminal cases on either side.
- After writing 4-5 characteristics of both of the cases, ask someone to read it aloud for everyone else.

Step 2: Identifying the characteristics of police case and petition case

- Ask what can be done if the police refuses to take a case after going to the police station? Listen to the answer.
- It is good if the answer comes from the team otherwise state that in such situations criminal cases can also be directly filed in the court.
- In light of the attached study materials write the characteristics of a police case and a petition case in the flip chart in a similar manner as that of the previous step and explain it to them.
- After writing the characteristics ask, what is the cause of a petition case? Listen to the answer.
- Explain the causes on the basis of the study materials.

Step 3: Making a list of the subjects to be considered before filing a case

- On the basis of the topics clarified in the first 2 steps ask, what are the things to be considered before filing a case?
- Listen to the answers and write it on the flipchart serially and number them.
- You should add some points as well.
- Help the participants to understand the points clearly through questioning or by providing example.
- After writing 10-12 points to be considered, tear the page and attach it to any of the walls of the room.
- Attach the other two pages from the previous steps from the flip charts beside it.
- Invite one of the participants to read out the three posters and present a summary before all the participants.
- Conclude the session by thanking everyone.

The Judicial Process in Bangladesh

Civil cases

The cases that resolve the disputes regarding the rank, honor and propriety of property of a person are called civil cases. For example: land transfers, marriage, divorce, dower, alimony, contract, money suit, propriety of land, rank etc. are included in civil cases. This process is for the redemption of personal rights and to claim remedy for damages.

Criminal Cases

The cases that resolve disputes regarding illegal infringement of property and body of a person are called criminal cases. For example: theft, robbery, murder, hooliganism, rape, acid throwing etc. Criminal Cases are of two types:

1. Police/ General Register Cases, and
2. Petition/ Complaint Register Cases

Police case

When a victim or any other person files a complaint in the police station after a crime has been committed is called a police case or a G.R. case.

Petition Case

When a victim files a complaint in the criminal court after a crime has been committed is called a petition or C.R. case.

Initial Considerations before Filing a Case

People file cases in the court if any dispute arises regarding any social, cultural or economic matter or if a crime is committed i.e. if anyone's life or security is infringed through an attack. Getting the expected remedy from the cases depend on certain conditions. If one files a case taking into consideration these conditions, then the expected remedy can be acquired. The conditions mentioned must be considered beforehand. The followings should be considered before filing a civil or a criminal case.

Initial Considerations before filing a civil case

- **The subject matter and the type of dispute:** It is necessary to consider, taking into account the subject matter and the type of the dispute, whether going to the court is the right course of action.
- **The value of the subject matter:** The court in which the case should be filed depends on the value of the subject matter. Hence, in order to go to the right court, the value of the subject matter will have to be taken into account.
- **Jurisdiction of the court:** The case has to be filed considering the territorial and pecuniary jurisdiction of the court otherwise the case may be dismissed.
- **The residence of the complainant:** The case needs to be filed in the court which is within the area in which the complainant habitually resides.

- **Witness and evidence:** There should be proper and sufficient evidence supporting the case otherwise it is most likely that the case will be lost.
- **Age:** The age of the complainant or the defendant is an important factor to be taken into consideration. This is because mainly adults can become a complainant or a defendant of a case. In case there is a minor, an adult has to take responsibility on his/her behalf.
- **Expenses:** It is very expensive to conduct a case. Hence whether enough finances can be arranged or not shall be taken into consideration before filing a case.
- **Inertness:** It often takes a long time to resolve a case. Hence, it should be considered beforehand whether such a long time can be spent for the case.
- **Distance of the court:** It becomes very difficult for the complainant to travel to the court several times, if the court is far away from the residence of the complainant. Hence this should be taken into consideration before filing the case.
- **Situation of the defendant:** The success of a case also depends on the economic, social, political and geographical position of the defendant. It becomes very difficult to fight against a defendant who is comparatively powerful.
- **Limitation period:** There are definite limitation periods for different cases depending on the type and value of the suit. If the period is passed, the matter will be limitation barred. Hence, a case needs to file before it is limitation barred.

Initial Considerations before filing Criminal Cases:

- **Time:** The importance of the case varies depending on how fast the case has been filed after the incident. This will definitely has to be taken into consideration.
- **Location of the incident:** The future of the case depends on whether the case has been filed to the correct police station on the basis of where the incident occurred.
- **Sufficient evidence:** The success of the case depends on whether there are sufficient evidence to prove the case. For example; medical certificate, eye witness etc.
- **Elements of a crime:** The petitioner can win the case only if the elements of the crime can be satisfied beyond any doubt. Hence, it should be considered beforehand as to whether the incident can be proved beyond any doubt.
- **Objective:** In order to prove the offence it is necessary to satisfy that the objective of the defendant or defendants was to commit the offence. Hence, it should be considered whether they will be able to prove it or not.
- **Jurisdiction of the court:** The case needs to be filed in the appropriate court depending on the type and extent of the crime.

The Stages of Proceedings

Trainer's guideline for preparation

- The cards containing the stages of proceedings of civil and criminal cases should be attached to the walls both inside and outside the room.
- Ensure that the fundamental information of the stages are kept with each stage's relevant card. If needed print or write down the supplementary information in a different paper and add it to the card.

Objectives

After the completion of this session the participants will be able to:

- Describe all the stages from filing the case to delivery of the judgment.
- Identify the duties and responsibilities of the petitioner and the defendant in every stage.



Duration : 1 hour 30 minutes



Method : Moving/Active small group



Materials : Cards made about each stage



Stationeries : Masking tape, poster paper and marker pen



Reading Materials : Stages of proceedings and the duties of the parties

Stages of 3 types of proceedings

Stages of Civil Proceedings	Stages of Police Case	Stages of Petition Case	
<ul style="list-style-type: none"> • Submission of the plaint • Issuing summons for the defendant • Attendance of the defendant • Hearing • Framing the justiciable topics • Summons for the witness • Fixing the date for the final hearing • Final hearing • Arguments • Delivering the Judgment • Decree • Appeal 	<ul style="list-style-type: none"> • Filing First Instance Report • Issuing warrant • Obtaining bail/ to surrender • Attendance • Submitting charge sheet/ Final report • Charge hearing • Framing the charge • Testimony • Defence witness • Arguments • Judgment • Appeal 	<ul style="list-style-type: none"> • Submitting the application • Examining the complaint • Issuing summon/ warrant • Bail/surrender • Attendance • Submitting charge sheet/ Final report • Charge hearing • Framing the charge • Testimony • Defence witness • Arguments • Judgment • Appeal 	<p><i>After the submission of the charge sheet, the court shall decide against whom the case shall continue and what shall be the allegations against them</i></p>

Step 1: Forming the teams and providing them with instructions

- State that, “We all shall now learn the stages of proceeding starting from filing the petition till getting the judgment.
- Divide the large group into 4 small groups
- Choose 2 readers, 1 reporter, 2 assistant reporters and 1 presenter in each group
- Now explain them the following instructions-
 - After reaching each stage, a reader shall read the heading, associated explanation and the duties of the parties for all the participants.
 - Everyone shall listen carefully and the reporters shall take notes.
 - In every stage the readers and the reporters shall alternate.
 - After all the stages are read out, the teams shall write the stages chronologically on a poster.
- After making the posters, the participants should come to the session room.

Step 2: Presentation

- After the groups have made their posters, let each presenter explain the stages of proceedings and the duties and responsibilities of the parties.
- Provide an explanation or example, if necessary, during the group presentation.
- Conclude the session by thanking everyone.

Materials

Process of Filing Civil Suit

Submission of plaint

The first stage of a civil suit is submitting a plaint. The written application of a petitioner's complaint is called a plaint. A plaint contains

- a) Wakalatnama (letter of instruction)
- b) The papers and documents upon which the proof of the case depends
- c) Necessary court fee
- d) Process fee

Issuing summons to the defendant: After a case is filed, a summon form has to be filled and issued so that the defendant attends the court.

Issuing summons to the defendant

After a case is filed, a summon form has to be filled and issued so that the defendant attends the court.

Attendance of the defendant

Attendance of the defendant: After the date for the attendance is fixed, the defendant attends the court. On that day a written answer or explanation has to be submitted. If the written answer is not prepared, then the defendant can pray for some additional time. If the defendant does not attend the court then the matter is decided ex parte.

Primary hearing

At this stage the court hears the statement of both the parties with the aim to get a clear idea about the plaint and the written statement and to frame charges. During the first hearing, the court considers the following topics

- a) Value of the suit
- b) Jurisdiction of the court
- c) If both the parties have been partisan properly
- d) Questioning about the matters which have not been accepted or denied by the parties. At this stage the deeds are submitted on the order of the court.

Framing charges

Determining the factual and legal matters regarding which there is a dispute or determining the subject matters of the dispute after getting a clear idea about the dispute from the plaint and the written statement. For example: if a matter can continue as a case, is it barred by any law, if the petitioner can get the prayed remedy etc.

Summons to the witness

Before fixing the final date for hearing, summon has to be issued to the witnesses. After filing the case, on application of the parties, the court shall issue the summons.

Materials

Process of Filing Civil Suit

Fixing the date for final hearing

At this stage, the date for the final hearing is fixed.

Final hearing

At this stage, the parties attend the court with the evidences and the witness. Every party will take the testimony of their own witness and the opposing party shall question the witness and prove their own papers. The testimony and the questioning can be done through a commissioner as well. The court keeps a record of the testimony and the questioning.

Arguments

After taking the testimony of the witnesses the parties make their arguments. The aim of the argument is to present the summary of every details before the judge and to give him a clear idea about the case.

Delivering judgment

Immediately after the arguments or on another fixed date, the judgment is delivered.

Appeal

The party which is dissatisfied with the judgment or the decree can appeal to the higher court for remedy.

Decree

The final written decision of the court in any matter is called the decree. The decree should be consistent with the judgment.

Materials

Process of Filing Criminal Cases

Filing the First Information Report (FIR)

The written or oral complaint made to the police station after a criminal offence takes place is called submitting a statement or a First Information Report (FIR).

Investigation

After an FIR is filed, the police shall go to the crime spot and take the testimony of the eye witnesses. In a case of murder the police make a seizure list, seize relevant materials, prepare exquisite report and send the dead body for post mortem. If possible, they will try to arrest the suspected offenders.

Arrest and surrender

If the police make the arrest at this stage, they will have to send the persons to the court within 24 hours of arrest. Again, the defendant can avoid the arrest and surrender himself to the court.

Bail

The accused can make an application for bail after they have been arrested by the police or surrendered themselves to the court. Based on the type of the crime, the court may grant the bail.

Attendance

Until the charge sheet or the final report is not submitted, the accused has to attend the court on fixed dates. If the accused is in the jail, then the jail authority has to bring the accused to the court. If the accused is on bail, even then he will have to attend the court on fixed dates. Until the judgment is delivered, the accused will have to attend the court this way.

Submitting the charge sheet or the final report

The officer in charge of investigation shall submit charge sheet in the court if the complaint is proved. If the complaint is not proved then they will submit the final report. After the charge sheet is submitted, the date for the charge hearing is fixed.

Materials

Process of Filing Criminal Cases

Charge hearing

The hearing that takes place in the court based on the submission of the charge sheet or final report is called the charge hearing. The court may grant an order of reinvestigation if any party submits a disagreement form and the court thinks it is logical after the hearing. The court may also discharge the accused on the basis of the final report.

Framing the charge

The accused shall be present in the court on the day of framing the charge. If the Hon'ble Court thinks that the accused has committed the offence for which he is being charged, then the court shall frame the charge for that offence.

Providing testimony

On this date, the witness will attend the court. On this day the learned P.P/A.P.P shall record the testimony of the prosecution witness. After that the learned Advocate for the accused shall question the witness. After this testimony, the court shall ask the accused to make his statement and whether the accused wants to provide defense statement.

Defense witness

On this day, the defendant shall provide defense witness. The learned advocate for the accused shall take the testimony of the witness and the P.P. and A.P.P. shall question him.

Arguments

On this day, the P.P or the A.P.P shall provide their statement first, for proving the allegation. Then the defense lawyer should make his own statement for proving his innocence.

Judgment

The written decision of the court in the matter of the dispute is the judgment. On the date of delivering the judgment, the accused shall be present in the court. The prosecution and the defense should also be there in the court. The judgment will be delivered in open court.

Appeal

The party that will be dissatisfied with the judgment can appeal to the higher court.

Materials

Petition Case

Submitting the application

The lawyer of the victim shall describe the incident in writing on behalf of the victim and file the application before the court.

Examination of complaint

On the day of filing the case, the victim shall take an oath before the court and describe the incident in short. The court will take cognizance of the offence, if the court is satisfied with the testimony and finds sufficient evidence on that matter.

Issuing summon/warrant

If the court takes cognizance of the case, it will then issue a summons or a warrant.

Arrest and surrender

If the court issues a warrant against the accused, then the police shall arrest and present the accused before the court. If the court issues a summons then the accused shall come to the court and surrender himself.

Bail

The accused can make an application for bail after they have been arrested by the police or surrendered themselves to the court. Based on the type of the crime, the court may grant the bail.

Attendance

The attendance date is the very next date fixed by the court after the accused is enlarged either after being arrested or after surrendering himself. On that day the date for charge hearing is fixed.

Materials

Petition Case

Charge hearing

The hearing that is conducted by the lawyers of both the parties in presence of the accused is called the charge hearing.

Framing the charge

The accused has to be present on the day of framing the charge. The petitioner's lawyer shall conduct a hearing for deciding on which allegations the charge shall be framed. Then the learned advocates for the accused shall conduct a hearing against the framing of the charges. After listening to the arguments of both the parties, the court may discharge the accused under section 241(Ka) of Criminal Code of Criminal Procedure or frame charge against the accused if the court feels that the accused has committed the offence.

Testimony

On this date, the witness has to be present in the court. On that day, the learned P.P./A.P.P shall record the testimony of the prosecution witness. After that the learned Advocate for the accused shall question the witness. After the testimony, the court shall ask the accused to make his statement and whether the accused wants to present his defense witness.

Defense witness

On this day, the defendant shall present defense witness before the court. The learned advocate for the accused shall take the testimony of the witness and the P.P. and A.P.P. will question him.

Arguments

On this day, the P.P or the A.P.P shall provide their statement for proving the allegation. Then the defense lawyer should make his own statement in order to establish the innocence of the accused.

Judgment

The written decision of the court in the matter of the dispute is the judgment. On the date of delivering the judgment, the accused shall be present in the court. Both the prosecution and the defense should be present in the court. The judgment will be delivered in open court.

Appeal

The party dissatisfied with the judgment can appeal to higher court.

Stages of Criminal and Civil cases

Two types of cases can be filed for getting remedy according to the legal system of Bangladesh.

1. Civil cases
2. Criminal cases

Civil suits: The cases that are filed for establishing the rights of a person that has been infringed are called civil cases. For example: land transfers, marriage, divorce, dower, alimony, contract, money suit, propriety of land, rank etc.

Process of filing civil cases:

1. **Submitting a plaint:** The first stage of a civil case is the submission of a plaint. The written application of a petitioner's complaint is called the plaint. A plaint contains:
 - a) Wakalatnama (letter of instruction)
 - b) The documents which are the evidences of the case
 - c) Necessary court fee
 - d) Process fee
2. **Issuing summon for the defendant:** After filing a complaint, a summon form has to be filled up and issued by the court to ensure that the defendant attends the court.
3. **Attendance of the defendant:** The defendant attends the court on the day fixed for attendance. On that day a written statement or explanation has to be submitted. If the written answer is not prepared, then the defendant can pray for some additional time. If the defendant does not attend the court then the matter is decided ex parte.
4. **Primary hearing:** At this stage the court hears the statement of both the parties with the aim to get a clear idea about the plaint and the written statement and to frame the charges. During the first hearing, the courts considers the following topics:
 - a) Value of the suit
 - b) Jurisdiction of the court
 - c) If both the parties have been properly added as parties
 - d) Questioning about the matters which have not been accepted or denied by the parties. At this stage the deeds are submitted on the order of the court.
5. **Framing charges:** Determining the factual and legal matters regarding which there is a dispute or determining the subject matters of the dispute after getting a clear idea about the dispute from the plaint and the written statement. For example: if a matter can continue as a case, is it barred by any law, if the petitioner can get the prayed remedy etc.
6. **Summons to the witness:** Before fixing the final date for hearing, summon has to be issued to the witnesses. After filing the case, on application of the parties, the court shall issue the summons.
7. **Fixing the date for final hearing:** At this stage, the date for the final hearing is fixed.

8. **Final Hearing:** At this stage, the parties attend the court with the evidences and the witness. Every party will take the testimony of their own witness and the opposing party shall question the witness and prove their own papers. The testimony and the questioning can be done through a commissioner as well. The court keeps a record of the testimony and the questioning.
9. **Arguments:** After taking the testimony of the witnesses the parties make their arguments. The aim of the argument is to present the summary of every details before the judge and to give him a clear idea about the case.
10. **Delivering judgment:** Immediately after the arguments or on another fixed date, the judgment is delivered.
11. **Decree:** The final written decision of the court in any matter is called the decree. The decree should be consistent with the judgment.
12. **Appeal:** The party which is dissatisfied with the judgment or the decree can appeal to the higher court for remedy.

Criminal Case

Criminal Cases: The cases whose main subject matter is to control the criminal behaviour of the people are called criminal cases. For example: theft, robbery, murder, hooliganism, rape, acid throwing etc. Criminal Cases are of two types:

1. Police/ General Register Cases
2. Petition/ Complaint Register Cases

General Register

When a victim or any other person files a complaint in the police station after a crime has been committed is called a police case or G.R. case. The stages of police case are given below:

Filing the First Information Report (FIR): The written or oral complaint made to the police station after a criminal offence takes place is called submitting a statement or a First Information Report (FIR).

Investigation: After an FIR is filed, the police shall go to the crime spot and take the testimony of the eye witnesses. In a case of murder the police make a seizure list, seize relevant materials, prepare exquisite report and send the dead body for post mortem. If possible, they will try to arrest the suspected offenders.

Arrest and surrender: If the police make the arrest at this stage, they will have to send the persons to the court within 24 hours of arrest. Again, the defendant can avoid the arrest and surrender himself to the court.

Bail: The accused can make an application for bail after they have been arrested by the police or surrendered themselves to the court. Based on the type of the crime, the court may grant the bail.

Attendance: Until the charge sheet or the final report is not submitted, the accused has to attend the court on fixed dates. If the accused is in the jail, then the jail authority has to bring the accused to the court. If the accused is on bail, even then he will have to attend the court on fixed dates. Until the judgment is delivered, the accused will have to attend the court this way.

Submitting the charge sheet or the final report: The officer in charge of investigation shall submit charge sheet in the court if the complaint is proved. If the complaint is not proved then they will submit the final report. After the charge sheet is submitted, the date for the charge hearing is fixed.

Charge hearing: The hearing that takes place in the court based on the submission of the charge sheet or final report is called the charge hearing. The court may grant an order of reinvestigation if any party submits a disagreement form and the court thinks it is logical after the hearing. The court may also discharge the accused on the basis of the final report.

Framing the charge: The accused shall be present in the court on the day of framing the charge. If the Hon'ble Court thinks that the accused has committed the offence for which he is being charged, then the court shall frame the charge for that offence.

Providing testimony: On this date, the witness will attend the court. On this day the learned P.P./A.P.P shall record the testimony of the prosecution witness. After that the learned Advocate for the accused shall question the witness. After this testimony, the court shall ask the accused to make his statement and whether the accused wants to provide defense statement.

Defense witness: On this day, the defendant shall provide defense witness. The learned advocate for the accused shall take the testimony of the witness and the P.P. and A.P.P. shall question him.

Arguments: On this day, the P.P or the A.P.P shall provide their statement first, for proving the allegation. Then the defense lawyer should make his own statement for proving his innocence.

Judgment: The written decision of the court in the matter of the dispute is the judgment. On the date of delivering the judgment, the accused shall be present in the court. The prosecution and the defense should also be there in the court. The judgment will be delivered in open court.

Appeal: The party that will be dissatisfied with the judgment can appeal to the higher court.

Petition Case

Certain criminal offences which are specified by law has to be filed directly to the court through an application, such cases are called Complaint Register/Petition cases.

Submitting the application: The lawyer of the victim shall describe the incident in writing on behalf of the victim and file the application before the court.

Examination of Complaint: On the day of filing the case, the victim shall take an oath before the court and describe the incident in short. The court will take cognizance of the offence, if the court is satisfied with the testimony and finds sufficient evidence on that matter.

Issuing summon/warrant: If the court takes cognizance of the case, it will then issue summon or a warrant.

Arrest and surrender: If the court issues a warrant against the accused, then the police shall arrest and present the accused before the court. If the court issues summon then the accused shall come to the court and surrender himself.

Bail: The accused can make an application for bail after they have been arrested by the police or surrendered themselves to the court. Based on the type of the crime, the court may grant the bail.

Attendance: The attendance date is the very next date fixed by the court after the accused is enlarged either after being arrested or after surrendering himself. On that day the date for charge hearing is fixed.

Charge hearing: The hearing that is conducted by the lawyers of both the parties in presence of the accused is called the charge hearing.

Framing the charge: The accused has to be present on the day of framing the charge. The petitioner's lawyer shall conduct a hearing for deciding on which allegations the charge shall be framed. Then the learned advocates for the accused shall conduct a hearing against the framing of the charges. After listening to the arguments of both the parties, the court may discharge the accused under section 241(Ka) of Code of Criminal Procedure or frame charge against the accused if the court feels that the accused has committed the offence.

Testimony: On this date, the witness has to be present in the court. On that day, the learned P.P./A.P.P shall record the testimony of the prosecution witness. After that the learned Advocate for the accused shall question the witness. After the testimony, the court shall ask the accused to make his statement and whether the accused wants to present his defense witness.

Defense witness: On this day, the defendant shall present defense witness before the court. The learned advocate for the accused shall take the testimony of the witness and the P.P. and A.P.P. will question him.

Arguments: On this day, the P.P or the A.P.P shall provide their statement for proving the allegation. Then the defense lawyer should make his own statement in order to establish the innocence of the accused.

Judgment: The written decision of the court in the matter of the dispute is the judgment. On the date of delivering the judgment, the accused shall be present in the court. Both the prosecution and the defense should be present in the court. The judgment will be delivered in open court.

Appeal: The party dissatisfied with the judgment can appeal to higher court.

Protecting Personal Rights through Legal Process

Trainer's guideline for preparation

- Read the samples of GD and FIR thoroughly.
- Read the attached study materials carefully and update the available information by the internet or newspaper.

Objectives

At the end of this session the participants will be able to:

- Help in drafting GD and FIR
- Describe the rights and responsibilities/options of a person in matters of arrest and bail
- Inform others about the directions of the High Court regarding Section 54.



Duration : 1 hour 30 minutes



Method : Working in small groups, discussion in large group



Materials : Poster paper, masking tape, marker pen



Stationeries : Sample GD, FIR



Reading Materials : Legal steps and some important matters

Key Message

Arrest: Legal detention of any person is called arrest. Warrant is necessary for arresting a person.

Discussion about section 54: Generally, police cannot arrest anyone without a warrant. However, according to section 54 of Code of Criminal Procedure 1898, there are special powers of police using which they can arrest a person without a warrant. In section 54, 9 situations are specified, when a police can arrest a person without warrant.

Before resorting to this section, police has to make sure that –

1. If the person is connected to the cognizable offence
2. If the allegation brought against him is logical
3. If the news that has been received is credible
4. If the suspected matter is logical

If the factors mentioned above are carefully observed, it can be seen that the section is widely misused by the police based on the fact that they can arrest anyone without a warrant on the basis of reasonable allegation, credible news and reasonable grounds for suspicion. A good number of innocent people are being subjected to the torture of police who are misusing this section. Some people even died due to the torture of the police. The police is using this section as a weapon of torture. As a result, cases have been filed in the court against the misuse of this section and different judgments have been passed by the court regarding this section.

Decisions of the High Court in the matter of section 54

Decision of the High Court regarding the time limit up to which the police can detain a person after arrest. The police cannot detain a person for more than 24 hours after arrest. The 24 hour is calculated deducting the time needed to travel to the court from the place of arrest. If the police officer wants to detain a person for more than 24 hours then he will need to obtain the magistrates order according to section 167 of C.R.P.C.

Bail: Bail is to release a person who has been arrested or has the possibility to get arrested on the custody of another person. He must also according to the conditions given by the court submit to the guarantor at a specific place and specific time.

Step 1: Learning about GD and FIR through working in small groups

- Tell the 4 groups from the previous session to sit separately and give them sample copies of GD and FIR
- Ask everyone to read the samples thoroughly.
- After reading, ask the groups to write the down the elements and the differences between GD and FIR on the poster paper.
- After the groups have completed writing tell them to show the posters.
- Add your own comments/statements.
- Show a copy of the GD and tell the participants that for writing a GD, this sample has be followed. It should be remembered that no extra charge/fees is required for filing a GD. This is clearly mentioned in law.

Step 2: Clarifying the matters of GD and FIR through discussion

- Ask the participants, what do the police do or where do the police take someone after arresting? What do we do when someone is arrested?
- In answer the participants may reply - we go to the police station or consult a lawyer. Now ask them, what do we understand by arrest and bail? Ask them to write their thoughts on the board.
- After writing a few points, explain what is meant by arrest and bail in light of law.

Step 3: Presenting section 54 of C.R.P.C through discussion

- State that, recently, a matter has stirred up the legal system. The High Court Division has provided instructions regarding that matter. Ask the participants about this matter.
- Listen to their answers and state that it is regarding section 54 of C.R.P.C. According to this section, police can arrest a person in 9 different situations but they have to be brought before a magistrate within 24 hours. But what is the reality?
- Listen to the answers and write them in the flip chart
- If someone has any question, let the other participants answer first.
- Attach your own opinion with their answers.

Materials

Sample Copy of GD

To,

Officer in Charge

..... Police Station

District

Date:

Subject: Application for General Diary/GD

Sir,

With due respect, I father Address
police station District got into a local bus for going to to Shishu
Mela from Asad Gate at approximately on (Date). When I tried
to pay for the ticket, I realised that I do not have my wallet with me. That means someone picked
my pocket. I had my National ID Card, some money and important visiting cards with me. I found
it essential to inform the legal institutions regarding this so that the things that were pick-
pocketed do not create any unpleasant situation.

Hence, it is requested that the above matter is included as a general diary.

Regards

Signature

Name

Address

Arrest: Legal detention of any person is called arrest. For arresting a person a warrant needs to be issued by a magistrate. However, for the cognizable offences described in the Penal Code, the police can arrest without warrant.

Points to remember:

- If the police want to arrest a person, that person should ask for the warrant first.
- If the warrant is not shown, he should ask for the reason of arrest.
- To behave well with the police
- Not to interrupt in the work of the Police
- Get advice from a lawyer after arrest.
- Make an application for bail

Bail:

Bail is to release a person who has been arrested or has the possibility to get arrested on the custody of another person. He must also according to the condition given by the court submit to the guarantor at a specific place and specific time.

Granting bail in bail able offence:

The accused person has a right to obtain bail for the offences which are bail able according to the law. However, in special circumstances the court has the jurisdiction to refuse the bail.

Bail bond:

Once a bail has been granted to a person from the court or police station, before going under the custody of the guarantor, recognizance has to be provided through a specific form. This form is called bail bond. The signature of a lawyer and a prominent person is necessary in this form.

General Diary (G.D.)

In every police station there is a register called general diary. In English, it is called GD. The officer in charge of a police station should be informed orally or in writing if there is any possibility of dispute between two or more persons, if someone threatens another, if there is a possibility of homicide or if something is lost. The officer in charge records this in the general diary. This is called G.D.

Process of filing a General Diary/G.D.:

Every G.D. has an entry number and a date. In order to make a G.D. in writing 3 copies of the G.D. have to be prepared. The duty officer keeps one copy in the police station and returns the other copy to the applicant after putting the seal of the police station, and writing the entry number and date on top. The 3rd copy is kept for the investigation officer of the case. The subject matter of the G.D has to be investigated locally within 2 hours.

General Diary/G.D needs to be filed in the following cases:

1. If there is a possibility of dispute between two or more people
2. If someone threatens another
3. If there is a possibility of culpable homicide
4. If something is lost

Importance of General Diary:

If the matter filed through a G.D is investigated properly then there will be no chance of committing a crime in the future. If the matter could be not investigated and after filing the G.D. a crime is committed, then the G.D. helps to prove the offence to a great extent.

Ejahar/ F.I.R.:

F.I.R. (in the form of Ejahar/ statement) is the main basis of criminal cases. The future of the case depends on the F.I.R. The written complaint submitted to the police station seeking justice after an offence has been committed is called F.I.R. Moreover, it can also happen that the complaint is made orally and the duty officer in the police station writes the complaint where the complainant gives his signature. This is also regarded as an F.I.R.

After the statement of the F.I.R. is served to the police station, the authority of the station registers the F.I.R in a specific format. In this format the details of the complainant, type of the crime, brief description of the robbed materials, place of occurrence of the crime, the distance between the place of occurrence and the police station etc are mentioned. This format specified by the state is known as the F.I.R. form.

The F.I.R. should be filed very carefully as it plays a very important role in the case. For this reason the following matters have to be present in the F.I.R.:

1. The name, address and identity of the complainant.
2. Name, address and identity of the persons against whom the allegations are made.
3. To mention the place of incident clearly and specifically.
4. To mention the day, date and time of the incident clearly.
5. The name and address of the witnesses.
6. The reason behind the incident.
7. The description of how the incident took place.
8. If the F.I.R. is filed late, then the reasons behind the delay.

At the end of the F.I.R. the signature or thumb print of the complainant should be given along with date. After an F.I.R. is served at a police station, the authority will consider this as a case and shall mention their comments, case no., date, the name and section of the relevant law and shall put their seal and signature.

Points to be noted about section 54 of Criminal Code:

The police cannot generally arrest any person without the order or the warrant of the magistrate. According to section 54 of Criminal Code 1898, there are special powers of police using which police can arrest a person without a warrant. According to section 54 there are 9 specific situations where a police can arrest a person without warrant. These are:

1. If a person is connected with a cognizable offence or if there is any logical allegation against him for being connected to such an offence, or if the news regarding such connection is credible, or that if there are any suspicion that the person is connected to with a cognizable offence, the police can arrest such a person.
2. If objects capable of breaking and entering into a house are found with someone without any legal permission.
3. Anyone declared a criminal under the Code of Criminal Procedure or by the government.
4. If a person keeps stolen goods or is suspected to keep stolen goods.
5. A person who obstructs in the duties of the police or escapes from police custody or attempts to escape from police custody.
6. If a person is suspected to have escaped from defense.
7. If there are credible news or suspicion that a person has committed an act in a foreign country which is considered to be an offence in Bangladesh.
8. If a person breaches any of the conditions of the acquittal after he has been acquitted of the offence, and
9. It is requested from another police station to arrest a person without warrant.

Before resorting to this section, police has to make sure that –

1. If the person is connected to the cognizable offence
2. If the allegation brought against him is logical
3. If the news that has been received is credible
4. If the suspected matter is logical

If the factors mentioned above are carefully observed, then it can be seen that any person can be arrested on the basis of logical allegation, credible news and logical suspect. However, this section is misused at times. As a result, cases have been filed in the court alleging the misuse of this section and different judgments have been delivered regarding this section.

Decisions of the High Court regarding section 54

- The police cannot detain any person for more than 24 hours after arrest. The 24 hours have to be calculated deducting the time needed to travel to the court from the place of arrest.
- If a person is arrested under Section 54, he has to be presented before a magistrate within 24 hours of arresting him.
- A person arrested has to be informed the reasons of his arrest within 3 hours of his arrest.
- If a person is not arrested from his residence or office, then his relatives should be informed about his arrest within 1 hour of his arrest either through phone calls or by sending an informant.
- While arresting a person a police officer has to provide his identity to the person being arrested or the persons present at the place of arrest and if asked for he will also show them his ID card.
- While being under arrest, a person should be given the opportunity to meet his lawyer. The person under arrest can be provided with food and clothes by his relatives.
- If a dispute arises due to the arrest, then the police officer has to show that he made the arrest in honest belief and for performing his duty properly.

Module 04

Social Process for Dispute Resolution

General objective

Determining the differences between formal justice system and social processes of dispute resolution and enhancing Arbitration (Shalish) capacity of a paralegal.

Specific Objectives

- Identifying the differences between Arbitration (Shalish) and village court
- Describing the steps of an ideal Arbitration
- List up disputes which are and are not fit for Arbitration (Shalish)
- Explaining the importance of participation of women in Arbitration

Topics

- Dispute Resolution through Arbitration (Shalish)
- Conducting Arbitration (Shalish)

Dispute Resolution through Arbitration (Shalish)

Trainer's guideline for preparation

- The trainer should study and prepare himself on the topics of the session including arbitration and matters that can and cannot be arbitrated before conducting the session.
- The methods of conducting the session can be modified considering the experience of the participants.
- Keep the relevant study materials of the session with yourself and assess the suitability of the components. Keep alternate arrangements for dealing with unfavourable situation. Make alternative arrangements keeping in mind that circumstances and physical conditions may change. Take mental note of alternative methods, learning technique or strategy.

Objectives

After this session the participants will be able to:

- Explain the idea of arbitration (Shalish)
- Identify the differences between arbitration and village courts
- Make a list of the arbitrable and non-arbitrable subjects.



Duration : 1 hour



Method : Working in groups of 2 and discussion in large groups.



Materials : Not applicable



Stationeries : Flip Chart, Marker pen



Reading Materials : Dispute resolution through Arbitration

Key Message

It is part of living in a society that people will get into trouble with each other, have various disputes with others. However, these disputes may lead to a complex scenario if appropriate steps are not taken to resolve the disputes in due time. Among all the methods of resolving disputes in our society, dispute resolution through dialogue is the main method. This process of resolving disputes is known as dispute resolution through arbitration (shalish). Arbitration (Shalish) is one of the oldest methods of resolving disputes. This is a process where the opposing parties with the help of a neutral third party engage in discussion to resolve the dispute amongst them.

Characteristics of Arbitration (Shalish):

- This is a social process.
- No judgment can be delivered in arbitration; only mutual decisions can be taken.
- There is no winning or losing in arbitration.
- The reason of the dispute and the feelings of the individuals are dealt with sensitivity.
- Confidentiality is maintained in sensitive matters.
- It creates a possibility for open discussion between the parties on the matters of dispute.
- In the national law of Bangladesh, resolving local problems through arbitration has been recognized with great importance.

All the disputes cannot be resolved through arbitration. Some examples of the matters that can and cannot be arbitrated are mentioned below:

Matters that can be arbitrated	Non Arbitrable Matter
<ul style="list-style-type: none"> • Family matters for example matters related to the alimony and bearing the expenses of wife and children, disputes regarding dower. • Dispute regarding family matters, matters relating to personal rights. • Dispute regarding property and wealth. • Matters related to breach of contract, determining the damages for the breach of contract. 	<ul style="list-style-type: none"> • Murder, rape, robbery, acid violence , kidnapping and trafficking. • Matters regarding will for example: assessing the legality of a will. • Matter regarding bankruptcy for example resolution as to whether a person is bankrupt or not. • Determining the guardianship of a minor or mentally impaired. • Announcing a person to be mentally impaired.

The arbitrator never imposes any decision on the disputing parties rather he stays neutral. He never convicts or punishes anyone or does not deliver judgment similar to in trials. In an arbitration (shalish), the participation of a female is necessary since this will allow any female victims to feel free and express their feelings properly.

Step 1: Clarifying the idea of resolving disputes through arbitration by discussion in pairs

- Welcome the participants.
- Tell the participants that in this session we shall discuss about arbitration.
- Ask the participants that if there are any troubles, disputes or confusions in the society how are those resolved? Listen to the answers.
- Now divide the participants into groups of 2 and give them 2 minutes to discuss the idea of 'Dispute Resolution through Arbitration'.
- Now listen to their answers and write the relevant answers on the board.
- State that amongst all the methods that exist in the society for dispute resolution, the primary method is discussion. This method is known as arbitration (Shalish).

Step 2: Delivering a lecture on arbitrable and non-arbitrable matters

- Say that, in our society various forms of disputes take place and all of those cannot be resolved through arbitration. Now we shall learn, which disputes can and cannot be resolved through arbitration.
- At this stage display the poster on arbitrable and non-arbitrable matters.
- If necessary provide examples and explanations.

Resolving Disputes through Arbitration

It is part of living in a society that people will get into trouble with each other, have various disputes with others. However, these disputes may lead to a complex scenario if appropriate steps are not taken to resolve the disputes in due time. Among all the methods of resolving disputes in our society, dispute resolution through dialogue is the main method. This process of resolving disputes is known as dispute resolution through arbitration (shalish). Arbitration (Shalish) is one of the oldest methods of resolving disputes. This is a process where the opposing parties with the help of a neutral third party engage in discussion to resolve the dispute amongst them.

Characteristics of Arbitration:

- This is a social process.
- No judgment can be delivered in arbitration; only mutual decisions can be taken.
- There is winning or losing in arbitration.
- The reason of the dispute and the feelings of the individuals are dealt with sensitivity.
- Confidentiality is maintained in sensitive matters.
- It creates a possibility for open discussion between the parties on the matters of dispute.
- In the national law of Bangladesh, resolving local problems through arbitration has been recognized with great importance.

All the disputes cannot be resolved through arbitration. Some examples of the matters that can and cannot be arbitrated are mentioned below:

Matters that can be arbitrated	Non Arbitrable Matter
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Duties of an arbitrator: An arbitrator has to play different roles at different stages of arbitration. The arbitrator has to listen to the conversation of both parties and analyze them. He has to investigate and explore the underlying reasons of the dispute and the interest of both the parties. The arbitrator comes to a proper solution after considering the psychology and emotions of both the parties centering which the dispute had arisen.

The arbitrator shall never impose any decision on the disputing parties and shall remain neutral. He never convicts or punishes anyone or does not deliver judgments similar to in trials. It can be mentioned here that, in paragraph 35(3) of the Constitution of Bangladesh it is stated that, "It is not allowed to torture any person or punish them with cruel, inhuman or degrading punishment and it is illegal to behave as such with anyone."

Conducting Arbitration (Shalish)

Trainer's guideline for preparation

- Before conducting the session, the trainer must read the attached reading materials and the characters of the role play.
- Based on your own observations plan beforehand to assist the participants to choose their characters for the role play

Objectives

After this session the participants will be able to:

- Identify the similarities and differences between conventional Arbitration and ideal Arbitration.
- Explain the importance of participation and leadership of a woman in an Arbitration



Duration : 1 hour 30 minutes



Method : Role play



Materials : Script, role signals for the characters



Stationeries : 1 PVC cloth of 4 feet × 5 feet, 18 square cards, 1 round card, board pin.



Reading Materials : Ideal arbitration and participation of women

Key Message

There are no set rules of arbitration (shalish). However, as arbitration (shalish) has been the norm for a long time, certain rules have developed which are adhered to in almost all arbitration proceedings. The Arbitration (shalish) which conform to the following step is regarded as ideal Arbitration.

Rules and steps of an ideal Arbitration:

Arbitration in matters that can be arbitrated, specific arbitrator, taking specific complaint, starting primary conversation for resolving the dispute, deciding the day, date, place and time of arbitration, delivering notice, electing the chairman, making the environment friendly at the beginning of the discussion, writing down the arbitration, open discussion, forming a board for solving the dispute, open trial, reaching an agreement and making a decision.

Importance of the participation of women in Arbitration:

- It is seen that most of the arbitrations are on family matters where one of the main parties/victims is a woman. Hence, the participation of a woman in arbitration is important.
- In the arbitration proceeding the presence of a woman as an arbitrator is very important because female victims can express their emotions freely to another female.
- To empower women and to reduce the social discrimination between men and women for establishing equity.
- For developing the female leadership.
- Increasing the participation of women in social works/activities is necessary for the advancement of the country.

Step 1: Presenting a traditional/conventional arbitration through role play

- Tell everyone that we shall now present a practical scenario of our society in this room and we all shall participate in that.
- We need
 - 1 complainant and 1 defendant
 - 3 witnesses on the side of the complainant and 3 witnesses on the side of the defendant
 - 2 village elders
 - 3 respectable men
 - 2 protesting youth
 - A few interested public
- After the characters are distributed/assigned provide everyone with the scenario of the role play and role signals for the characters.
- Give them 10 minutes for preparation
- After 10 minutes, invite the participants to present their scenario. Allocate 5 minutes for this.

Step 2: Presenting the stages of an ideal arbitration

- Thank everyone for the role play and say that, we have seen a traditional arbitration. Now we shall see the steps and the method in which an ideal arbitration is conducted.
- Now, attach the steps one by one into the text with masking tape and explain it to the participants.
- After attaching the cards, ask the participants what are the differences of an ideal arbitration with that of a traditional arbitration?
- Write the answers on the flipchart.
- Now ask them to mention the similarities and write them as before.
- After identification of the similarities and dissimilarities ask them to follow these steps and to do the role play of an ideal arbitration.
- For this give them 10 minutes time.
- After preparation, give them 5 minutes for presentation.

Step 3: Explaining the importance of the participation of women in arbitration

- Following the second role play and stages of an ideal arbitration ask the participants, "Why is the participation of women and their leadership in conducting arbitration important?"
- Write the answers on the flipchart and add your own opinion/comments if you deem necessary.
- Now ask any of the participants to read it out aloud.
- Draw the conclusion by thanking everyone.

Materials

Scenario for The Role Play and Role Indication of The Characters

Scenario: Babul, son of Mirash Uddin of Village – Khoriya attacked and harassed Anjuman, a girl of class 7, daughter of Jashim Uddin of the same village. He attempted to rape Anjuman by taking her to the jungle near the main road. Anjuman screamed for help and tried to fight with him. Babul tore off her clothes. In this situation after hearing the screams of Anjuman, the villagers came and rescued her but Babul escaped. There were various reactions in the area on the incident. After two days of the incident, arbitration was arranged on Anjuman's father's request. It can be mentioned that Babul's age is 22 and he has tried this before with other girls as well. As his father was an influential person, he always got away with that.

Role Indication of the characters:

- | | |
|-----------------------------|---|
| Complainant (Girl's Father) | : Demanding punishment for Babul, expressing frustration about his daughter's future. |
| Defendant (Babul's Father) | : Escaping the situation by saying that it is a false conspiracy, questioning about the dress up and behavior of the girl, raising arguments that the girl was sent after his boy with the temptation of becoming the daughter-in-law of a wealthy family. |
| Witnesses (Boy's side) | : Trying to prove Babul's innocence, praising his family. |
| Witness (Girl's side) | : Presenting the misconducts of Babul, mentioning that he did the same with some other girls as well. Providing answers about the dress up of the girl and stating that Anjuman was wearing proper dresses (school dress). To present the fact that it is not the dress rather it is Babul's character which was responsible for such incident. |
| Arbitrator | : To convince the girl's father that this incident is a social stigma. Babul's father shall beat Babul 10 times with his shoe in public and Babul's father shall get Babul married to the girl. Opining that girls should not come to arbitrations. |
| Protesting Youth | : Arbitration cannot be conducted on matters like rape. Opines that it is a crime that cannot be arbitrated. To present that it is illogical to think that a rape victim should get married to the rapist and it is also necessary to ask Anjuman whether she wants to get married to Babul. To demand that the arbitration should be stopped for its illegality and that Anjuman should file a case against Babul. |

Ideal Arbitration and Participation of Women

There are no set rules of Arbitration. However, as Arbitration has been the norm for a long time, certain rules have developed which are adhered to in almost all Arbitration proceedings. The Arbitrations which conform to the following steps are regarded as ideal Arbitrations.

- **Matters that can be arbitrated:** The precondition of an ideal arbitration is to assess whether the matter can be arbitrated and then start the Arbitration.
- **Panel Arbitrator:** For conducting an ideal Arbitration, there has to be a panel arbitrator.
- **Receiving specific complaint:** The complaint has to be filed to a specific person or a person who is on duty.
- **Primary conversation for dispute resolution:** The Arbitration proceeding begins when the parties in dispute invite a neutral third party for resolving the dispute. The third party tries to invite the opposing party for a dispute resolution.
- **Determining the day, date, place and time for the Arbitration:** On the basis of the opinion of both the parties, the arbitrator before starting the arbitration will decide the day, date, place, time, the papers related to the dispute resolution and the matters to be resolved.
- **Serving notice:** The complainant and the defendant should be informed by written notice once the day, date, place and time for the Arbitration has been decided.
- **Electing the chairman:** The chairman of the Arbitration is decided on the basis of everyone's opinion present in the Arbitration. The person who will be decided the chairman shall give the permission to start the Arbitration and the Arbitration shall be conducted accordingly.
- **Primary discussion:** The opposing parties go forward to dispute resolution through primary discussions.
- **At the beginning of the discussion, the arbitrator speaks on various matters to make the environment friendly.**
- **They talk about the good sides of an arbitration and make the opposing parties interested in arbitration. They behave naturally while presenting their speech.**
- **After the introduction of the Arbitrators, the parties explain their own problems. During the primary discussion the arbitrators make sure that one party does not interrupt the other.**
- **The arbitrators note down the important points of the complaint of the parties.**
- **Open discussion:** Open discussion is to let the parties talk about different issues of the dispute. The arbitrators give them the chance to express their emotions and feelings. At times, the parties, being driven by emotion, accept their own faults during these discussions.
- **Finding the issue:** After the primary discussion and open discussion, the reasons behind the dispute become clear. The arbitrators identify the issues after listening to the statements of both of the parties.
- **Forming a board for dispute resolution:** After finding out the issue, a board is formed for reaching a decision which composes of 1 person from the complainant party, 1 person from the defendant party and 3 other neutral persons (the infrastructure of the board can be changed according to place and situation).

- Open hearing: The decision of the board is presented in front of everyone.
- Agreeing and making a decision: If everyone agrees with the decision of the board, then the chairman of the arbitration accepts the decision.
- Writing the decision and concluding: The main objective of Arbitration is to reach a decision agreed by both the parties. When the opposing parties start to agree with one another on different issues, the arbitrators will write those down. Their language and conditions has to be written very carefully. The conditions of the decision should be written in a very simple language so that the parties can understand the issues easily and try to resolve those. If the arbitration and its results are to be legalized then the signature of the parties should be taken. Once it is signed, it will be automatically legalized. Then if one of the parties breach any condition of the decision, the other party may seek remedy according to law. It must be remembered that, the contract should only be signed once the parties agree to the matters. Blank papers cannot be signed at the beginning of the arbitration.
- Following up on the implementation of the decisions reached in the Arbitration: It is to be observed whether the decisions reached by the opposing parties in the Arbitration are being properly implemented.

Importance of the participation of women in Arbitration:

Importance of the participation of women in Arbitration:

- It is seen that most of the Arbitrations are on family matters where one of the main parties/victims is a woman. Hence, the participation of a woman in Arbitration is important.
- In the Arbitration proceeding the presence of a woman as an arbitrator is very important because female victims can express their emotions freely to another female.
- To empower women and to reduce the social discrimination between men and women for establishing equity.
- For developing female leadership.
- Increasing the participation of women in social works/activities is necessary for the advancement of the country.

Module 05

Some Essential Laws

General objective

Developing the level of information and knowledge on some essential laws

Specific Objectives

- Explaining the sources, jurisdictions and procedures of Muslim, Hindu and Christian family law
- Identifying the succession and distribution of inheritance in light of family law
- Discussing the basics of land law
- Identifying the responsibilities of the person seeking justice against child marriage and violence against women
- Identifying the benefits and its beneficiaries of the Legal Aid Act

Topics

- Family law
- Marriage, divorce and guardianship in Muslim family law
- Marriage, divorce and guardianship in Hindu and Christian family law
- Inheritance law
- Land law
- Laws Relating to Violence Against Women (VAW)
- Children Act and Child Marriage Restraint Act
- Legal Aid Act
- Village Court and Arbitration Council Act

Family Law

Trainer's guideline for preparation

- These laws are completely dependent on the religious rules and customs. Hence before conducting the session, it is necessary to acquire sufficient knowledge on religious law.
- While discussing and providing examples, matters relating to human rights and gender equality should be carefully kept under consideration.
- It is important to study the relevant subject matters along with the attached main statement and study materials.
- The attached story should be read and understood well for preparation.

Objectives

After this session the participants will be able to:

- Describe the sources and jurisdiction of Muslim, Hindu and Christian family law.
- Describe the stages for seeking remedy from family court in resolving family disputes



Duration : 2 hours



Method : Exhibiting posters, describing the story



Materials : Poster, story



Stationeries : Masking tape, brown paper



Reading Materials : Family law, Family court

Key Message

Sources of Muslim Law

There are four sources of Muslim Law. These are Quran, Hadith, Izma and Qiyas.

Quran: Quran is the holy book of Muslims. The ayahs of Al Quran were revealed at different times providing the solutions to different existing issues and also containing various policies.

Hadith: On the basis of importance, the position of Hadith is immediately after Quran. In Hadith, the Rasul's (SAWS):

Verbal words, quotations, education, knowledge are there;

Everyday life, activities and his works are described;

His favourite activities, disliked actions and the matters in which he suggested the Sahabas to stay quite are described;

Izma: The word Izma means consensus. When no solution to any existing issue could be found in the Quran or Hadith, then the collective opinion of the Sahabas would be taken into account to resolve any dispute and that opinion is considered as Izma.

Qiyas: The logical decisions of the Muslim Imams are called Qiyas. The logical and justified decisions that are taken by the Muslim Imams in light of Quran, Hadith, and Izma when the solution cannot be found in Quran, Hadith and Izma are called Qiyas.

Sources of Hindu Law:

We can divide the sources of Hindu family law into two categories 1) ancient source and 2) modern source.

Ancient sources: Hearsay, memory, custom and mythology

Modern sources: Decisions of the judiciary and consolidated laws.

Sources of Christian Law:

Christians are those who follow the teachings and ideology of Jesus Christ. On the basis of values, Christians are mainly divided into two groups- Catholic and Protestant. The British rulers were of protestant community. The laws implemented by them reflect the values of the Protestants. The main source of Christian Law is the Holy Bible.

Family Court Ordinance 1985

The family court was established through an ordinance of the president in 1985. This court conducts cases on the matters such as divorce, dower, alimony, guardianship and restoring marital relationship.

The Family Court Ordinance is applicable for people of all religions. Followers of all the religion can file cases in this court under this ordinance.

In every Upazila there is an Assistant Judge Court with the necessary jurisdiction, which is situated in the district headquarters as the family court. The jurisdictions of these courts are limited to their own Upazila. A court fee needs to be paid for submitting the plaint for filing a case in the family court.

Process

Step 1: Describing the sources of family law through exhibiting posters

- Welcome everyone to this important session and state that in this session we all shall take part in discussion relating to family law and family court.
- 3 family laws operate in Bangladesh. We shall now learn the sources of these laws and we need 3 volunteers for that.
- After the volunteers are decided, call one of them in front of the board and ask him/her to hold any of the posters and present that in front of everyone.
- Ask everyone if they have any question after his presentation.
- Add your own statement, explanation or example after the presentation of each poster.
- In the same way, give them the chance to present the other two posters.
- Present the summary of this step in light of the attached study materials after the presentation of all the posters are completed.

Step 2: Explaining the procedures of family court through analyzing the story

- Divide the whole group into 3 teams and give them the story and ask them to read it.
- After the reading is completed, give them the study material named 'Family Court' to each group.
- After reading this, ask them to answer the questions written below the story.
- Give them 20-25 minutes.
- After the all the groups have finished writing the answers ask one member from each group to present their answers.
- Tell them that they can use board/flip chart, marker pen for presenting.
- Attach your own opinion with the presentation of the speaker.
- Conclude the session by summarizing the discussion after the completion of the presentation of all the groups.

Materials

Story: Mr. Toby and Mrs. Chhobi are married for 7 years. They have son of 4 years named Dhrubo. Toby and Chhobi both are working. They keep Dhrubo in a day care centre and go for their job. Every day in the evening, Chhobi picks up Dhrubo on her way back home. After coming back home, she cleans the house, cooks and takes care of Dhrubo. On the other hand, Toby comes back home and starts watching television or goes to the medicine shop nearby in order to chat with his friends. Disputes have started between them as this situation continued for a long time. At one stage, this dispute turned into physical violence against each other. Dhrubo gets very scared watching these and cries a lot. At one point, Chhobi wanted a divorce but Toby did not agree to that. On the other hand, day by day it became very unbearable for Chhobi. She has already decided to separate and to take Dhrubo with her. And as she wants separation, she does not want to remain in marriage. She has decided to go to the court.

Questions:

- In which court Chhobi should go? What will she have to do in order to go to that court?
- What advice will you give to Chhobi, if she comes to you?

(Note- The advice will be given in light of family laws of all three religions. The characters shall be deemed to be of that religion for which the teams will be providing the advice)

Family Law

Sources of Muslim Law

There are four sources of Muslim Law. These are Quran, Hadith, Izma and Qiyas.

Quran: Quran is the Holy book of Muslims which consists of the words of Allah. The revelation of different ayahs of Quran took place in light of the different existing issues of the society. The Quran consists of the solutions of different matters and policies. The rules of Muslim family law have been taken from the Quran.

Hadith: On the basis of importance, the position of Hadith is just after the Quran. In Hadith, the Rasul's (SAWS):

- Verbal words, quotations, education, knowledge are there;
- Everyday life, activities and his works are described;
- His favourite activities, disliked acts and the matters in which he suggested the Sahabas to stay quite are described;

The rules of the Muslim family law have been written in light of Hadith.

Izma: The word Izma means consensus. The laws that were being applied with the help of Quran and Hadith stopped as soon as Hazrat Muhammad (SAWS) died. Under the circumstances, when different issues started arising, regarding which there are no specific directions given in the Quran or Hadith, it was necessary to solve them in another way. As a result, the collective decisions reached by the Sahabas and Islamic Lawyers are called Izma.

Qiyas: Qiyas is the fourth source of law which means to take decisions in light of similar precedence. Qiyas means taking a new decision or introducing a new rule through analyzing the Quran, Sunnah and Izma. However, laws of Qiyas cannot be in contradiction with the Quran or Hadith. Hence, deciding something through discussion is supported by Islam.

Sources of Hindu Law:

Hindu law is mainly religious law. The Hindu community believes that the origin of their religion is in the heaven. Hindu law is not a consolidated law and consists of ideologies, writings, customs and behaviours. Hence, in ancient times, the sayings of the Gods and the conventions and customs are the main sources of Hindu Law. In later period, Hindu family law was changed structurally in order to meet the needs of time. A new phase in the Hindu family law has been introduced through implementation and decisions of the judiciary. We can divide the sources of Hindu law into 2 categories 1) ancient source and 2) modern source.

Ancient sources:

'Sruti' (Hearsay): 'Sruti' means 'which has been heard before.' The other name for sruti is veda. It is believed that the direct speeches of the Gods that have been heard by the priests are called veda. Sruti consists of 4 vedas, 6 vedanga and 16 upanishads. The four Vedas are Rig Veda, Sama Veda, YajurVeda, Atharva Veda. These are considered to be the main basis of Hindu family law.

'Smriti' (Memory): Smriti is the next source of law after sruti. Smriti means which has been remembered. The divine customs practiced in ancient times which had been remembered by the Rishis through a tradition of master and disciple and had written those down as a book are called "Samhita" or "Smriti Shashtra". 3 main Smriti books are 1) Manu Samhita 2) Yogayajnavalkya Samhita 3) Narad Samhita.

'Nibandha': The explanations that were written on the basis of difference of opinion between different persons remembering the customs or speeches are Nibandha. The Nibandha were written for and against the opinions of Sruti and Smriti.

'Pratha' (Custom): Like other laws, one of the main sources of Hindu Law is customs. The customs performed by Munis and Rishis from ancient times have got the recognition of being a law. If these customs are to be recognized as law, they need to satisfy three conditions 1) It must be practiced from a very early time. 2) It has to be practiced continuously without any obstacles. 3) It must not be beyond the scope of the law.

The Hindu family law acknowledges only three types of customs – 1) Local customs 2) Classic customs 3) Family customs.

Puran: Although Puran is considered to be one of the sources of Hindu family law, the authority of Puran is comparatively less. This is because these are the rewritten form of Smriti. The writings of Smriti has been explained here along with examples.

Modern sources:

Decisions of the Judiciary: The decisions of the judiciary in different public interest matters get the recognition of status of law. That means, it takes the form of precedence at later times. As one has to seek assistance from the High Court in order to solve complex disputes, hence the decisions of the High Court are considered to be a major source of law in the Hindu family law.

Consolidated law: At present, the legislature has made different changes in Hindu law and consolidated it which is now a major source of Hindu law. For example, Hindu Widow's Remarriage Act 1856, Hindu Marriage Registration Act 2012. In this way through passing different laws, a modern source of Hindu law has been introduced.

Hindu family law is more religious than national. As a result, it is seen that most of the parts of Hindu family law is dependent on afterlife. At present some changes are seen in the Hindu family law of India and Bangladesh. India has come a long way in changing the ancient laws, but Bangladesh is still failing to appreciate the need of such change and reaching a modern idea in family law. The rate of change in Bangladesh is very slow and for that reason the rule of law and Human Rights is being affected in Bangladesh.

Sources of Christian Law:

Christian community is one of the four main religious communities of Bangladesh. The nationally recognised laws with which the Christian society of this sub-continent is guided, all have been implemented during the British period.

On the basis of values, the Christian community is mainly divided into two groups - 1) Catholic and 2) Protestant. There are various sub communities within Protestants. The British rulers were mostly of protestant community. The laws implemented by them reflect the values of the Protestants. The main source of Christian law is the Holy Bible. In Bangladesh, the number of Catholics are more than the Protestants. The ideology, norms and spirituality of the Catholics are directed by the 'Code of Canon Law'. Code of Canon law is the direction indicator of the manuscripts of churches, their spirituality and morality. Various matters of family law for example, marriage, validity of marriage, declaring a marriage void, legitimacy of a child are consolidated in the Code of Canon law.

Family Court Ordinance 1985

The family court is established through an ordinance of the president in 1985. This court conducts cases on the matters such as divorce, dower, alimony, guardianship and restoring marital relationship. This court is established from the need of an endemic and separate judicial system. The main objective of this ordinance is the fast resolution of family disputes at a low expense through a local and distinct judicial system. The main aim of family ordinance is to categorize family law cases into a separate class and resolving the dispute as soon as possible or through reaching a mutual decision. This court is applicable for the followers of all religions.

Family court is formed under the Assistant Judge with jurisdiction of the Upazila and under the District Judge Court. A family court judge provides justice on specific family matters within his jurisdiction. Every family court has indefinite pecuniary jurisdiction.

Court Fee

In order to submitting a plaint for filing a case in the Family Court, a court fee need to be paid. Moreover, some additional payments including process fee, Wakalatnama (formal letter of instruction) and postage fee has to be paid. At present BDT 200 has to be paid in the family court for filing suits on restoration of marital relationship, divorce and separate living of Hindu women. For dower, alimony and appointment of guardianship cases, BDT 100 has to be paid. It is to be mentioned that court fee is generally changed through Gazette.

Evaluation of a Day and Its Completion

Trainer's guideline for preparation

- Through this session the learning, environment and the presentation shall be evaluated as well as the summary of the whole day has to be written. Hence, this session has to be conducted in a well-planned manner.
- As the participants will be tired during this session, new innovative ideas shall be exercised in the practice session of this session through use of creativity, colour, tone and rhythm.
- The Components and the materials shall be collected and prepared beforehand. The text of the wallpaper should be attached beforehand. If necessary draw the outline as well.

Objectives

After this session the participants will be able to:

- Evaluate the learning of the day.
- Identify the changes in their thought process brought due to the learning.



Duration : 30 minutes



Method : Wallpaper of the day



Materials : 3 feet × 5 feet paper or PVC text 1 for each day



Stationeries : Round, square, oval, triangle shaped and different coloured papers and different coloured markers, glue, masking tape, sign pen and push pin.



Reading Materials : Not applicable.

Process

Step 1: Making the wallpaper – 20 minutes

- After the whole day warmly welcome everyone into the session and ask them to stand in a circle.
- Place all the materials at the centre of the circle.
- Ask everyone to relax for 1 minute by closing their eyes and breathing.
- Ask them to remember all the sessions of the day.
- After 2 minutes ask everyone to take 1 paper and pen from the centre and stand in their respective position.
- State that we all shall write something in this piece of paper, but what shall we write? Give the answer that we shall write the 3 subjects that have enhanced us and stirred us up the most today.
- State that while writing each subject we shall give one heading and then describe it briefly.
- Specifically mention it that the description should be in the form of a poem of at least 2 lines, a slogan, a picture or a cartoon.
- Give them 15 minutes for this work. Play any tune or audio song in the background.
- Whenever someone's work is completed, ask them to attach the writing in the text with glue.
- Make sure that the text is filled properly and is balanced in colour and if possible help them to attach the similar type of writings near to one another.

Step 2: Reading the wallpaper- 10 minutes

- Once the wallpaper is prepared, ask everyone to stand in a semi-circle.
- Ask one or two of them to read it in front of everyone
- During the presentation, add your relevant comments, logics and their grounds.
- Conclude the day by thanking everyone for making the learning aims successful with their activities, devotion and sincerity.

Introduction of The Day

Trainer's guideline for preparation

- The introduction of the day is very important. This session shall be used for preparing the participants for the whole day.
- Through this session you will get to know about the physical and mental conditions of the participants and shall prepare accordingly.
- The learning team should be awakened and activated and ensure that they have the team spirit.

Objectives

At the end of this session the participants will be able to:

- Every one shall be included in the learning team
- Concentrate into the learning journey.



Duration : 30 minutes



Method : Check in, song and breathing practice.



Materials : Not needed but it will be better if there are chances of playing instruments, 12-14 pieces of colourful clothes of 3 feet x 9 feet



Stationeries : Flip chart, marker pen



Reading Materials : Not applicable.

Process

Step 1: Breathing Exercise (7 minutes)

- Welcome everyone and ask them to stand in a circle.
- Ask them to keep space between them.
- Ask them to balance their weight on their both feet.
- Ask them to take a deep breath and release slowly. Ask them to repeat this 5 times.
- Tell them to imagine that while they are breathing in they are bringing joy, enthusiasm and energy and while realizing breath they are leaving all the tiredness, tension and pain.
- This can be practiced keeping eyes closed as well.
- After 5 times breathing practice ask them to continue breathing normally and ask them to laugh making loud sounds for 1 minute.
- Complete the step by thanking everyone.

Step 2: Check in – 18 minute

- Ask them to stand in a circle and instruct them to say the following information one by one:
 - Name
 - How was the previous day and night?
 - How is s/he at the moment?
 - How do you expect the day to be?
- They have to answer all the questions within 25 seconds. Once a person has answered s/he will tell the person standing to the right 'pass'. Then that person shall start answering.
- In this way include everyone standing in the circle in the learning team.
- You can start the answering or can answer at the end.

Step 3: Starting the day: 5 minutes

- After the inclusion is done, request anyone to sing a song.
- If a solo performance is not possible, then request them to sing a chorus.
- It will be best if national anthem can be performed.
- Request everyone to sit in their respective positions for the next session.

Marriage, Divorce and Guardianship in Muslim Family Law

Trainer's guideline for preparation

- These laws are completely dependent on the customs of different religions. Hence before conducting the session, it is necessary to acquire sufficient knowledge on religious law.
- While discussing and providing examples, matters relating to human rights and gender equality should be taken under consideration.
- It is important to study the relevant subject matters along with the attached key message and study materials.

Objectives

At the end of this session the participants will be able to:

- Determine the characteristics of marriage according to Muslim Family Law Ordinance 1961
- Describe the procedure of divorce
- Describe the rules related to divorce



Duration : 1 hour 30 minutes



Method : Role play



Materials : Immediate



Stationeries : Flip chart, marker pen



Reading Materials : Muslim marriage, divorce and guardianship

Key Message

Muslim Marriage:

According to Muslim Law, marriage is a legal rule and is a civil contract. This is a contract between an adult sane man and woman for living together. According to law there are some mandatory conditions of marriage. These are:

- Consent
- Age
- Dower
- Witness and
- Registration

Result of marriage:

After a marriage is completed, it gives rise to some duties and responsibilities as well as some mutual rights. These are

1. A wife has the right to get dower and alimony from her husband.
2. The child gets the recognition of a legitimate child and inherits the property of its parents.
3. The husband and the wife become the successor of each other's property.
4. The wife has to perform 'Iddat' after her husband's death.

Dower:

According to Muslim law, dower is a condition of marriage. According to this condition, the wife has a right to a specific amount of money or property from her husband. This is a legal right of the wife, which she can obtain from her husband. Generally, dower is of two types.

- Immediate
- Delayed

Immediate dower has to be given at the moment when asked for it. Delayed dower can be paid at any time after the marriage. However, after death or divorce, it becomes mandatory to pay the dower. There is an idea that dower has to be given during divorce only. However, this is a wrong concept. Dower is a condition of marriage. It has no relation with divorce.

Divorce:

In Arabic, 'Talak' means breaking or annulment of relationship. The relationship formed through marriage contract is legally severed through 'Talak' or 'Divorce'. In Muslim law, divorce is a legitimate and recognized right of man and woman. If the relationship between husband and wife comes to a stage where it is not possible to stay together anymore, then there are different ways in which divorce can be given.

The ways of divorce:

The marriage ends if the husband or the wife dies. However, marriage can be severed in the following ways as well:

- a. Divorce from husband
- b. Divorce from wife (through 'Talak-e-Toufiz')
- c. Through Court
- d. Through 'Khula'
- e. Through 'Mubarat'

Guardianship:

If due to physical, mental or age related disabilities a person cannot look after him/herself and his/her own property, then the person who becomes responsible to take care of him/her and properties is called the guardian of that person. Guardians and Wards Act 1890 provides 2 types of guardianship.

1. Guardianship of a minor
2. Guardianship of the property of a minor.

According to Muslim Law, the father is the guardian of his child and the mother is the custodian. A mother can keep a boy until his age is 7 years with her and keep a girl until her adolescence with her but the father will be responsible for the expenses of their child in case of divorce. The mother may lose the custody of the child if she remarries. However, thinking of the overall well-being of the child the court may order to keep the custody with the mother. It is not necessary that the mother will lose the custody of her child if she remarries.

Step 1: Dividing the acting team and distributing responsibilities

- Welcome everyone and state that, today we shall learn about marriage, divorce and guardianship in Muslim Law.
- For this we have to be divided into 3 groups.
- Ask 1st group to read the study materials regarding marriage, 2nd group regarding divorce and the 3rd group about guardianship.
- Give copy to each participant and state that after reading, the groups will have to summarize it and then prepare a small act of 3-4 minutes.
- Tell them that in the play, the main points of the reading topic should be present so that after watching this play the participants of the other groups understand the summary of the topic.
- Provide 25 minutes to prepare the play.

Step 2: Presentation of the play and question – answer session

After the preparation, give each group the chance to present one by one.

After the presentation ask the following questions:

Marriage group:

- What is marriage according to Muslim Law?
- What are the necessary conditions of a Muslim marriage?
- What should be the age of the man and woman for marriage?
- Why is registration of marriage needed?
- How should be the consent of the man and woman in the marriage?

Divorce group:

- Is there any provision in law for oral divorce?
- Who can give divorce?
- What are the legal ways of divorce?
- Will the wife get dower and alimony if she gives divorce?
- Is there a need for remarriage if the dispute is resolved within 90 days of serving the notice of divorce?

Guardianship:

- What do you understand by guardianship?
- Who is the guardian of the child?
- Who has to bear the maintenance of the child after divorce?
- Who has to bear the maintenance of the child if the child stays with the mother and why?
- Can old parents seek maintenance from their adult children?
- Ask the questions to everyone and if the other groups cannot answer the questions then the group who read that part shall answer.
- If needed give the correct answer yourself.
- Conclude the session by giving a summary in light of the study materials and key message.

Materials

**The study material shall also be used as
learning material**

Muslim Marriage:

According to Muslim Law, marriage is a civil contract. Through this contract two adult man and woman obtain the right to stay and live together.

Conditions of marriage

According to law there are some mandatory conditions of marriage. These are:

Consent: The bride and bride-groom both should have full consent.

Age: For marriage the age of the male should be minimum 21 years and the age of the female should be minimum 18 years.

Dower: One of the main conditions of Muslim marriage is dower. In the marriage contract, the amount of dower should be mentioned specifically which has to be paid.

Witness: The marriage has to be completed in presence of two adult and sane witnesses.

Registration: The marriage contract must be registered.

In every marriage the above mentioned conditions has to be met. One party proposes to another maintaining the above conditions and if the other party has full consent only then they accept the proposal. This proposing and accepting has to be done in one sitting in front of the witnesses.

Outcomes of marriage:

After a marriage is performed, it gives raise to some duties and responsibilities as well as some mutual rights. These are:

1. A wife has the right to get dower and alimony from her husband.
2. The child gets the recognition of a legitimate child and inherits the property of its parents.
3. The husband and the wife become the successor of each other's property.
4. The wife has to perform 'Iddat' after her husband's death.

Irregular marriage:

There are some legal obligations of a marriage. Amongst these, some obligations are temporary and some are permanent. If any temporary obligation is not fulfilled before marriage but fulfilled at any later time, the marriage will be considered to be complete. For example,

1. If there is no witness to the marriage;
2. Marrying a woman who is performing 'Iddat'; etc

These kinds of marriages are not complete in the eye of law but these will not be considered to be illegal. The outcomes of such marriages are:

1. The child will be legitimate.
2. The wife shall have the right to dower and alimony.
3. The child will inherit the property of the father and the mother.
4. The wife must perform Iddat.
5. The husband or the wife will not be considered to be the successor of each other's property.

Dower:

According to Muslim law, dower is a condition of marriage. As per this law, the wife has a right to a specific amount of money or property from her husband. This is a legal right of the wife, which she can obtain from her husband.

Types of Dower:

Generally, dower is of two types:

1. Immediate
2. Delayed

Immediate dower has to be given at the moment when asked for it. Delayed dower can be paid at any time after the marriage. However, after death or divorce, it becomes mandatory to pay the dower. There is an idea that dower has to be given because of divorce. However this is a wrong idea. Dower is a condition of marriage. It has no relation with divorce.

How is dower calculated?

The amount of dower is not specific. The amount of dower can be determined either at the time or after marriage. The dower is decided depending upon the position of the wife's family, dignity, financial position and also from the dower of other female members of the family.

If the amount of dower has been decided once, it cannot be reduced later. However, if the husband wants he can increase it after marriage. Generally, in the marriage contract, the amount and the type of dower are mentioned. If not mentioned in the contract then the dower will be considered to be required to be paid immediately at the time when asked for according to section 10 of Muslim Family Law Ordinance.

There is a mis-conception that if the wife gives divorce then she will not get the dower. However, there is no relation between divorce and the payment of dower. Hence, irrespective of whoever divorces, the wife shall get the dower mentioned in the marriage contract.

Divorce:

In Arabic, 'Talak' means breaking or annulling of relationship. The relation formed through marriage contract is severed through 'Talak' or 'Divorce'. In Muslim Law, divorce is a legitimate and recognised right. If the relationship between husband and wife comes to a stage where it is not possible to stay together anymore, then there are different ways in which divorce can be given.

The ways of divorce:

The marriage ends if the husband or the wife dies. However, marriage can be severed in the following ways as well:

1. Divorce from husband
2. Divorce from wife (through Talak-e-Toufiz)
3. Through Court
4. Through Khula
5. Through Mubarat

Divorce can take place for any logical reason. If the divorce has to be made effective, then some legal procedures need to be followed. There are some obligations in sending the notice of divorce. If the right of divorce is given in column 18 of the marriage contract, then the wife can directly give divorce. The process of sending divorce notice:

According to section 7(1) of Muslim Family Law Ordinance 1961, irrespective of who is giving the divorce, the party that wants to give the divorce has to serve the written notice to other party's chairman of the Union Parishad or to the Pouroshobha or to the mayor of City Corporation. The copy of the notice should also be sent to the other party. However, if the divorce takes place through any decree of court, then it will be sufficient to serve the copy of the decree to the chairman and it will be considered to be sufficient notice.

Duty of the chairman after getting divorce notice:

No matter who serves the notice of the divorce, the chairman should form a “Shalishi tribunal” with the representative of both the parties within 30 days of receiving the notice. The “Shalishi tribunal” should try to solve the issue by sending written notices. If after the first notice, the parties do not appear, then he shall send 2 further notices in the next two months. The divorce will be effective after 90 days of receiving the notice by the chairman or the mayor. If no initiative is taken for Shalish within 90 days of receiving the notice, the divorce will still be effective. However, if the wife is pregnant, then divorce will be effective after the birth of the child.

Registration of the Divorce:

No matter who gives the divorce, the divorce has to be registered in the Kazi Office once the divorce becomes effective. It is a legal obligation to register the divorce.

The divorce notice form must be filled out by the Kazi in presence of proper witnesses. The legal complexity can be avoided in this way.

Resuming the marriage relationship after serving the notice:

No matter who serves the notice, after the chairman of the “Shalishi tribunal” gets the notice, he shall try to resolve the issue with the representative of each party. If any agreement can be reached within the parties, then the notice will become ineffective and they can resume their marriage. Muslim Family Law Ordinance 1961 has banned what was called 'Hillah' marriage and there are also decisions of the High Court Division of Supreme Court of Bangladesh regarding the ban of 'Hillah' marriage.

Punishment for not serving the divorce notice:

In case of Divorce, if the proper process is not followed then there can be simple imprisonment of upto 1 year or fine of BDT 10,000 or both.

Other Ways of Divorce**Through decree of the Court**

A woman can seek for divorce for any of the following one or more reasons according to section 2 of Muslim Divorce Law 1939. These are:

1. If the husband has disappeared for more than 4 years.
2. If the husband cannot provide expenses of the wife for more than 2 years.
3. If the husband breaches Muslim Family Law 1961 and accepts more wives.
4. If the husband is punished for more than 7 years with imprisonment.
5. If the husband fails to fulfill his conjugal duties for more than 3 years without any logical reason.
6. If the husband is emasculated and remains the same till case is filed.
7. If the husband is not in sane mind for more than 2 years and is attacked by any sexually transmitted disease.
8. If the wife was a minor during marriage or if she rejects the marriage after becoming an adult i.e. 18 years old however if conjugal relationship has been established between the husband and the wife, then such divorce cannot be sought.

9. If the husband behaves in a cruel manner with the wife as described below:
- If he tortures his wife physically or mentally.
 - If he leads an immoral life
 - If he tries to force his wife to lead an immoral life
 - If he transfer the property belonging to his wife or does not let his wife exercise her right over her property.
 - If he stops his wife from performing her religious rights
 - If the husband has more than one wife but does not treat them equally.

After the court passes the decree, the attested copy of the decree has to be sent to the chairman. The chairman will consider this to be sufficient notice and shall take necessary steps.

However, in order to file a case based on the above reasons, the wife needs to have proper evidence and witness.

“Khula” Divorce:

The wife can convince the husband for divorce in exchange for money or property if the mutual understanding between them is not good. This kind of divorce is called “Khula” divorce. As most women do not own property or are not in control of their own property, they have to give a part of their dower to their husbands for divorce. As a result, they are prejudiced from their rights.

Mubarat:

When both the husband and wife shows antipathy towards each other and ends the marriage through mutual consent, then it is called Mubarat. Like Khula, Mubarat is also a divorce through contract. However, the difference between them is that, when the divorce comes from the wife and she provides consideration in exchange for divorce then it is called khula. When it comes from both the sides it is called mubarat.

Guardianship

If due to physical, mental or age related disabilities a person cannot look after his own property, then the person who becomes responsible to take care of him and his property is called the guardian of that person. Guardians and Wards Act 1890 provides 2 types of guardianship.

- Guardianship of a minor.
- Guardianship of the property of a minor.

According to Muslim Law, the father is the guardian of the child and the mother is the custodian. A mother can keep a boy until his age is 7 years with her and a keep a girl until her adolescence but the father will be responsible for the expenses of their child in case of divorce. The mother may lose the custody of her child if she remarries. However, thinking of the overall well-being of the child the court may order to keep the custody with the mother. It is not necessary that the mother will lose the custody of her child if she remarries.

Note: An unmarried woman's custody shall not be given to such a person with whom her marriage is legal in Muslim Law. For example, paternal cousin.

Marriage, Divorce and Guardianship in Hindu and Christian Family Law

Trainer's guideline for preparation

- These laws are completely dependent on the customs of different religions. Therefore, before conducting the session, it is necessary to acquire sufficient knowledge on religious law.
- While discussing and providing examples, sensitive matters related to Human Rights and Gender equality should be taken under consideration.
- It is important to study the relevant subject matters along with the attached key message and reading materials.
- If there are any Hindu/Christian people present among the participants you can use their experience while conducting the session.

Objectives

After this session the participants will be able to:

- Describe the characteristics of marriage
- Describe the procedure of divorce
- Explain the provisions of guardianship



Duration : 1 hour 30 minutes



Method : Reading and presentation in triads



Materials : Use the study material as the learning material.



Stationeries : Poster paper, marker pen, masking tape



Reading Materials : Hindu and Christian marriage and divorce law

Key Message

Marriage in Hindu Law

In Hindu law, marriage is a religious custom and a bond that cannot be severed and whose objective is that a man and woman can live together with one another. In ancient Hindu society, there were many types of marriage. The marriage which is now practiced in Bangladesh is Brahma marriage.

Conditions for Hindu Marriage

Besides some religious rituals, there are some legal conditions must be maintained in Hindu marriage. The conditions are:

- a. Age
- b. Consent
- c. Performing the rituals: Yagya – Saptapadi

Divorce in Hindu Law:

There has been no reform in Bangladesh regarding the divorce in Hindu marriage. As a result, it is not possible to obtain a divorce legally. A Hindu woman can only file a case to stay separate and get alimony from her husband under The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946. In India after the Hindu Marriage Act 1955, it is possible to obtain a divorce if any of the parties can show specific and logical reason for divorce.

Christian family law:

Generally, the followers of Jesus Christ's ideology are called Christians. On the basis of value, the Christian community is mainly divided into 2 categories – Catholic and Protestant.

Marriage:

According to the Catholics, marriage is a holy contract which cannot be severed, a religious bond and sacrament. According to protestant, marriage is a religious contract or ritual. Though there are differences in the opinions of Catholics and Protestants regarding marriage and divorce, the national laws (e.g. Christian Marriage Act 172 and Divorce Act 1869) operates equally for both.

Process of Christian Marriage:

The conditions for Christian marriage according to Christian Marriage Act 1872 are:

1. **Age:** The male must be of 21 years and the female must be of 18 years.
2. **Marital status:** During the marriage the bride or the groom cannot have any existing spouse.

3. **Witness:** Christian marriage takes place in the presence of two witnesses. The witness has to be an adult and of sane mind.
4. **Consent:** During the marriage rituals, the husband and the wife have to show their consent to this marriage.
5. **Registration:** It is essential to register a Christian marriage.

Moreover, a notice has to be served through a church. A suitability certificate needs to be collected and the rituals must be completed.

- a. Notice
- b. Certificate
- c. Marriage rituals

Divorce in Christian law:

There are specific differences in the opinions of Catholics and Protestants regarding divorce. In Bangladesh, the Christian community can obtain divorce under the Divorce Act 1869.

Guardianship:

The guardianship of a minor is decided by the court in case of divorce or judicial separation. The court decides the guardianship for the custody, education and expenses of the minor during delivering judgment on the divorce.

Process

Step 1: Primary Discussion

- Welcome everyone into the session.
- State that we are now going to discuss about marriage, divorce and alimony in Hindu family law and Christian family law.
- For better understanding of the matter ask everyone to share their personal experiences.

Step 2: Group formation and reading the handouts

- Request the participants to stand in a circular position.
- Then divide the participants into triads.
- Request each group to sit in the specific manner.
- Then distribute the study materials regarding Hindu marriage, divorce and guardianship to half of the triads and give Christian marriage, divorce and guardianship to the other half.
- Allocate 15 minutes for study.
- After the reading is completed, ask the groups to exchange the study materials which means the teams that were reading about Hindu law will now study about Christian law and the groups that were studying about Christian law shall now study about Hindu law.
- Allocate 15 minutes for study.

Step 3: Question-Answer

- Remind the groups about the Muslim law session and instruct them, to ask questions to other groups similarly.
- Each group will get the chance to ask 2 questions.
- If the answer of a group is wrong, then the group that knows the correct answer shall answer.
- If necessary provide the answer yourself.
- Conclude the session by providing a summary of the discussion.

Materials

Use the reading materials as the materials

Hindu Family Law

The marriage, alimony, guardianship and determining family ties of the Hindu community in Bangladesh is operated under Family law. This law is also applicable for Buddhists, Jain, Sikh and Saotals. Hindu law operates in Bangladesh, India, Nepal, Mauritius and in some part of Sri Lanka. According to customs and origin Hindu law can be divided into two types. These are: Mitakshara law and Dayabhaga Law. Though in most of the parts of Indian subcontinent Mitakshara law prevails, in Bangladesh and West Bengal Dayabhaga law is practiced.

Marriage in Hindu Law:

In Hindu Law, marriage is religious custom and a bond which is not severable and whose objective is that a man and woman can live together with one another. In ancient Hindu society, there were many types of marriage. The marriage which is now common in Bangladesh is the Brahma marriage.

In Brahma marriage, the father of the bride invites one Vedagya (one who has the knowledge of Veda) and bestows his daughter along with other gifts. Before, this type of marriage could only be seen among Brahmans. Now this type of marriage takes place in most of the families of Bangladesh.

Essential conditions for Hindu marriage:

Besides religious rites and rituals, some essential conditions have to be fulfilled for a Hindu marriage to be legal. These are-

- a. Age
- b. Consent

One important condition for the marriage is that there has to be complete consent of the bride and the groom in the marriage. If any marriage takes place without the consent of either party, they can file a case in civil courts for declaring the marriage to be void.

c. Rites and rituals of marriage:

In Hindu marriage the following rites and rituals have to be completed:

- i. **Yagya:** Yagya is to recite the Veda Mantra by the bride and the groom in front of the holy fire with the help of a priest.
- ii. **Saptapadi:** Saptapadi is the bride and the groom circling around the holy fire for seven times. At this time the bride and groom make promises of different duties and responsibilities of their marital life with the help of a priest. In a Hindu marriage these two rituals must be performed

Hindu Marriage Registration Law:

The registration of a Hindu marriage is voluntary and it acts as a proof of the marriage according to Hindu Marriage Registration Act 2012. According to this law, once the Hindu bride and groom completes their wedding according to the Hindu Shashtra, they can go to the relevant registrar, pay the registration fee, register their marriage and can also collect a copy of their registered document.

Legal outcomes of Hindu Marriage:

1. As a result of marriage, the bride and groom can live together legally.
2. The wife gets the right of alimony.
3. Through marriage the wife gets a partial right to her husband's property but does not become his successor. However, a widow can sell her husband's property showing certain reasons. The reasons are mentioned in next part.
4. The child becomes the successor of its parent's property.

Divorce in Hindu Law:

There has been no reform in Bangladesh regarding the divorce in Hindu marriage. As a result, legally divorce is still not possible. A Hindu woman can only file a case to stay separate and get alimony from her husband according to The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946 and the Court may grant her prayers provided that she can prove certain allegations brought against the husband. In India after the Hindu Marriage Act 1955, divorce is possible if any of the parties to the marriage can show specific and logical reason for divorce.

Guardianship:

If due to physical, mental or age related disabilities a person cannot look after him/herself and his/her own property, then the person who becomes responsible to take care of him/her and properties is called the guardian of that person.

Guardians can be of three types. These are: usual guardian, guardian appointed through father's will, guardian appointed through Guardian and Wards Act 1890.

- **Usual guardian:** Father is the legal guardian of a minor. If the father is not alive, then the mother becomes the legal guardian of the child. According to Hindu law, in absence of the father, only the mother can be the legal guardian.
- **Guardian appointed through Father's will:** If the father appoints a guardian for the child through will, then the claim of that person shall be considered having more merit than the claim of the mother.
- **Guardian appointed through Guardian and Wards Act:** When a minor does not have any of the parents, then the courts appoint any of the near relatives as the guardian of the minor. While appointing the guardian, the court considers the overall welfare of the minor. Guardian is appointed through this law for the followers of all the religions.

Christian Family Law**Marriage:**

According to the Catholics, marriage is a holy contract which is not severable, a religious bond and sacrament. According to Protestant, marriage is a religious contract or ritual. Though there are differences in the opinions of Catholics and Protestants regarding marriage, the national law (Christian Marriage Act 172 and Divorce Act 1869) operates equally for both.

Christian marriage takes place under Christian Marriage Act 1872.

Conditions of Christian marriage:

According to Christian Marriage Act 1872, the conditions and process of a Christian marriage are:

1. Age:

The male must be of minimum 21 years and the female must be of 18 years.

2. Marital status:

During the marriage the bride and groom cannot have any existing spouse. Polygamy is completely forbidden and flagitious.

3. Witness:

Christian marriage takes place in presence of two witnesses. However, the witness must be an adult and of sane mind.

4. Consent:

The bride and the groom must give their consent in the marriage. A clear and unambiguous consent is essential for a Christian marriage.

5. Registration:

It is mandatory to register Christian marriage. Protestants register their marriage to the government nominated marriage registrar. Catholics register their marriage through pastors of the church.

Other Conditions of Christian Marriage:

a. Notice: Either the bride or the groom will send notice including the bride and groom's name, age and profession, their residence, for how long they are staying here and where they are willing to get married etc. to the pastor of the church. The pastor should attach this notice in any open space so that everyone can see it. (Section 12 and 13).

b. Certificate: After at least four days of getting the notice the pastor will provide a certificate and before that the pastor will collect a declaration or speech from the bride and the groom stating that,

They do not share any blood ties that can act as a legal obstruction to the marriage or,

At present, they do not have any living spouse.

c. Marriage ceremony: The validity of the marriage certificate remains for 2 months. The marriage ceremony should be conducted within these 2 months.

Outcomes of Christian Marriage (According to Canon law):

1. A permanent relationship is created between husband and wife through marriage.
2. The marriage gives rise to some rights and duties towards each other.
3. The parents will have the responsibility for the overall development of a child's physical, social, cultural, moral and religious traits.
4. The child born within the marriage shall be considered to be the legitimate child of the couple.
5. If a child is born within 180 days of the marriage, that child shall be considered to be the legitimate child of the couple. Similarly, if the couple divorces each other and a child is born within 300 days of the divorce, that child will also be considered to be the legitimate child of the couple. However, if a child is born before the marriage and the couple later gets married then the child will be considered to be the legitimate child of the couple otherwise the child will be considered to be illegitimate.

Divorce in Christian Law:

There are specific differences in the opinions of Catholics and Protestants regarding divorce. In Bangladesh, the Christian community can take divorce according to Divorce Act 1869. The jurisdiction of this law is equally applicable for both the communities (Catholic and Protestant).

According to Divorce Act 1869, there are 3 processes for divorce in a Christian marriage:

1. Dissolution (section 10): The husband can make an application for divorce in the court alleging adultery against the wife. But the wife cannot get any remedy only on the basis of adultery. A clear discrimination can be seen between the rights of husband and wife in such situation. If the husband is involved in adultery, the wife cannot make a claim for divorce based on that. If besides adultery the husband leaves the religion, accepts any other religion, marries another woman, if engages in adultery with any other relative, is promiscuous, rapes, engages in homosexuality, tortures the wife, or without any logical reason does not take care of the wife for 2 years, only then the wife can claim for dissolution.

2. Nullity: For the following reasons, any party can apply to the court for declaring their marriage null:

- i. The husband was impotent at the time of the marriage and continued to be such until the case was filed.
- ii. There is such relationship between the parties which are within prohibited degrees due to affinity and consanguinity.
- iii. The husband or the wife was insane at the time of the marriage.
- iv. The spouse of the husband or the wife was alive at the time of the marriage.

3. Judicial separation: If the husband or the wife leaves the other for 2 years or more or is involved in adultery, cruelty or ill treatment, then the other party can seek judicial separation. In case of any property, the wife is the owner of all her property and she can spend all her property according to her free will.

However, the Code of Canon has kept a thin line between divorce and nullity in case of Catholics that we need to understand. According to Canon 1083-1094 of the Code of Canon Law, the incompetency for which a marriage is considered to be null are called annulments. That means if any of the conditions of a marriage is absent (e.g. consent) then the marriage will be considered to be null. It will be so considered that the marriage was never even complete and hence there is no question of divorce. According to Canon 1095-1107 and 1071 the process and outcomes of annulment is conducted.

Guardianship

The guardianship of a minor is appointed by the court in case of divorce or judicial separation. While declaring the judgment on divorce, the court appoints a guardian for the minor's custody, education and expenses. The guardian is appointed according to The Guardian and Wards Act 1890. The main issue while determining the guardianship is the welfare of the child. If the husband or the wife after getting the guardianship of the minor acts in a way that the welfare of the child is infringed, then the right of guardianship is cancelled. Although the father is the main guardian of a minor, the court decides the guardian keeping the overall welfare and development of the child in mind.

Laws of Inheritance/ Succession

Trainer's guideline for preparation

- This session is completely based on legal information. Hence, it will be better if this session can be conducted before lunch.
- It is very difficult to discuss all the laws related to succession of every religion within such a short time. Hence, only the succession of the principal successor shall be discussed.
- It is essential to study additional materials other than the attached study materials.

Objectives

After this session, the participants will be able to:

- Explain the main principles of Muslim, Hindu and Christian family law.
- List the successors according to Muslim, Hindu and Christian law.
- Explain the principles and rate of distribution between the successors.



Duration : 2 hours



Method : Making wallpaper



Materials : Instant



Stationeries : Brown paper, different colour paper cards, colour pen, marker pen, glue and masking tape,



Reading Materials : Successors in Muslim, Hindu and Christian family law

Key Message

What do understand by succession or Faraez according to Muslim Law?

Distributing the property of a person after his death, among his successors in accordance with the Islam is called succession or Faraez.

What are the principles of distributing property of a dead person?

There are four demands upon the property of a Muslim after his death:

1. All the expenses of the funeral of the person who died has to be spent from his own property.
2. All his loans will have to be repaid next from the remaining property.
3. If there is any Wasiat or Will then it has to be executed.
4. The remaining property has to be distributed between the warish/successors in accordance with the Muslim law. While distributing this property no distinction can be made between moveable and immovable property and inherited and self-earned property.
5. If the close and near relatives are alive, then distant relatives will not get any share.

The warish/ successors can be divided into how many categories?

The legal warish can be divided into 3 categories.

1. First class warish or closest successors who are also called Quranic Warish/successors. 2. Second class warish/successors are those who takes the remaining as a part of the closest warish. 3. Third class warish are the distant successors.

The description of the specific division of property and first class warish:

In the Quran, there are 6 specific divisions. These are $\frac{2}{3}$, $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{5}$ and $\frac{1}{8}$. The recipients of these dividends are 12 people. Amongst them there are 4 men and 8 women.

1. Father 2. Father's father 3. Husband 4. Step brother 5. Wife 6. Mother 7. Maternal/ Paternal Grandmother 8. Daughter 9. Son's Daughter 10. Sister 11. Step sister (mother's side) 12. Step sister (father's side) The above mentioned people are the first class warish/successors.

How many categories of successors are there in Hindu Law and who are they?

According to Hindu Law there are 3 categories of successors. These are Sapindya, Sakulya and Samanodak.

Sapindya: Those who have the right of cremation in the last rites of Hindus are called Sapindya. The total numbers of Sapindya are 53. They are first class successors.

Sakulya: The 3 ancestors of great grandfather are known as sakulya. They are all male and the remainders of the cremation are offered to them. They are the second class successors.

Somanodak: The seven ancestors of sakulya are somanodak and their total number is 147 and all of them are men. They are the third class successor.

In determining the successors the claim of sapindya are first, sakulya are second and somanodak are the last. If anyone of the sapindya is alive then none of the sakulya will get any share of the property. If there is no sapindya or sakulya only then somanodak shall get a share on the property.

Christian Succession Law

The succession of property by Christians is operated by the Succession Act 1925. According to section 27 of Succession Act 1925

- a. The boy and the girl have equal right over the property of the person who passed away and get equal shares from the property.
- b. While dividing the property the brothers and sisters and the step brothers and step sisters get equal shares. That means that the property of the father is divided equally amongst all children.
- c. If the wife of a person was pregnant at the time of his death, the child born later shall get equal share of the father's property.
- d. The distribution of the property of the deceased shall be according to his will. However, if there is a legal fault in the will, then the successors shall get the property. If there is partial fault in the will, then the correct part shall be effective. There is no limitation to a will on the quantity. A Christian man can make a will for all of his property and the property outside the will shall be distributed according to law.

Process

Step 1: Dividing the groups and providing instructions with the study materials

- State that we are now going to learn a very important but complex topic. Hence, concentration and participation is essential for this.
- After this primary conversation, divide all participants into 3 groups and state that each group shall be a board of editors. Each of them shall make wallpapers and present them.
- Give 3 different family law related study materials to all groups and give them the following instructions:
 - Each group shall read their own study materials thoroughly.
 - After reading they shall mark the main principles of distributing amongst the successors.
 - The groups shall make a list of the successors or inheritors.
 - They shall also determine the percentage of each successor.
 - They shall provide at least two examples of distributing properties.
 - If there is any criticism they shall mention it.
- All of these shall have to be in writing but some can be in the form of story, some in the form of poem and some can be in the form of simple writing.
- The writings shall be written in different coloured pages and then attached to the text on the wall.
- After providing the instructions, give each team 45 minutes for reading and making the paper.

Step 2: Reading the wallpaper

- After the work of the teams is completed, ask the teams to attach 3 posters on 3 different sides of the room.
- Suggest the teams to read the other posters thoroughly.
- Ask everyone to sit after reading the papers and ask 3 persons from 3 teams to present a small speech on their subject matter.
- Add your own opinion and comments.
- Conclude the session by summarizing everything.

Muslim Succession or Faraez

What do understand by succession or Faraez according to Muslim Law?

Distributing the property of a deceased person among his successors is called succession or Faraez.

What are the principles of distributing the property of the deceased person?

There are four demands upon the property of a Muslim after he passes away:

1. The funeral of the deceased has to be conducted from his own money.
2. From the remaining money, his debtors should be paid first.
3. If there is any Wasiat or Will then it has to be executed.
4. Then the remaining has to be distributed between the warish/successors according to Muslim law. While distributing this property no distinction can be made between moveable and immovable property and inherited and self-earned property.
5. If the close and near relatives are alive, then distant relatives will not get any share.

How many groups the warish/successors can be divided into?

The legal warish/successors can be divided into 3 categories.

1. First class warish or closest successors who are also called Quranic Warish
2. Second class warish or who takes the remaining as a part of the closest warish
3. Third class warish or distant successors

The description of who are the first class warish/successors and the specific division of property amongst them:

In the Quran, there are 6 specific divisions. These are $\frac{2}{3}$, $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{6}$ and $\frac{1}{8}$. The recipients of these division are 12 people. Among them there will 4 men and 8 women.

1. Father
2. Father's father
3. Husband
4. Step brother (Father's side)
5. Wife
6. Mother
7. Grandmother
8. Daughter
9. Son's Daughter
10. Sister
11. Step mother's daughter
12. Step father's daughter

They are the first class warish/successor. In this regard, it should be remembered that Muslim Family Law Ordinance 1961 is in force from 15 July 1961. According to section 4 of this ordinance, if the son or daughter of a person dies before him, on his death, the property of the deceased shall be divided amongst his grandchildren, if any, in the same proportion as it would have been divided had the son or daughter been alive.

The division of property amongst the first class warish/successor:

Father shall get property in two ways

- a. If son or son of son is present then the father shall get $\frac{1}{6}$ part
- b. But the father shall enjoy the remainder as second class warish/successor if son or son of son is not present.

Father's father will get property in 3 situations

- a. If the deceased's father is alive, then the father's father will not get anything
- b. If the father is not alive then father's father will get $\frac{1}{6}$ part.
- c. The father's father shall enjoy the remainder as second class warish/successor if son or son's son or any child of nearest son is not present.

The husband will get the property in 2 ways

- a. If there is a child or child's child, then the husband will get $\frac{1}{4}$ part
- b. If there is no child or child's child, then husband shall get $\frac{1}{2}$ part

Step father's son shall get property in two ways

- a. If only one step brother is there then he shall get $\frac{1}{6}$ part
- b. If there is more than one step brother, then all of them shall together get $\frac{1}{3}$ part (if the deceased's father, father's father, son, son's son, brother or step mother's son is alive, then paternal step brother shall not get anything)

Wife shall get property in two ways

- a. If the deceased's child or child's child is alive, then the wife shall get $\frac{1}{8}$ part
- b. If child or child's child is not there, then wife shall get $\frac{1}{4}$ part

Mother shall get property in two ways

- a. If the deceased has children, children's children or more than one brother or sister then the mother will get 1/6 part
- b. If the deceased has no children, children's children or more than one brother or sister then mother shall get 1/3 part.

Paternal grandmother shall get property in 3 ways

- a. If the mother of the deceased is present the grandmother shall not get anything.
- b. If mother is not there, then grandmother shall get property as such the mother would have got.
- c. If mother and paternal grandmother is not alive, then maternal grandmother shall get in similar portion.

Daughter shall get property in two ways

- a. If there is no son and only one daughter then she will get ½ of the property.
- b. If there is no son and more than one daughter then they shall get 2/3 altogether.

Son's daughter shall get property in two ways

- a. If son, daughter, closest son's son or son of the same level of son is not there and there is only one daughter of the son, she shall get 1/3 of the property.
- b. If there is more than one son's daughters, they all shall get 2/3 part altogether.

Sister shall get property in two ways

- a. If a person dies keeping only one sister, that sister shall get ½ part.
- b. If he has more than one sister, then they shall get 2/3 part.

Step mother's daughter shall get property in two ways

- a. If only one such sister is there, she will get ½ part.
- b. If there is more than one such sister, they shall get 2/3 part.

Step father's son shall get property in two ways

- a. If only one such sister is there, she shall get 1/6 part.
- b. If there is more than one such sister, they all shall together get 1/3 part.

Second class warish/successor: After giving shares to the first class warish/successors the residue of the estate has to be distributed to the second class of successors. If the deceased has no successor who falls within the class one successors, all his assets must be distributed amongst the second class of successors in accordance with the respective inheritance. The second class of successors has been shown below on the basis of priority:

Son- If the deceased leaves behind at least one son, the deceased daughter or daughters become second class successors. The son will always receive twice as much as one single daughter receives.

Son's son – The distant son's son will be excluded by the closest son's son. If the son has two or more sons all of the sons will receive equal proportion. Son's son will always receive twice as much as the son's daughter will receive. (In accordance with Muslim Family Ordinance 1961, son and son's son will always receive simultaneously.)

Father- If the deceased has no son or son's son as below the line as possible, the father of the deceased will become a second class successor.

Grandfather (Paternal) – If the deceased does not leave behind his father or son or son's son, his grandfather will become a second class successor.

Full brother – A full brother along with a full sister will become a second class successor. Every full brother will receive twice as much as every full sister.

Half-brother- A half-brother along with a half-sister will become a second class successor. Every half-brother will receive twice as much as every half-sister. Apart from that-

1. Son of full brother 2. Son of half brother 3. Son's son of a full brother 4. Son's son of a half brother 5. Father's full brother 6. Father's half brother 7. Father's full brother's son 8. Father's half-brother's son 9. Father's full brother's son's son 10. Father's half-brother's son's son will receive as second class successor.

Thereafter, comes the son of the son's son of father's full brother and the son of son's son of the father's half-brother and this trend will continue to find a successor as down the line as possible.

Third class of successors: If there is no second class of successors, the residue of the property will fall in the hands of the closest male of the greater family lineage.

Succession in Hindu Family Law

The types of succession in Hindu Law:

Succession in Hindu Law is of three kinds. A) Sapinda b) Sakulya c) samanodak

Sapinda: Sapindas are the ones who in accordance with the Hindu Shastra eligible to give pinda at the funeral/last rites. The total number of sapindas is 53. Amongst the Sapindas there are five female successors. They are the widow of the deceased, an unmarried daughter of the deceased, mother, father's mother and grandfather's mother. They are first class successors.

Sakulya: The upper 3 generations of the great grandfather are known as sakulyas. They are all male and share a pinda is offered in their name. The total number of sakulyas is 33. They are the second class of successors.

Samanodak: The upper 7 generations of Sakulyas are samanodaks. Their total number is 147 and they are all male. They are the third class of successors.

In determination of inheritors, the claim of sapindas would come first, thereafter would appear the claim of sakulyas and finally the same of samanodaks. If anyone of the sapindas survives of the deceased, no sakulya will inherit any property. Samanodaks will inherit if none from the sapindas or sakulyas survive.

Who will inherit a deceased's property?

According to the 'Dayabhaga' doctrine, 'sapindas' are of 2 types.

1. Paternal sapindas
2. Maternal sapindas

If any of the paternal sapindas survives, no maternal sapinda will inherit. In order to decide upon priority for inheritance, there are four different rules. In accordance with those rules the ancient pundits have prepared a list of inheritors on the basis of their respective priorities.

1. Son
2. Son's son (if the son predeceases)
3. Great Grandson (if both the son and the grandson predeceases). The three people mentioned above are of supreme priority in terms of inheritance, these 3 will inherit property simultaneously.
4. The widow of the deceased
5. Daughter if the deceased does not leave behind a son, a grandson, great grandson or a widow. In that case amongst his daughters, unmarried daughters and later daughters who gave birth to sons or daughters with prospects to give birth to son will inherit property. However, in that case, the daughter will inherit only a limited share of the property.
6. Grandson from the daughter if the deceased does not leave behind a son, grandson, great grandson, widow or daughter. His grandson from the daughter will inherit his property.
7. Father: If the deceased does not leave behind son, grandson, great grandson, widow daughter or grandson from the daughter, his father will inherit his property.
8. Mother: If all of the above successors are absent at the time of the demise of the deceased, his mother will inherit his property.
9. Siblings: a) full brother b) half brother
10. Son of the brother
11. Brother's son's son
12. Sister's son
13. Father's father
14. Father's mother
15. Father's brother
16. Father's brother's son
17. Father's brother's son's son
18. Father's sister's son
19. Grandfather's father
20. Grandfather's mother.

It may be mentioned here that the inheritors of the deceased (sapindas) are 53. Here, we have mentioned 20 names since if any of the 20 above people survives the death of a deceased others will not inherit the property.

Hindu Women's Property Right Act, 1937

After the enactment of the act, the widow of the deceased, the widow of the son of the deceased and the widow of the grandson of the deceased inherit property. The first six people who inherit the property for the deceased are the following:

1. Son
2. Grandson
3. Great Grandson
4. Widow of the deceased
5. Widow of the deceased's son who predeceased the deceased
6. The widow of the grandson who along with his father has predeceased the deceased

The following are the changes that the act has brought in the inheritance of women in Hindu Law:

1. The widow is capable of inheriting as much as one single son inherits. However, if there is more than one widow then all widows will jointly inherit as much as one single son inherits as a lifetime interest.
2. The widow of a predeceased son, if there is no son of the predeceased son, inherits the property as much as the son will inherit and if the predeceased son has a son, then the son and the widow shall jointly inherit the property in equal shares.

This law has given right to the widow of a deceased, widow of a predeceased son and widow of predeceased grandson of inheriting the property of a deceased person.

b) Dual Succession: A person named Jagdish has a brother and a paternal uncle. In this situation, if Jagdish dies, then his brother shall inherit his property. But if Jagdish's brother dies when Jagdish is alive, then the uncle shall inherit the property. This possible chance of the uncle's inheritance is called dual succession.

c) Per head inheritance and per share inheritance:

When only sons receive property, then it is called per share inheritance. That means if the deceased's son, his grandson and his great grandson simultaneously receive property, such inheritance is called per share inheritance. When sons and daughters simultaneously receive property it is called per head inheritance.

Example 1: Poresh at the time of his death left behind one son, two grandsons and a great grandson. His property will be divided on a per share basis. For example, 1 Share of the son, 2 Shares for grandsons and one share of the great grandson. So it will be divided on a per share basis.

Inheritance cannot be suspended:

Upon death the deceased's property is divided amongst his closest relatives. Any other inheritor can appear by birth at a later time, this idea cannot keep the inheritance suspended.

When can a successor be deprived of his inheritance?

Conversion:

If a successor converts himself to the holder of another religion or he is out casted he will not inherit any property. Although a change as brought by the Hindu inheritance (ineligibility and incapacity) Eradication Act 1850, the same act was annulled by the act No. 8 of 1973. Hence, if a Hindu successor converts to another religion, he will not be able to inherit any property.

Physical incapacity or mental imbalance: The following people will be deprived of inheritance for physical or mental incapacity:

1. If the person is blind, deaf or dumb. If such illness is congenital and beyond cure.
2. If the person is congenital maimed; one may be deprived of inheritance for impotence.
3. If at the time of inheritance, someone is insane.
4. Someone who is congenitally impaired.
5. Someone attacked with leprosy.

Homicide: A person who has committed a homicide related offence against another person, he will be deprived of his right of inheritance of the victim. For example, if a son kills his own father, he will not be able to inherit his father's property.

This may be mentioned that inability to inherit is an affair that only excludes an individual from inheritance and does not exclude all his lineal descendants. Hence, a person who is mentally imbalanced may not inherit his father's property but his son will be treated as a valid successor of his property.

This may be specially mentioned after the enactment of Hindu Disposition of Property Act 1916 in India, no one will be deprived of inheritance due to physical or mental default. From 1956, after the enactment of Hindu Succession Act in India sons and daughters from now on will have equal shares in the property of the father by way of inheritance. Daughter, widow and other women successors will have an absolute right over the property inherited however, no change has yet been brought in the Hindu Property Law in our country. From Human Rights perspective, depriving someone from right of inheritance is not at all acceptable.

It is high time that, the changes brought to this point of view and relevant law is reformed. In India, women inherit as much as men do. Discrimination in relation to inheritance between men and women in terms of right of succession of property has been eradicated in India in 1956. As a matter of fact, no reform has yet been carried out of these aspects in our country. Government, legal professionals and the progressive segment of the Hindu community must come together to establish absolute right of property for women as well as right of dissolution of marriage and adoption by women etc.

Succession in Christian Family Law

In our country, the succession in Christian Community is operated according to Succession Act 1925. In section 27 of Succession Act it is said that

- In determining the successor of deceased, sons and daughters get equality privilege and get equal shares of the property. Hence both of them get equal shares.
- At the time of distribution of property of a deceased, half brothers and sisters will have the same proportion as full brothers and sisters in terms of inheritance. This means that full and half brothers and sisters will inherit in equal proportions.
- If upon the death of a Christian man, his wife is found to be carrying a child of the deceased, upon the birth of the child he will inherit from his father's property. If the child has any brother or sister, all of them will have equal proportion from property of their father.
- If the deceased had executed a will before his death, his property cannot be distributed in accordance with succession law. However if the will is found to have a legal defect and is therefore ineffective, then successors in title will have a right on the said property. There is no limitation on the amount of property that a person can dispose off by his will. Therefore, a person can dispose off his entire property by will.

Upon the death of a Christian person, the following persons will inherit his property as successors in title in the following proportions:

Husband or wife: Husband and wife inherit the property of the other if one of them dies. They will become the successors of each other's property in the following way:

- If there is no other blood relative (child, parents or sibling), then the husband or the wife shall get the whole property.
- If the deceased has a child, then the spouse shall get 1/3 of the property. The children will get 2/3 of the property equally. For example, Martin died leaving behind his wife Jenny, son James and daughter Irin. In total Martin has property worth 6 lakh BDT. In this case, his wife Jenny will get 1/3 of the property i.e. property worth 2 lakhs BDT. Martin's son James and daughter Irin will get 2/3 of the property in total i.e. property worth 4 lakhs BDT.
- If there is no child of the deceased but there is direct or indirect blood relative, then wife of the deceased shall get 2/3 and other relatives shall get 1/3 of the property.

Children: Children will inherit from the deceased father and mother in the following manner:

- If the deceased is male and he leaves behind his wife or if deceased is a woman and she leaves behind her husband, the children will inherit 2/3 of the property of the deceased father or mother. For example: Maria dies leaving behind her husband and two children, daughter Martina and son

Rony. Maria was the owner of a total of 12 acre land. In that case Maria's two children will obtain $\frac{2}{3}$ of her entire land i.e. 8 acre, out of which each of the children irrespective of being a daughter or a son will inherit 4 acre. Husband Peter will obtain $\frac{1}{3}$ of the property i.e. 4 acre.

- b. If the deceased has a child, his father or mother or any other blood relatives will not obtain any share by way of inheritance. For example, Diki dies leaving behind daughter Silvy and brothers Tyson and George. The value of Diki's property is worth 10 lakhs BDT. In this case, Diki's daughter Silvy will get the total property worth 10 lakhs BDT and Diki's brothers shall not get anything.
- c. The sons and daughters of a deceased shall get equal property.
- d. If a son or a daughter of the deceased predecease him and at the time of death, such son or daughter leaves behind his/her children, those children at the time of inheritance will occupy the position of their father or mother. For example, Tony dies leaving behind daughter Elina, son Mak and a granddaughter Neha whose mother and also Tony's daughter predeceased Tony. Tony had a land of 12 acre which will now be divided into 3 equal shares and each of the shares will be inherited by Elina, Mak and Neha. Each of them will inherit 4 acre land.

Father: Only if the deceased does not have any children, the father of the deceased becomes the successor of the property. In this case, $\frac{2}{3}$ of the property shall go to the husband of the deceased and $\frac{1}{3}$ of the property shall be inherited by the father.

Mother: The mother of the deceased shall be the successor of the property.

- a. If the deceased does not have any child, father or sibling only then the mother becomes the successor of the property.
- b. If the deceased has only brothers or sisters then the mother will inherit the property in equal shares. For example, Jacky dies leaving behind property worth 15 lakh BDT and mother Laura, sister Monica and brother Robert. In this case, Jacky's property will be divided into 3 equal shares and each one will get the property equally. That means each of them shall get property worth 5 lakhs BDT.
- c. The mother of the deceased shall get the whole property if the deceased does not have any spouse, child, father or sibling.

Brother-sister and children of brother-sister: If the deceased does not have any children, does not have a mother or a father, his brother, sister and their children will inherit their property in equal proportions. For example Regan dies and leaves behind his brother Leonardo, Sister Christina and a son of the deceased sister Antony. Regan has 9 acre land. In that case Regan's property will be divided into 3 equal divisions and each of them will inherit 3 acre. This means Leonardo, Christina and Antony each of them will inherit 3 acre land.

Other successors in title: The other successors in title are those who have direct or indirect blood relations. They are divided into 2 groups:

- a. Direct blood relations
- b. Indirect blood relations

For example: paternal uncle, paternal uncle's daughter or son, paternal aunt, maternal aunt, maternal uncle, maternal uncle's son or daughter. However, they will only inherit property if the children, parents or brothers and sisters are not alive.

If the deceased does not have any child, husband or wife, father-mother, brother-sister and does not have any direct or indirect blood relations then his property will be treated as Bona Vacantia and will be reverted to the state.

Land Law

Trainer's guideline for preparation

- Land law is a very complex topic. The trainer must conduct the session with sufficient preparation.
- The participants are generally very much interested in such topics. Hence, this session has to be conducted keeping in mind the satisfaction of the participants.
- The experience of the participants should be evaluated.
- If there is any confusion regarding any topic, then try to get the real answer but do not give wrong answers.
- It is essential to study additional materials other than the attached study materials.

Objectives

After this session the participants will be able to:

- List the reasons for land disputes
- Explain the importance of land law in resolving land disputes.
- Tell the meaning and importance of 8 technical terms related to land law.



Duration : 1 hour 30 minutes



Method : Discussion in a group of 3



Materials : 9-10 cards containing the technical words of land law.



Stationeries : Flip chart, marker.



Reading Materials : Bangladesh Land Law

Key Message

Land Related Terminology

In any land related conversation, the use of some technical words is observed. Though widely used, the meanings of these words are not known to everyone. Starting from survey to transfer it is essential to know the meaning of the technical terms. Some land related technical words are discussed below:

Mouza: During survey, different pieces of land in the same Upazila are divided into different boundary. These boundaries are called Mouza. Every Mouza has its different name. Generally, one Mouza consists of one village. However, in certain circumstances, different villages can also be included in the same Mouza.

Map: Map is the actual picture of the Mouza. A map consists of all the divisions that are done in one Mouza. Moreover, for locating the property correctly, roads, rivers, ponds, tress etc. are also drawn in the map.

Daag Number: In one Mouza there can be the lands of different owners. The identity number given to such different pieces of land are known as daag number. Daag number starts from the North West side of the Mouza Map and ends in the South East.

Jurisdiction List Number: In one Upazila there is more than one Mouza. These Mouza are marked with different numbers. These numbers of the Mouza are called jurisdiction list number.

Khatiyan: In one Mouza, there are lands of different owners. The details of its ownership for example the amount of the land, owner's name, father, husband's address, address, Daag number, class of the land, tax payments etc. are written in the khotiyan. Khotiyan is mainly the evidential document of the proprietorship.

Porcha: After preparing the record from the survey, its copy is supplied to the owner. This copy of the khotiyan is the porcha.

Via Deed: The deed through which the seller had become the owner of the land is the via deed.

Step 1: Primary discussion and distributing the cards with the headlines of the important topics of land law

- Say that, we fall into different types of problems regarding land law, now we shall discuss about that. I hope that you all will participate in this discussion.
- Divide the whole group into 8-10 teams with 3 members in each team.
- Write the name of the important topics of land law in the cards (prepare beforehand by writing one topic in each card) and give one card to each team.
- Ask the teams to prepare a presentation on the given headline with the help of the given study materials.
- Give them 5 minutes of time.

Step 2: Presentation in triads

- After the preparation, ask 1 person from each triad to deliver their presentation.
- If needed help the participants.
- If anyone has any question after the discussion, answer the question.

Step 3: Working in triads

- Give the teams 2 blue cards and 3 yellow cards.
- Give them the task of writing 2 reasons for land disputes in the blue card.
- Then ask them to write 3 topics whose knowledge is essential for resolving the issues of and disputes.
- Give them 5 minutes.

Step 4: Presentation of the opinions of the participants regarding the origin of the land disputes and what are the essential topics whose idea is necessary for resolving such disputes

- Collect the cards. Attach the reasons for land disputes in one corner of the board and on another end attach the cards with the essential topics for solving disputes.
- Ask one participant to read out the reasons.
- After that ask another participant to read the essential topics for solving disputes.
- Present your own opinion with the opinions of the participants regarding the origin of the land disputes and what are the essential topics whose idea is necessary for resolving such disputes.
- If there is a difference in opinion, try to resolve that through discussion.
- Say that, land law is a complex topic. If we want to understand this law, we shall have to practice it every day.
- Thank everyone for taking part in the discussion.
- Conclude the session by drawing a summary of the session.

Materials

Land Law related Terminology

Mouza

Map

Daag Number

Jurisdiction List Number

Khatian

Porcha

Via Deed

Duplicate Carbon Receipt

C.S. Khatian

R.S. (Revisional Survey) Khatian

BRS Khatian

Land Law of Bangladesh

Bangladesh is an agricultural country. The development of this country depends on the development of farmers and agriculture. As land is the main instrument of development of this country, the main obstacle is the land disputes. It is essential to get a clear idea of land law to get a dispute free society.

Land Law related Terminology

In any land related conversation, the use of technical words is common. Though widely used, the meanings of these words are not known to everyone. Starting from survey to transfer it is essential to know the meaning of the technical terms to avoid helpless situation and to prevent cheating. As land is the main support of ours for living, is essential to learn the meaning of terminologies related to land more or less. Some land related technical words are discussed below:

Mouza: During survey, different pieces of land in the same Upazila are divided into different boundary. These boundaries are called Mouza. Every Mouza has its different name. Generally, one Mouza consists of one village. However, in certain circumstances, different villages can also be included in the same Mouza.

Map: Map is the actual picture of the Mouza. A map consists of all the divisions that are done in one Mouza. Moreover, for locating the property correctly, roads, rivers, ponds, tress etc. are also drawn in the map.

Daag Number: In one Mouza there can be the lands of different owners. The identity number give to such different pieces of land are known as daag number. Daag number is started from the North West side of the Mouza Map and ends in South East.

Jurisdiction List Number: In one Upazila there is more than Mouza. These Mouza are marked with different numbers. These numbers of the Mouza are called jurisdiction list number.

Partition Daag: If a Daag number is mistakenly excluded while preparing the survey map, or if a land is later on partitioned then the number given is known as the Partition Daag. For providing this number, the Daag number of a nearby land is taken as numerator and the next number of the last number of the Mouza is used as the denominator of the fraction to mark the Daag.

Khatiyan: In one Mouza, there are lands of different owners. The details of its ownership for example the amount of the land, owner's name, father, husband's address, address, Daag number, class of the land, tax payments etc. are written in the khotiyan. Khotiyan is mainly the evidential document of the proprietorship.

Porcha: After preparing the record from the survey, its copy is supplied to the owner. This copy of the khotiyan is the porcha.

Sheet: There are some Mouza which are huge in size. The maps of those Mouza cannot be prepared together. Then that Mouza is divided further and thus the map is prepared. Every piece of these maps is distinctly called sheet.

Schedule: The description containing the name of the Mouza, J.L. number, Khotiyan number and the description of the boundary of the land is called the schedule of the land.

Null Land: The plain land that can be cultivated on is called null land.

Layek Potito: The land where crops are cultivated, but is kept fallow are called LayekPotito Land.

Baid: Low Agricultural lands are called baid.

Chandinabhiti: The market places are called chandinabhiti.

Dakhila: The receipt given in exchange for land development tax is called dakhila. Dakhila is the primary deed for proving the ownership of land.

Chala Land: High cultivation suitable land, sides of ponds etc are called chala land.

D.C.R (Duplicate Carbon Receipt): The receipt provided other than the land development tax are called D.C.R.

Via Deed: The deed through which the seller had become the owner of the land is the via deed.

ChhutDaag: If any daag is missed while putting the number in the Mouja Map that is called chhutdaag. In one corner of the Map, these daag numbers are written.

CS Survey Khotiyan: Cadastral survey or 'kistoyar'. This survey started in 1888 in Cox's Bazar and ended in 1940 in Dinajpur. The work of the main survey was done from 1913 to 1920. The khotiyan that was prepared from this survey is called C.S. Khotiyan. In certain places C.S. Khotiyan is written as khebot. In this the highest owner (jomidar) of the land, the name of the person (subject) in possession, proprietary class of the subject, nature of the land and use wise class, area of the land, tax amount, if general people have any right over the land, the name of the possessor of it's northern land is included. This survey took 50 years.

Revisional Survey Khotiyan: This survey was done from 1940 to 1952 with the aim to make corrections in the map of C.S. survey and in the khotiyan as the nature, class, ownership, possessor's name needed update for that the C.S. survey took 50 years. For that reason this survey is called revisional survey or settlement. The khotiyan prepared during this survey is called R.S khotiyan. In this khotiyan the identity of the owner, name of the Ryot, possessor's name, amount of tax, Daag number, area of the land, type and comment on the possession etc was mentioned. In this survey the Daagkhotiyan number was changed. To mark RS from CS, it is necessary to look at the plot index.

S.A. survey and khotiyan: In 1950, State Acquisition and Tenancy Act was passed and in 1956 the government started the process of acquiring the lands. For compensating the owners and tax creditors the Compensation Assessments roll was made. After the acquisition of ownership tax creditor and tax payer both were decided to be the subjects of the state. First time, the Modified rent roll was passed for specifying the name of the subject and the amount of paid tax. Later, this rent roll took the name of S.A khotiyan, the amendment survey was started. This is also known as state acquisition survey. The khotiyan prepared in this survey is called SA khotiyan. This program was conducted from 1956 to 1964. Because of the S.A. khotiyan the Ryots were considered as owners under the government. In this survey the Daag number of too many Mouza number were not changed. Khotiyan numbers were changed.

Diara Survey and Khatiyan: The coastal areas are getting washed away every year and again lands are formed. These new lands can be the new form of the older ones or it can be totally new ones. This survey first started in Rajshahi from 1871-72. A permanent settlement office was established in Dhaka in 1983 as the formation of new land is an annual event. Dariya means river. Diara originated from that word. The khotiyan prepared from this survey is called Diarakhotiyan. A new map was drawn according to this survey.

Peti survey and khatiyan: The small areas that were not covered in R.S. Survey but were later surveyed are called peti survey. A new map was made due to peti survey and according to this map, Peti khotiyan was formed. Peti khotiyan was completed during 1930-1933.

BRS Survey and khotiyan: This survey is going on at present. Daag numbers and khotiyan number has been changed in this survey. Area of the land, part of the subject, it is being written in decimals instead of taka.

Porcha: There is a difference between porcha and khotiyan. During survey, for every land, serial numbers are provided from the north west corner in every blue print sheet, which is called daag number. A primary khotiyan was provided to the subjects including the owner's name, address, class of the land etc. This is called porcha or rough khotiyan. This needs attestation on proper date by the attestation officer. Later on, the final published porcha called khotiyan is supplied by the government. However, in rural areas many people call the khotiyan by the name of porcha.

What is the process of correction in the khotiyan?

If there is a mistake in the khotiyan, then the aggrieved person can file a case in the local court with necessary information.

The filed case shall be effective in the same way as an application and the order shall be in force as that of a decree. In this type of application the persons who have suffered loss should be described as well as the description of the land should also be provided.

The case can be resolved in the following process:

- To issue notice on the applicant to show reason.
- Sending the copy to the revenue officer with the cost bore by the applicant with the subject matter of the case. The revenue officer shall provide a report after investigation within 15 days to the court.
- If there is any objection regarding the report, the court shall approve the objection. If no objection is expressed then the court shall take steps as is fit.
- If a person suffers loss for non-inclusion in the khotiyan, then the person can file case in the local court with the necessary information.
- Then the court according to law shall pass order for an inquiry by the revenue officer. Then the court shall make a decision in the matter.
- Appeal can be filed to the district judge within 30 days of the order (4 and 6).
- If the appeal is not accepted, then the orders of number 4 and 6 shall prevail.
- If the appeal is accepted, then the judge shall issue an order for inclusion in the district judge court, correction or exclusion and shall let the collector know and order to rectify the khotiyan accordingly.

What is understood by land-tax?

If the possessor of the land gives a certain amount of money to the government for the purpose of using it further it is called land-tax.

What is the process of paying land-tax?

Land-tax can be paid through the village Tohsil office or in a certain place selected by the collector or through money order.

Will the subject get a receipt after paying the land-tax?

Every Ryot or subject will get a written receipt when the tax is paid to any person selected by the collector. This receipt will be signed by the person in charge.

What is Alluvion?

Another word for alleviation is growth. When a land is gained from the sea or river or raise of a lost land from sea or river is called alluvion.

What is Diluvion?

If a land is washed away in river or sea, then it is called diluvion. If a whole land or a part of it is subject to diluvion, then the Ryot shall get a right to reduced payment of tax in the same ratio as the land which is lost in the river or sea.

For how many years a Ryot will be considered to have right on the land submerged in river or sea?

If a land or part of it is submerged in river or sea, then the Ryot will be considered to have proprietary right on it for 20 years.

Who can be the proprietor of the land formed within 20 years of diluvion?

The previous owner shall have the right over the land if the land is reformed in 20 years of diluvion. If he pays the tax for 4 years, he will have a proprietary and possessory right on the land.

What is Mutation?

Mutation means nominating. The change made in khotiyan is mutation. The process is to change the name of the old owner and putting the name of the new owner in the khotiyan.

Why is Mutation completed?

Mutation is completed due to inheritance or transfer. No matter how it takes place, mutation should be done as soon as possible through revenue officer.

Land Dispute

Reasons for Land Disputes:

- If the property is not distributed between the successors properly.
- If the land of one daag is bought and the land with another daag number is possessed.
- If there is a mistake in the land record.
- If the deed is created without any name.
- If the Baina nama is not registered after the land is purchased.
- Boundary dispute.
- If the permanent boundary is not marked.
- If the government pillar is shifted.
- If there is a mistake in the deed about the daag number of sold land.
- If one is unsure as to the position of the bought property and if the area is not marked properly.
- If nearby people cut off the aisle of the land.
- If the owner dies without any son and the property is not distributed properly.
- If there is alluvion or diluvion of land due to river current.
- For a wrong explanation of the “Jobor Dokhol Ain”.
- If the quality of the land changes.
- If there is a wish of increasing the area of the land through other means.
- If there is a tendency of not distributing property correctly specially depriving the women?
- In the social context of Bangladesh, brothers are usually not keen to give a proportion of the land to their sisters. If after the sister's death, her children make a claim in the property.
- In case of unplanned plantation.
- If tree is planted on zero point i.e. on the boundary, and later if the tree enters into another's land as it grows.
- For the corruption of Amin in making the khotiyan.
- For the misuse of the limitation law.
- Adverse possession of immovable property.

Laws Regarding Prevention of Violence Against Women

Trainer's guideline for preparation

- Draw the importance of equality along with legal social and other duties of a paralegal. With that it is very important to bring into light the discrimination and the unfair practices that are prevalent due to gender roles and division of labor.
- It is the duty of the trainer to prepare the learning materials, reading materials and stationeries beforehand.
- Make alternative arrangements keeping in mind that circumstances and physical conditions may vary. Take mental note of alternative methods, learning technique or strategy.
- Study other relevant materials in addition to the attached key message and reading materials.

Objectives

After this session the participants will be able to:

- Describe the 3 important laws implemented to prevent violence against women
- Provide relevant assistance to the person seeking justice under the suitable law



Duration : 1 hour 30 minutes



Method : Study circle



Materials : Chart on the mentioned laws



Stationeries : Board pin, poster paper and marker pen



Reading Materials : Laws regarding prevention of violence against women

Key Message

The Government of Bangladesh has implemented various laws with the aim to establish the rights of women and to prevent violence against women. The main angles of these laws are described below:

The Dowry Prohibition Act 1980 (Definition) (section 2) – “Dowry” means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party. It should be mentioned that if anything worth more than BDT 500 is provided as a gift by such a person who is not a party to the marriage, it will not be considered to be a dowry.

Punishment for dowry (section 3): If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to five years and shall not be less than one year, or with fine, or with both.

Women and Child Repression (Amendment) Prevention Act 2003

Women and Child Repression (Amendment) Prevention Act 2003 was implemented on 19 July 2003. Through this amendment, changes were brought to 10 sections of Women and Child Repression Prevention Act 2000 and two new sections (9ka and 32ka) were added.

Definition of Dowry: According to section 2(J) of the Women and Child Repression Prevention Act 2000 any money or property demanded by the groom's family to the bride's family were considered to be dowry. After the amendment in 2003 any money or property given by the bride's family to the groom's family as gift shall also be considered to be dowry.

Instigating women to commit suicide: Through this amendment section 9(ka) was added which states that if a person molests a woman and as a result she commits suicide, then that person shall be liable for instigating the suicide. The punishment for such crimes are not more than 10 years and not less than 5 years of rigorous imprisonment and fine shall also have to be paid.

Custody and expenses of the child born as a result of rape: According to the amended law of 2003, the custody of a child born because of rape shall lie with the mother or with any family members of the mother and the government shall bear all the expenses.

Acid Offences Prevention Act 2002

The Acid Offences Prevention Act 2002 came into force on 17 March 2002. Severe punishment has been decided for the acid related offences in this Act consisting of 30 sections. Any material which is combustible, corrosive and poisonous is included in the definition of acid. "Tribunal" means the tribunal formed under this law (Section 2).

Punishment for causing death by acid attack (section 4): If someone dies due to acid attack, the punishment shall be death penalty, life imprisonment and minimum 1 lakh taka fine.

Punishment for causing injuries by acid (section 5): If the vision or hearing of a person is completely or partially damaged or face, body or sexual organs are distorted or injured, the punishment will be death penalty or rigorous imprisonment for life and up to 1 lakh taka fine.

Punishment for abetting in acid offences (section 7): If any person abets another to commit an offence under this law and if with the help of that assistance, the offence is committed or attempted to be committed then similar punishment to that of the main offence shall be applicable.

Domestic Violence (Prevention and Protection) Act 2010

According to the sections of this law, domestic violence means physical, mental, sexual torture and financial losses caused on any women or children by any member of the family that includes blood ties, marital relation, adoption or members of joint family.

Offence and punishment: According to Domestic Violence Act 2010, all the offences under this act are cognizable, bail able and negotiable.

Process

Step 1: Reading the laws

- Divide the participants into 4 small groups.
- Ask the groups to sit in circles at the four corner of the room.
- Give them the materials.
- Ask them to eventually learn the information in groups.

Step 2: Preparing a presentation

- After the first step, give poster paper and marker pen to the teams.
- Ask them to write all the laws they read and their relevant punishments in the poster paper.
- Ask them to list how a paralegal worker can help a person seeking justice in implementing the laws.

Step 3: Group presentation

- Give all the groups the chance to make their presentation one by one.
- After the presentation of each group, ask other groups to give their opinion and assist in adding those to the presentation
- If needed, add your own opinion.
- Conclude by stating the objectives of the session.

Materials

Laws prevailing in Bangladesh regarding violence against woman and establishing the rights of women

The Constitution of the People's Republic of Bangladesh:

The Articles 27, 28 and 29 of the Constitution of the People's Republic of Bangladesh talks about the equality of men and women and nondiscrimination.

The Penal Code, 1860

In different sections of Penal Code assault against woman, rape, kidnapping etc have been defined and their punishments have been mentioned. For these offences, the highest punishment is death penalty and the lowest punishment is 3 months jail.

Child Marriage Prevention Act, 1929

According to this law, if the age of the boy is below 21 years and the age of the girl is below 18 years at the time of the marriage, the marriage will be considered to be child marriage. The punishment for child marriage is simple imprisonment up to 1 month with 1 thousand taka fine.

Dowry Prohibition Act 1980

Under this law giving or taking dowry is considered as a punishable offence. The highest punishment for this offence is 5 years imprisonment and the lowest punishment is 1 year imprisonment.

Women and Children Repression Prevention Act (amended in 2003), 2000

The provisions of this act define and prescribe punishment for rape, death from rape, instigating in suicide, sexual assault, homicide for dowry, distortion of body parts to engage in begging etc. The highest punishment for these offences is death penalty and the lowest punishment is rigorous imprisonment for 3 years.

Materials

Acid Crime Prevention Act 2002

The provisions of this law define and prescribe punishment for homicide through acid, wounding with acid, throwing acid, making an attempt to throw acid and aiding and abetting in conducting acid crimes. The highest punishment for these offences is death penalty and the lowest punishment is up to seven years imprisonment.

Acid Control Act 2002

This act regulates the import, production, transportation, selling and using of acid. There is provision for punishment under this law in case someone makes use of acid in breach of the prescribed law. For these offences the highest punishment is 10 years imprisonment and the lowest punishment is 3 years imprisonment.

Acid (Import, production, reserve, transport, sale and usage) Rules 2004

This law imposed restriction on the import, production, reserve, transport, sale and usage of acid.

Domestic Violence (Prevention and Protection) Act 2010

Sexual, mental, financial and family suppression have been defined in the provisions of this act. This act contains different provisions for protecting women. In case of violation of these provisions the highest punishment would be 2 years imprisonment and lowest would be six months imprisonment.

Prevention and Suppression of Human Trafficking Act, 2012

The provisions of this act defines and prescribes punishment for human trafficking, human trafficking in groups, abetting in human trafficking, conspiracy or attempt, forced labour, kidnapping and theft committed for human trafficking, transferring/ conveying for the reasons of sexual assault, detention, prostitution. The highest punishment for these offences is death penalty and the lowest punishment is 3 years rigorous imprisonment.

Materials

Pornography Control Act 2012

In the provisions of this section punishment is prescribed for persons who produce pornography, contract for producing pornography, force any man, woman or child to take part in pornography, sell pornography or rent pornography. The highest punishment for these offences is seven years imprisonment and the lowest punishment is 2 years rigorous imprisonment.

De-ox Ribonucleic Acid Act 2014

The provisions of this act prescribes punishment for using forensic DNA, collecting and using non permitted forensic DNA, destroying DNA, changing or polluting DNA and entering into the DNA database. The highest punishment for this is ten years imprisonment and the lowest punishment is two years imprisonment.

Laws regarding The Prevention of Violence Against Women

The government of Bangladesh has enacted various laws with the aim to establish the rights of women and preventing violence against them. Those laws are described below:

The Dowry Prohibition Act 1980

Definition (section 2) – “Dowry” means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party. It should be mentioned that if anything worth more than BDT 500 is provided as a gift by such a person who is not a party to the marriage, it will not be considered to be a dowry.

Punishment for dowry (section 3): If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to five years and shall not be less than one year, or with fine, or with both.

Punishment for demanding dowry (Section 4): If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to five years and shall not be less than one year, or with fine, or with both.

Agreement for giving or taking dowry (section 5): Any agreement for the giving or taking of dowry is illegal. The agreement is not enforceable by law irrespective of whether it was in writing or oral. One does not need to consult the court to declare such agreement to be illegal. Any such agreement is illegal per se.

Women and Child Repression Prevention Act 2000 (as amended in 2003)

This is a special law. After this law comes into force, if any previous law contradicts with this law then this shall prevail no matter what the previous law is.

Kidnapping women and children: According to this law, taking a woman or child from one place to another by using force, by frightening them or by instigation is known as kidnapping.

If a person commits this offence, he shall be punishable with life imprisonment or at least 14 years imprisonment with fine.

Claiming ransom: If a person kidnaps a woman or a child with the aim to obtain ransom, then he shall be punished with death penalty, life imprisonment or fine.

Rape: If a man has sexual intercourse with a woman more than 16 years old without her consent, or in getting the consent he uses force or cheats with the woman or instigates the woman or in case the woman is less than 16 years and a man has sexual intercourse with her with or without her consent, then it shall be considered as rape. Attempt to rape is considered equivalent to rape.

If someone alone or in a group rapes a woman or a child and due to violent activities after rape, the raped woman or child dies, then all the offenders shall be punished with death penalty, rigorous life imprisonment with at least one lakh taka fine.

If the woman is raped while in police custody, then the custodian shall be punished with maximum of 10 years and minimum of 3 years rigorous imprisonment with 10 thousand taka fine for his failure in duty.

If a woman commits suicide and a person instigates her in doing so, that person shall be punished maximum of 10 years and minimum of 5 years rigorous imprisonment with additional fine.

Sexual Assault: If a person tries to touch the sexual organs of a woman or a child with the intention to get sexual pleasure or tries to molest one, he shall be guilty of sexual assault. If a person commits this offence, he shall be punished for up to 10 years rigorous imprisonment and no less than 3 years imprisonment and with fine.

Death or torture for the want of dowry: If a husband or anyone for the husband kills a woman or tries to kill the woman, make grievous bodily harm or simple bodily injury, that person's highest punishment shall be death penalty with no less than 3 years rigorous imprisonment and with additional fine.

Mutilation of a child's body for mendacity: If a person mutilates the body organs of a child for using him in begging or using the organ for business, the person shall be punishable with death sentence or rigorous imprisonment for life and with additional fine.

Custody and expenses of the child born as a result of rape: The custody of a child born because of rape shall lie with the mother or with the family members of the mother. The child shall have both the mother and the father's name and the government will bear all the expenses. The government can take that expense from the property of the father.

Releasing the name and identity of the woman or the child who were victims of torture through media: The photos of the women or children who were victims of the crime, their names or any such information cannot be published by the media through which the identity of repressed person may come out.

Filing false case or complaint: If a person files wrong or false complaint against any person with the intention to harm another person, that person shall be punishable with maximum 7 years of rigorous imprisonment and with additional fine.

Investigating the crime: The investigation has to be completed within the next 15 working days from the date of arrest of the accused. If the accused is not arrested, the investigation has to be completed within 60 days of getting primary information or after getting the order of investigation from the relevant officer or tribunal.

Provision for bail: Under this law, all of the offences shall be cognizable.

If the accused is a woman or a child or is sick or infirm and if the tribunal is satisfied with the fact that releasing that person shall not adversely affect justice, the tribunal may provide bail.

According to the amendment of 2003, the tribunal can provide bail by to a person if they are satisfied that giving bail is justified and has to provide a written explanation to that effect.

Proceedings: According to this law, the proceedings of any crime shall take place in Women and Child Repression Prevention Tribunal. The tribunal shall complete the proceedings within 180 days of getting the case. If someone requests or if the tribunal sees fit, they can continue the proceedings behind closed doors or can conduct the trial through camera. If a child is accused under this law or is a witness in that case the provisions of the Children Act 2013 has to be followed as far as possible. While ordering for the custody of the woman or the child, the tribunal should take and consider their opinions for the welfare and needs of the woman and the child.

Testimony through the magistrate: If the investigating police officer of a crime under this law, thinks that the testimony of an eye witness or of anyone who knows about the incident needs to be collected to ensure speedy trial, he can make an application in writing or otherwise to a first class magistrate to take the testimony of the witness. However the condition is that the judgment shall not be given based on this testimony only.

Medical examination of the victim: The medical examination of the victim of any crime under this law shall be conducted in any of the government hospital or in any private hospital prescribed by the government. If the victim goes to the hospital for treatment, the examination should be completed as soon as possible and a certificate should be provided to the victim and shall inform about it to the police station.

Acid Crime Prevention Act 2002

When a crime increases dangerously or the existing laws fail to prevent the commission of such offences in that case special law is demanded to prevent the relevant crimes. The Acid Crime Prevention Act, 2002 is one such law which was implemented on 17 March, 2002. The Act of 30 sections, consists of provisions for severe punishments to prevent crimes related to acid.

Definition: Any material which is combustible, corrosive and poisonous is included in the definition of acid. "Tribunal" means the tribunal formed under this law (Section 2).

Punishment for causing death by acid attack (section 4): If someone dies due to acid attack, the punishment shall be death penalty, life imprisonment and minimum 1 lakh taka fine.

Punishment for causing injuries by acid (section 5): Due to the acid attack-

If the vision or hearing of a person is completely or partially damaged or face, body or sexual organs are distorted or injured, the punishment will be death penalty or rigorous imprisonment for life and up to 1 lakh taka fine.

If any other body parts or organs are distorted or suffers from severe injury, or if any other part of the body is injured, the punishment will be rigorous imprisonment for maximum of 14 years and minimum of 7 years and additional fifty thousand taka fine.

Punishment for throwing or attempting to throw acid (Section 6): If any person throws or attempts to throw acid on any other person and even if the victim suffers no injury, the perpetrator shall be punishable with maximum imprisonment of 7 years or minimum imprisonment of 3 years with additional fifty thousand taka fine.

Punishment for abetting in acid offences (section 7): If any person abets another to commit an offence under this law and if with the help of that assistance, the offence is committed or attempted to be committed then similar punishment to that of the main offence shall be applicable.

Paying the victim the money of the charged fine (section 9 and 10):

Under this law, the money taken as fine from the offender, or his property or estate in case of his death should be paid to the victim or to the successor of the victim in case the victim dies (section 9).

This means that the tribunal can order the collector of that district to arrange an auction for the properties of the offender and then pay that sum of money to the tribunal. The tribunal can later pay that money to the victim or its successor. (Section 10)

Time limitation for investigating the crime (section 11):

The investigation has to be completed within 30 days of getting the information on crime from the police officer or getting the order of investigation from the magistrate. However, if the investigating officer can show special reason and can satisfy the tribunal to that effect, he can obtain extension for 15 days twice i.e. a total of 30 days. If the investigation is yet not completed, then the tribunal can change the officer and order any other officer to complete the investigation within 15 days. They can also mark this as incompetency of the former officer and order the relevant authority for taking necessary actions.

Domestic Violence (Prevention and Protection) Act 2010

This law was enacted by the national parliament on 5th October 2010. It was presented as a gazette on 12th October, 2010. It was implemented from 1st November, 2010 and presently the ordinance has been formulated.

Necessary documents for seeking the support of this law –

- Copy of Legal Certificates (Kabin Nama, Birth Certificate)
- Copy of doctor's certificate or copy of any other medical arrangement
- Copy of the deeds related to property inherited, gifts through a marital relationship or Stridhana

What is domestic violence according to this law?

According to section 3 of this act, domestic violence means physical, mental, sexual or financial torture on any woman or child within a family where there is blood tie, marital relation, adoption or joint family ties.

Who can file a complaint?

- Any person who is a victim of domestic violence can file a complaint in the court.
- According to this law, any officer on behalf of the victim, service providing institutions or any other person who thinks that there has been domestic violence or possibility of domestic violence can file the complaint.
- Upazilla female officer, activist of a voluntary organization, social workers, women's rights activists, neighbour or any other concerned citizen can file complaint.

Offence and punishment:

- Under this act, all offences are cognizable, bail able and negotiable.

What are the necessary steps to prevent domestic violence?

- To promote the idea that domestic violence against women is not a natural incident.
- Domestic violence is not a personal matter rather it is like a curse to the society. It is important to understand this concept and also to explain it to the family members, friends and neighbours.
- To build an understanding amongst people that this is a crime and every person has the right to live freely of any violence.
- To give importance on establishing strong family ties.
- To assist the person who is a victim of domestic violence to take legal action.
- Any other documents or copy of the deed.

Evaluation of a Day and Its Completion

Trainer's guideline for preparation

- *Through this session the learning, environment and the presentation shall be evaluated as well as the summary of the whole day has to be written. Hence, this session has to be conducted in a well-planned manner.*
- *As the participants will be tired during this session, new innovative ideas shall be exercised in the practice session of this session through use of creativity, colour, tone and rhythm.*
- *The Components and the materials shall be collected and prepared beforehand. The text of the wallpaper should be attached beforehand. If necessary draw the outline as well.*

Objectives

After this session the participants will be able to:

- Evaluate the learning of the day.
- Identify the changes in their thought process brought due to the learning.



Duration : 30 minutes



Method : Wallpaper of the day



Materials : 3 feet × 5 feet paper or PVC text 1 for each day



Stationeries : Round, square, oval, triangle shaped and different colour papers and different coloured markers, glue, masking tape, sign pen and push pin.



Reading Materials : Not applicable.

Process

Step 1: Making the wallpaper – 20 minutes

- After the whole day warmly welcome everyone into the session and ask them to stand in a circle.
- Place all the materials at the centre of the circle.
- Ask everyone to relax for 1 minute by closing their eyes and breathing.
- Ask them to remember all the sessions of the day.
- After 2 minutes ask everyone to take 1 paper and pen from the centre and stand in their respective position.
- State that we all shall write something in this piece of paper, but what shall we write? Give the answer that we shall write the 3 subjects that have enhanced us and stirred us up the most today.
- State that while writing each subject we shall give one heading and then describe it briefly.
- Specifically mention it that the description should be in the form of a poem of at least 2 lines, a slogan, a picture or a cartoon.
- Give them 15 minutes for this work. Play any tune or audio song in the background.
- Whenever someone's work is completed, ask them to attach the writing in the text with glue.
- Make sure that the text is filled properly and is balanced in colour and if possible help them to attach the similar type of writings near to one another.

Step 2: Reading the wallpaper- 10 minutes

- Once the wallpaper is prepared, ask everyone to stand in a semi-circle.
- Ask one or two of them to read it in front of everyone.
- During the presentation, add your comment as relevant, logics and their grounds.
- Conclude the day by thanking everyone for making the learning aims successful with their activities, devotion and sincerity.

Introduction of The Day

Trainer's guideline for preparation

- The introduction of the day is very important. This session shall be used for preparing the participants for the whole day.
- Through this session you will get to know about the physical and mental conditions of the participants and shall prepare accordingly.
- The learning team should be awakened and activated and ensure that they have the team spirit.

Objectives

At the end of this session the participants will be able to:

- Get included in the learning team
- Concentrate into the learning journey.



Duration : 30 minutes



Method : Check in, song and breathing exercise.



Materials : Not needed but it will be better if there are chances of playing instruments, 12-14 pieces of colourful clothes of 3 feet x 9 feet



Stationeries : Flip chart, marker pen



Reading Materials : Not applicable.

Process

Step 1: Breathing Exercise (7 minutes)

- Welcome everyone and ask them to stand in a circle.
- Ask them to keep space between them.
- Ask them to balance their weight on their both feet.
- Ask them to take a deep breath and release slowly. Ask them to repeat this 5 times.
- Tell them to imagine that while they are breathing in they are bringing joy, enthusiasm and energy and while realizing breath they are leaving all the tiredness, tension and pain.
- This can be practiced keeping eyes closed as well.
- After 5 times breathing practice ask them to continue breathing normally and ask them to laugh making loud sounds for 1 minute.
- Complete the step by thanking everyone.

Step 2: Check in – 18 minute

- Ask them to stand in a circle and instruct them to say the following information one by one:
 - Name
 - How was the previous day and night?
 - How is s/he at the moment?
 - How do you expect the day to be?
- They have to answer all the questions within 25 seconds. Once a person has answered s/he will tell the person standing to the right 'pass'. Then that person shall start answering.
- In this way include everyone standing in the circle in the learning team.
- You can start the answering or can answer at the end.

Step 3: Starting the day: 5 minutes

- After the inclusion is done, request anyone to sing a song.
- If a solo performance is not possible, then request them to sing a chorus.
- It will be best if national anthem can be performed.
- Request everyone to sit in their respective positions for the next session.

Child Marriage Restraint Act and Children Act

Trainer's guideline for preparation

- This session is very important for a paralegal worker.
- Child marriage is a human rights issue as well as a gender issue.
- It is necessary to prepare the learning materials, equipments and study materials beforehand.
- There may be a need of alternative arrangement depending on the situation and surrounding circumstances. Hence it is important to think about the alternative method, learning materials and strategies beforehand.
- It is important to study the relevant subject matters along with the attached main statement and study materials.

Objectives

- At the end of the session the participants will be able to:
- Inform others regarding the child marriage and children act
 - Assist the victim to go to the relevant court or police station regarding crimes related to child marriage and children act



Duration : 1 hour 30 minutes



Method : Explaining the event



Materials : Event



Stationeries : Poster paper, marker pen, masking tape.



Reading Materials : Child Marriage Restraint Act, Children Act

Key Message

Child Marriage Prevention Act 1929: "Child marriage" means a marriage in which either the bride or the groom is not an adult i.e. the groom is under twenty-one years of age or the bride is under eighteen years of age. A person shall be punished if he voluntarily marries a girl below 18 years. The punishment may be up to one month simple imprisonment or one thousand taka fine or with both. The parents of the bride and the groom shall be equally punished if they marry their children off against this law.

Punishment for Child Marriage: If a person conducts the marriage formalities of child marriage, he shall be punished with one month imprisonment or with one thousand taka fine or with both. If a marriage takes place amongst people who are under aged, the marriage will not be illegal or void, however it will still be a punishable offence.

Children Act 2013

In the Children Act 2013 it has been stated that every person under the age of 18 shall be considered as a child irrespective of what the other act says.

Children Act 2013 mentions a few activities conducted against children to be punishable offences. Some offences and their punishments are mentioned below:

If a person

Hurts, misbehaves, ignores, abandons or tortures inhumanly, he shall be punished with 5 years imprisonment or with one lakh taka fine.

Engages a child in beggary, he shall be punished with 5 years imprisonment or with one lakh taka fine.

Provides a child with alcoholic drinks or such medicines that may harm his health, he shall be punished with up to 1 year imprisonment or fifty thousand taka fine.

Engages a child in importing alcoholic beverages or prohibited materials, he shall be punished with up to 3 years imprisonment or 1 lakh taka fine.

Engages a child in betting or encourages a child to take loans or tries to do so, he shall be punished with up to 2 years imprisonment or fifty thousand taka fine.

Allows a child more than 4 years old to live in a brothel or to enter there or permits to do so, the person connected with such activities shall be punished with up to 2 years imprisonment or fifty thousand taka fine.

Transports illegal and prohibited materials or arms through a child, he shall be punished with up to 3 years imprisonment or 1 lakh taka fine.

Process

Step 1: Reading the Event

- Divide the participants into 4 groups.
- Ask the teams to sit in circles in four corners of the room.
- Provide the study materials relating to Mita to two groups and materials related to Juthi and Rakhal to the other two groups.
- Once they are done reading, ask the teams to find the answers to the questions.

Step 2: Writing the answers in the posters

- After the first step, provide the poster paper and marker to each team.
- Ask them to write the answers after discussing.
- Instruct them to reach an agreement before writing the answers.

Step 3: Presentation in groups

- Let each team make their presentation one by one.
- After the presentation of each team take the opinions of the other teams and assist the presenting team to add the opinions.
- If needed add your own suggestions.
- Draw the conclusion by reflecting on the objective of the session.

Materials

Mita

Mita is 13 years old studying in class seven. She is quite good in studies. Her younger sister, Kriti studies in class 5. She is a huge fan of Mita. Their elder brother, Tomal, studies in University and lives at university hall. After their father died, Mita's mother struggled to earn living for all of them. Now there is not such hardship, but not so much of comfort as well. Mita's grandmother is often sick. She needs care and time. Mita's mother also needs to send money to her son and give time to her daughters, assisting them with their studies. Mita's mother always remains busy due to these.

One day after coming home Mita cried a lot. She informed that she will not go to school anymore. Some of the boys of the same village harass her on her way to and from school. This is the 4th such incident and Mita find it intolerable. Mita's mother became helpless. Jomshed matobbor is Mita's distant grandfather. He comes forward. He decides to marry off Mita mentioning her grandmother's age. Though Mita's grandmother likes this idea a lot, her mother could not accept this. But she later agrees due to the gravity of the situation. Mita's marriage is fixed with a medicine businessman named Shamim. His age is 30.

Her younger sister Kriti could not accept this at all. She tries to contact their brother, but nobody lets her do that. She remembers that last year their brother and his friends performed an act. It was said in that act that marrying off in early age is illegal. There will be imprisonment and fine against those who are involved. She remembers that someone has to be informed if such an occurrence takes place. Kriti tries to remember the details of the person but fails to do so.

Mita has not agreed. Mita's mother or Kriti also do not want this but the marriage was arranged due to the wish of Jamshed. Mita and Shamim's marriage ceremony takes place in Mita's Aunt's house 10 kilometers outside the village. The marriage was registered by Kazi Jomir Munshi in presence of Jamshed Matobbor, Mita's uncle, Shamim's father and uncle.

After getting the news from his mother Tomal comes to the house where the marriage took place and expresses his intention to solve the matter legally.

Question: What suggestions will you give to Tomal and how will you assist Tomal as a paralegal?

Materials

Juthi and Rakhal

Rakhal and Juthi lives in neighboring houses. Both of them are 8 or 9 years old. They play, go to school, collect mangoes and flowers together and sometimes fight as well.

They walk to school which is half kilometers from their home.

While coming back from school one day Rakhal four-five flowers lying on the ground and runs to collect them. He takes all of them. Juthi asks him for 2 flowers but he does not agree to give her any. Following their arguments, Juthi pushes Rakhal and he falls down. His head hits the bamboo stick near him and he gets severe head injury.

Juthi becomes very sad and afraid. She runs and informs Rakhal's mother. They take Rakhal to the hospital. Doctor informs that his condition is critical.

On the advice of the local chairman, Rakhal's father files a case in the police station. Juthi's father goes into hiding. The police takes Juthi and her uncle to the police station after handcuffing them. The police keeps both of them in the same prison cell for the whole night.

Question:

1. To what extent do you think the role of the police is legal, why?
2. What advice will you give to Juthi and her father, how will you assist them?

বাল্যবিবাহ নিরোধ আইন-২০১৭

বাল্যবিবাহ বলতে কি বুঝায় ?

বাল্যবিবাহ বলতে ২১ (একুশ) বছর পূর্ণ হয় নাই এমন পুরুষ অথবা ১৮ (আঠার) বছর পূর্ণ করেন নাই এমন কোন নারী বিবাহ করলে বা করতে বাধ্য করা হলে তাকে বাল্যবিবাহ বলে।

বাল্যবিবাহ প্রতিরোধ কমিটি কিভাবে গঠিত হবে এবং এই কমিটির কাজ কি হবে?

সরকার বাল্যবিবাহ প্রতিরোধের জন্য বিভিন্ন পর্যায়ের সরকারি কর্মকর্তা, স্থানীয় জনপ্রতিনিধি, বেসরকারি সংস্থার কর্মকর্তা এবং স্থানীয় পর্যায়ের গণ্যমান্য ব্যক্তিদের সমন্বয়ে বাল্যবিবাহ প্রতিরোধ কমিটি গঠন ও কার্যাবলী নির্ধারণ করে বাল্যবিবাহ বন্ধে গুরুত্বপূর্ণ ভূমিকা রাখবে।

বাল্যবিবাহ বন্ধে সরকারি কর্মকর্তা এবং ইউনিয়ন পরিশোধের ক্ষমতা কী?

উপজেলা নির্বাহী কর্মকর্তা (UNO), নির্বাহী ম্যাজিস্ট্রেট (Executive Magistrate), উপজেলা মহিলা বিষয়ক কর্মকর্তা, উপজেলা সমাজসেবা কর্মকর্তা, উপজেলা প্রাথমিক বা মাধ্যমিক শিক্ষা কর্মকর্তা, থানার ভারপ্রাপ্ত কর্মকর্তা (OC), ইউনিয়ন পরিষদের চেয়ারম্যান বা মেম্বরগণ যে কোন ব্যক্তির নিকট হতে লিখিত বা মৌখিক আবেদনের ভিত্তিতে বা অন্য মাধ্যমে বাল্যবিবাহের সংবাদ পেলে তিনি বা তারা ঐ বাল্যবিবাহ বন্ধ করবেন এবং প্রয়োজনীয় আইনানুগ ব্যবস্থা গ্রহণ করবেন।

বাল্যবিবাহের উপর নিষেধাজ্ঞা আরোপ কে করতে পারেন ?

আদালত স্ব-উদ্যোগে বা কোন ব্যক্তির অভিযোগের ভিত্তিতে বা অন্য কোন মাধ্যমে বাল্যবিবাহের সংবাদ পেলে আদালত ঐ বিবাহের উপর নিষেধাজ্ঞা আরোপ করতে পারে।

বাল্যবিবাহের শাস্তি কী?

প্রাপ্ত বয়স্ক কোন নারী বা পুরুষ বাল্যবিবাহ করলে তিনি সর্বোচ্চ ২ (দুই) বছর কারাদন্ড বা অনধিক ১ (এক) লক্ষ টাকা অর্থদন্ডে বা উভয়দন্ডে দন্ডনীয় হবেন।

অপ্রাপ্ত বয়স্ক কোন নারী বা পুরুষ বাল্যবিবাহ করলে তিনি অনধিক ১ (এক) মাসের আটকাদেশ বা অনধিক ৫০ (পঞ্চাশ) হাজার টাকা জরিমানা বা উভয়দন্ডে দন্ডনীয় হবেন।

বাল্যবিবাহ সম্পাদন ও পরিচালনার জন্য পিতা-মাতাসহ অন্যান্য ব্যক্তির শাস্তি কী?

পিতা-মাতা অথবা কোন আইনগত অভিাবক বা অন্য কোন ব্যক্তি কোন প্রাপ্ত বয়স্ক ব্যক্তির উপর কর্তৃত্ব স্থাপন করে বাল্যবিবাহের উদ্যোগ গ্রহণ করলে বা নির্দেশ প্রদান করলে অথবা পরিচালনা করলে তিনি অনধিক ২ (দুই) বৎসর ও অনূন ৬ (ছয়) মাস কারাদন্ড বা অনধিক ৫০ (পঞ্চাশ) হাজার টাকা অর্থদন্ড বা উভয়দন্ডে দন্ডনীয় হবেন।

বাল্যবিবাহের অভিযোগ হইতে অব্যাহতি পাওয়ার উপায় কী?

বাল্যবিবাহের উদ্যোগ গ্রহণ করেছিলেন কিন্তু বিবাহ সম্পন্ন হয় নাই এইরূপ অভিযুক্ত ব্যক্তি যদি আদালতের নিকট অঙ্গীকার করেন যে, তিনি ভবিষ্যতে বাল্যবিবাহের সাথে যুক্ত হবেন না এবং নিকটবর্তী এলাকায় বাল্যবিবাহ বন্ধে উদ্যোগী হবেন তাহলে তিনি বাল্যবিবাহের অভিযোগ থেকে অব্যাহতি পেতে পারেন।

বাল্যবিবাহ নিবন্ধনের জন্য কাজীর শাস্তি কি হবে?

কোন কাজী সাহেব বাল্যবিবাহ নিবন্ধন করলে তিনি অনধিক ২ (দুই) বৎসর ও অনূন ৬ (ছয়) মাস কারাদন্ড বা অনধিক ৫০ (পঞ্চাশ) হাজার টাকা অর্থদন্ডে বা উভয়দন্ডে দন্ডনীয় হবেন এবং তার লাইসেন্স এবং নিয়োগ বাতিল হবে।

পাত্র-পাত্রীর বয়স নির্ধারণের পদ্ধতি কী?

বিবাহ অনুষ্ঠানের জন্য নারী ও পুরুষের বয়স প্রমানের জন্য নিবন্ধন সনদ, মাধ্যমিক স্কুল সার্টিফিকেট, জুনিয়র স্কুল সার্টিফিকেট, প্রাইমারী স্কুল সার্টিফিকেট বা সমমান সনদ অথবা পাসপোর্ট আইনগত দলিল হিসাবে বিবেচিত হবে।

এই আইনের অধীনে কোন অপরাধ সংঘটিত হওয়ার ২ (দুই) বৎসরের মধ্যে অভিযোগ দায়ের করতে হবে। কোন বিশেষ প্রেক্ষাপটে আদালতের নির্দেশে এবং পিতামাতা বা আইনানুগ অভিাবকের সম্মতিতে বিবাহ অনুষ্ঠিত হলে তা অপরাধ বলে গণ্য হবে না।

Children Act 2013

In the Children Act 2013 it is stated that every person under the age of 18 shall be considered as a child irrespective of what the other act says.

What offences are punishable under the present law?

What laws are there in Bangladesh to protect the children?

The Children Act 1974 was enacted to ensure the security and protect the interest of the children. Due to the insufficiency of that law to meet the present needs, the government repealed that law in 2013 and enacted the Children Act 2013. The characteristics of this law are that this law ensures the welfare and security of the children at one hand and on the other it introduces rehabilitation punishments for children as well. Besides, for the protection of children there are special provisions in Bangladesh Labour Act 2006, Criminal Code 1898, Penal Code 1860, Women and Children Repression Prevention Act 2003 (Amended), Bangladesh Constitution and Anti-Terrorism Act (as amended in 2013). Moreover, Bangladesh is a state which is playing an important role in protecting children's right through supporting the Children's Right Certificate adopted by the United Nations and acknowledged internationally and by supporting the International Labour organization (ILO).

Children Act 2013 mentions a few activities conducted against children to be punishable offences. Some offences and their punishments are mentioned below:

If a person

- a. Hurts, misbehaves, ignores, abandons or tortures inhumanly, he shall be punished with 5 years' imprisonment or with one lakh taka fine.
- b. Engages a child in beggary, he shall be punished with 5 years' imprisonment or with one lakh taka fine.
- c. Provides a child with alcoholic drinks or such medicines that may harm his health, he shall be punished with up to 1 year imprisonment or fifty thousand taka fine.
- d. Engages a child in importing alcoholic beverages or prohibited materials, he shall be punished with up to 3 years imprisonment or 1 lakh taka fine.
- e. Engages a child in betting or encourages a child to take loans or tries to do so, he shall be punished with up to 2 years imprisonment or fifty thousand taka fine.
- f. Allows a child more than 4 years old to live in a brothel or to enter there or permits to do so, the person connected with such activities shall be punished with up to 2 years imprisonment or fifty thousand taka fine.
- g. Transports illegal and prohibited materials or arms through a child, he shall be punished with up to 3 years imprisonment or 1 lakh taka fine.

Besides the above mentioned punishments there are some additional steps mentioned in the law in order to prevent children from being used in illegal activities. They are discussed in detail below:

What are the provisions for the protection of the rights of children under Children Act 2013?

Some milestone provisions have been added to the Children Act for the protection of the rights of the children. These are:

- Arrangement for flexible and corrective punishments for children.
- Forming child court in every district.
- Creating Child Welfare Fund in Upazilla, District and National Level.
- Creating a Child Help Desk under one police officer in every police station.
- There will be a probation officer in police station, child court or child development centre to provide assistance to the child whenever needed.

What are the provisions for punishment of young offenders?

There are Children Courts for the young offenders under Children Act 2013. The court of the additional session judge is considered as the Children Court. An additional sessions judge acts as the judge of these courts. If there is any case under any law of the country against any children involved in any dispute or who has come in contact with any form of crime, only the Children Court will have the jurisdiction to conduct the trial. The young offender and an adult offender cannot be made party in the same charge sheet for committing any crime and in every case there are provisions for bail for children.

Special arrangements and security for the young offenders

For ensuring the highest welfare of the children, in every step of the trial, the dignity of the children shall be respected and the surrounding circumstances, age and maturity should be taken into consideration. With this aim, the child related police officer shall take the interview of the child in a friendly environment. Besides, the Children Court can take the following measures in this matter.

- a. All information connected with the trial of the young offender shall be kept confidential so that the child cannot be identified.
- b. The testimony should be taken in such a way so that the picture and physical structure of the child is not revealed. These include.
 1. Behind the veil.
 2. Taking the visual testimony of the child before the hearing.
 3. Conducting the session behind closed doors.

Legal Aid Services Act

Trainer's guideline for preparation

- The trainer should read the main Legal Aid Services Act, policies, rules etc and keep them nearby while conducting the session.
- Present the events of 2/3 persons who received legal aid so that you can answer the questions of the participants easily.

Objectives

After this session the participants will be able to:

- Describe the advantages available under the Legal Aid Services Act
- Describe the stages for the advantages under the Legal Aid Services Act



Duration : 1 hour 30 minutes



Method : Forming small teams, posters, promotion and exhibition



Materials : 4 posters (sample attached)



Stationeries : Poster paper, marker pen and masking tape



Reading Materials : Legal Aid Services Act

Key Message

The Constitution of Bangladesh has ensured equal rights of everyone in the eye of law. There are different government institutions that provide legal protection and assistance for free of cost so that everyone can get justice and establish their rights.

Eligibility for getting legal aid:

(a) Unable to work, partially able or who is unable to earn more than 75,000 BDT a year (in case of freedom fighters it is BDT 1,00,000). (b) A person getting old age allowance (c) The mother holding a VGD card (d) The women or children who are victims of human trafficking (e) Acid attacked women or children (f) Any person who received a house or land in Adorsho Gram (g) Insolvent widow, divorced women and poor women (h) Disabled person with no money or unable to work (i) A person who is unable to establish his rights in the court or unable to support his case for the want of money (j) A person arrested without trial who is not being able to support his case due to insolvency (k) A person considered to be insolvent by the court (l) If the jail authority suggests that a person is financially insolvent (m) Any person who is unable to conduct the proceeding with his own money for insolvency, or for suffering from any socio-economic condition or natural disaster.

Where to apply for Legal Aid:

The person seeking legal aid should fill up the necessary form with his full name, address and the reason for seeking assistance and apply.

The cases where legal aid is provided:

In both civil and criminal cases, legal aid is provided.

Criminal: Legal aid is provided in criminal matters like marrying without the permission of wife, if the husband physically tortures his wife, demanding dowry or torturing for the want of dowry, acid attack, trafficking, kidnapping, rape and in any criminal case related to arrest by the necessary authority.

Civil: Legal aid is provided in civil matters like guardianship of children, alimony, getting the dower, divorce, recovering adversely possessed land, declaring a deed void, permanent injunction and distribution of property, contract cases and declaration cases.

Step 1: Forming groups and choosing a group leader

- Divide the participants into four different groups.
- Choose one group leader from each group.
- Provide the posters (prepared beforehand) to each of the group leader.
- Provide the study materials for each participant in every group and ask them to read it thoroughly find out the main points that can be attached below the headline of the poster.
- Write the statement in the poster in a very attractive way and the language should be easy so that everyone will be attracted and will read and understand it if the poster is hung on a roadside wall.
- Give them 30 minutes for this work.

Step 2: Reading the poster with the important matters of Legal Aid Act 2000 in groups

- After attaching the poster state that we shall now learn who can get legal aid, where and how can they get it.
- One group shall go towards the poster of another group and read.
- After the teams have read all the posters ask them to sit in groups.
- Request someone to make a summary of the session for everyone.
- Give your own opinion and conclude the session.

Materials

**Legal aid
fund**

**Who may get
legal aid?**

**Where and
how to apply
for legal aid?**

**In which
cases legal
aid can be
obtained?**

The Legal Aid Act 2000

The Constitution of Bangladesh has ensured equal rights of everyone in the eye of law. There are different government institutions that provide legal protection and assistance for free of cost so that everyone can get justice and establish their rights.

Eligibility for getting legal aid:

- a. Unable to work, partially able or who is unable to earn more than 75,000 BDT a year (in case of freedom fighters it is BDT 1,00,000).
- b. A person getting old age allowance.
- c. The mother holding a VGD card.
- d. The women or children who are victims of human trafficking.
- e. Acid attacked women or children.
- f. Any person who received a house or land in Adorsho Gram.
- g. Insolvent widow, divorced women and poor women.
- h. Disabled person with no money or unable to work.
- i. A person who is unable to establish his rights in the court or unable to support his case for the want of money.
- j. A person arrested without trial who is not being able to support his case due to insolvency.
- k. A person considered to be insolvent by the court.
- l. If the jail authority suggests that a person is financially insolvent.
- m. Any person who is unable to conduct the proceeding with his own money for insolvency, or for suffering from any socio-economic condition or natural disaster.

Where to apply for legal aid:

The person seeking legal aid should fill up the necessary form with his full name, address and the reason for seeking assistance and apply. If district court has the jurisdiction then application can be made to:

- a. The district legal aid committee formed under the chairmanship of the district or sessions judge, or
- b. The Upazila legal aid committee formed under the chairmanship of the Upazilla chairman, or
- c. The union legal aid committee formed under the chairmanship of the Union Chairman.
- d. If the district legal aid committee rejects the application, then a person can apply against the decision to the national legal aid committee within 60 days.

However, if the case falls under the jurisdiction of any of the Divisions of the Supreme Court, then the application has to be made to the chairman of the board of national legal aid formed under the chairmanship of the Minister of Law, Justice and Judiciary.

How to make the application for legal Aid:

1. In every district court, there is a legal aid office. The application form can be collected from there and can be applied there directly.
2. Application can be made to the jail authority.
3. The application form is also available in the office of the General Secretary of that District Lawyer's Association.
4. To the officer and the office assistant of the district committee.
5. This service is also available to the bench assistance of the district court, in the district or Upazilla office of National Women's association.
6. The applicant or the person in charge of the case can make an application for legal aid directly to the Legal Aid Office.
7. Moreover, through the Mayor or Chairman of a Union/Pouroshobha, Commissioner or social worker.
8. Or through different NGO workers the application can also be sent to the legal aid office.
9. Every poverty stricken person can establish their legal rights under this scheme of the government.
10. The application form is also available in the National or Upazila office of National Women's Association.
11. This form should be filled up and submitted to the district legal aid office.

The cases where legal aid is provided:

In both civil and criminal cases, legal aid is provided. Generally

Criminal	Civil
<p>Marrying without the permission of wife, if the husband physically tortures his wife, demanding dowry or torturing for the want of dowry,</p> <p>acid attack, trafficking, kidnapping, rape and</p> <p>in any criminal cases related to arrest by the law enforcement authority.</p>	<p>Guardianship of children, getting the dower, divorce, recovering adversely possessed land, declaring a deed void,</p> <p>permanent injunction, distribution of property, contract or</p> <p>declaration cases.</p>

How shall a paralegal help a person seeking justice?

- Have to listen to the whole event from that person.
- Give an idea about legal aid to the person seeking assistance after listening to the whole incident.
- The paralegal should fill up the form himself.
- The paralegal should take the person to the legal aid officer.
- Help the person in choosing a lawyer and an assistant.
- The paralegal should follow up the authorization and filing of the case.
- If possible the paralegal should provide overall assistance during the proceedings.

Village Courts and Shalish Council

Trainer's guideline for preparation

- It is necessary to have knowledge about the justice system and arbitration arrangement under Union Council. Especially, you have to have ideas about the arbitration council of the Village Court Act 2006 with 2013 amendment, Muslim Family Act 1961 in which the Union Council have their jurisdiction.
- The trainer should be prepared to provide practical examples.
- Realizing the importance of the session, it is necessary to prepare the learning materials, equipment and study materials from beforehand.
- It is necessary to study relevant additional materials besides the attached main statement and study materials

Objectives

After this session the participants will be able to:

- Explain the difference between village court and Shalish council in light of the Village Courts and Shalish Council laws
- Mark the differences between village court, Shalish council and socially conventional arbitration



Duration : 1 hour



Method : Reading and question- answer



Materials : Poster with the differences between village court, arbitration council and social arbitration



Stationeries : Brown paper, marker, masking tape



Reading Materials : Chapters related to village court, Shalish Council

Key Message

Village Court

The court formed under the Union Council for locally resolving small criminal and civil disputes of the village is called village court. The village court is formed with 5 members. They are: Chairman of the related Union Council, 2 persons on behalf of the applicant (1 should be the member of Union Council and the other should be a renowned person) and 2 persons from the opposite side (1 should be the member of Union Council and the other should be a renowned person).

Jurisdiction of village court: The village court can resolve civil and criminal disputes of up to BDT 75,000/-.

Shalish Council

The council having legal powers, formed under the Union Council in accordance with the Muslim Family Law Ordinance 1961, is called the arbitration council.

Jurisdiction of the Shalish council: According to the Muslim Family Law Ordinance 1961 the arbitration council has the jurisdiction to resolve disputes regarding divorce, polygamy and alimony. This shalish council is formed with 3 persons who are the chairman of the Union council or the chairman of the arbitration council if the chairman of the Union is not present and a representative from each party.

Resolving disputes through Shalish: Among all the processes of resolving disputes the main way of resolving disputes is through discussion. This process of resolving dispute is known as resolving disputes through Shalish. Shalish is the oldest method of resolving dispute. Through this process, the parties in dispute resolve the issues through discussion with the assistance of a neutral third party.

The village court is conducted by the chairman of the Union Council and this court has legal basis. On the other hand, arbitration is a social method of resolving disputes which is conventional in the society for a long time.

Step 1: Reading the main statements relating to Village Court Act 2006 and Shalish Council and Shalish and making questions

- Divide the participants into 2 groups.
- Ask the groups to sit in two circles in the opposite sides of the room.
- Ask them to learn about the information through reading in groups.
- After the groups completed reading, ask them to prepare 5 questions for the opposite group.
- Tell them that the answers must be known to the group which is making the questions.

Step 2: Question- answer stage

- Invite the groups to answer the questions and ask them to sit in semi circles in front of one another. Then give them the following instructions
 - First, group 1 will ask the questions serially.
 - Anyone from group 2 can give the answer.
 - The groups can take help from the main statement for providing the answers.
 - After group 2 is done giving the answers, they can ask questions to group 1 if they are unclear about anything.
 - Anyone can take help from the assistant for any clarification needed.
 - In the same way, group 2 shall ask the question and group 1 will answer.
 - In this way, the question-answer shall continue.
- Conduct the session after properly giving the above instructions.
- Stay neutral. If needed give correct answers and provide necessary explanation and examples.
- After the question-answer session, show them the 3 posters written beforehand and request 3 persons to read the posters.
- Conclude by thanking everyone.

Materials

Village Court

Shalish Council

Social Shalish

Village Court Act 2006

Besides performing other duties, the Union Council also performs the duty of resolving disputes. The Village Court Ordinance 1976 was announced to include small disputes of the rural people into the main judicial system thinking of the complexity, money and sufferings in a proceeding. In May 2006 this ordinance turned into an Act. In 2013, through an amendment the jurisdiction was made up to BDT 75,000/-. This law gives the village courts the jurisdiction to hear civil and criminal disputes valuing up to BDT 75,000/-.

What is understood by Village Court?

The court formed under the Union Council for resolving small criminal and civil disputes locally, is called village court.

Objectives of Village Court:

- Resolving small disputes easily within a small time and less expense.
- To ensure justice and social security for poverty stricken, backdated, women, deprived and hazardous community.
- The dispute is resolved through an agreement between the parties and after the dispute is resolved there exists a friendly relation between the parties.

Resolving dispute permanently and reducing the pressure of higher courts

How the village court is formed: The village court is formed with 5 members. They are: Chairman of the Union Council, 2 persons on behalf of the applicant (1 should be the member of Union Council and the other should be a renowned person) and 2 persons from the opposite side (1 should be the member of Union Council and the other should be a renowned person). If the interest of a woman is in question, there should be a female representative.

Jurisdiction of village court:

The village court can resolve disputes of up to BDT 75,000/-.

Sections regarding the resolution of criminal disputes:

Section 141, 143, 147, 160, 323, 334, 352, 358, 379, 380, 381, 403, 406, 417, 20, 426, 427, 428, 429, 447, 504, 506, 508, 509 and 510 of Penal Code 1860. Section 24, 25 and 26 of Cattle Trespass Act 1871.

Civil Jurisdiction of the village courts:

- Demanding any money on the basis of any contract, receipt or deed.
- Recovering any immovable property or its worth.
- Recovering possession of immovable property within one year of losing the possession.
- Demanding remedies for the damages done or due to adverse possession of any immovable property.
- Damages due to the trespass of cattle.
- Recovering the payments of farmers.
- (However, the value of the property or the damages should be within BDT 75,000).

To whom the application should be made:

- The application should be made to the chairman of the Union Council.
- What information should be there in the application?
- The application has to be filed in writing.

- The name and the address of the Union Council should be mentioned in the application.
- The name, address and identity of the applicant and the defendant.
- The name, address and the identity of witness (if any).
- The event, reason behind the event, place of the event and the name of the Union, date and time of the event.
- The nature of the complaint and its value.
- The amount of the damage and the sought remedy should be mentioned.
- The relation between the parties should be mentioned.
- The role of the witnesses should be mentioned.
- If the filing of the case is delayed, the reason behind that delay should be mentioned.
- The signature of the applicant should be given.
- The date for filing the case should be there.

What will the chairman do after getting the application?

After receiving the application, the chairman should accept the application for examining. After accepting the application, the chairman should issue a summon asking the defendant to be present at a certain date and also ask the applicant to be present at that date. He shall continue with the next steps of the case. The application can be rejected if it is beyond the jurisdiction or if necessary information is not there. However, the reason for rejecting the application has to be mentioned above the application.

Reasons for rejecting the application:

- If the application fee is not paid.
- If the matter is beyond the jurisdiction.
- If the value is beyond the jurisdiction of village court (more than BDT 75000).
- If the application is made against a person who is not of sane mind.
- If the name, address or the identity of the applicant or the defendant is missing.
- If the event, reason behind the event, place of the event and the name of the Union, date and time of the event is missing.
- If the filing of the case is delayed but the reason for the delay is not mentioned.
- If the person against whom the complaint is made has been found guilty for any cognizable offence or for contempt of court.
- If the claim is against the interest of any minor.
- If there is a contract stating that arbitration has been conducted on the same dispute beforehand.
- If any government employee is related in here while performing his duties.
- If the application is made regarding any matter ongoing in the court or was previously heard before a court.

What to do when an application is rejected?

An applicant can apply for a revision in the court of Assistance Judge within 30 days of rejection of the application by the chairman of the Union Council in case of both civil and criminal cases. After getting the revision application, this matter shall be resolved by the Assistant Judge within 30 days (Amendment 2013).

Shalish Council and Muslim Family Law Ordinance 1961

Under the Muslim Family Law Ordinance 1961 the Union Council has been given the power to resolve disputes about divorce, polygamy and alimony, through Arbitration Council. The council having legal powers, formed under the Union Council in accordance with the Muslim Family Law Ordinance 1961, is called the shalish council. Shalish council is formed with the chairman of the Union Council, and one representative from each of the parties.

What is Shalish Council?

The council having legal powers, formed under the Union Council in accordance with the Muslim Family Law Ordinance 1961, is called the arbitration council.

What is the jurisdiction of the shalish council?

The arbitration council has the jurisdiction to resolve disputes regarding divorce, polygamy and alimony under Muslim Family Law Ordinance 1961.

How is shalish council formed?

This arbitration council is formed with 3 persons who are the chairman of the Union council or the chairman of the shalish council if the chairman of the Union is not present and a representative of each party.

Within how many days the chairman should give the notice to the parties for choosing their representative?

The chairman should serve a notice within 07 days of receiving an application for polygamy, alimony or divorce to each party for select their representative.

Within how many days the parties need to choose the representative?

After receiving the notice from the chairman each party should choose their representative within 07 days and should send the names in writing to the chairman through registered post or through someone.

What will happen if any party does not choose the representative?

If a party fails to choose the representative within the specified time the council shall be formed without the representative of that party.

How will the council be formed if the chairman is non-Muslim or if the chairman himself wants to make an application?

If the chairman is a Non-Muslim or he himself wants to make the application, then the Union Council shall nominate one Muslim member, in writing through resolution, to be the chairman of the arbitration council. This nominated person shall perform the duties of chairman of the arbitration council.

What should be done if the chairman is not neutral?

If any party thinks that the chairman is not neutral then that party can make an application for appointing another chairman to the relevant authority (Deputy Commissioner and Upazila Nirbahi Officer -UNO). However, logical reasons for thinking so have to be mentioned. If the authority thinks fit, he can appoint another Muslim member of the Union Council as the chairman of the arbitration council.

What should be done if the chairman is sick or not present?

If the chairman is absent or sick or expresses that he is unable to perform his duties due to some reasons then the member of the Union Council through a resolution can appoint a Muslim member as chairman of the arbitration council and in absence of the chairman that person shall perform the duties of the chairman of the arbitration council.

Can a party change their nominated representative?

If the appointed representative dies or becomes sick or is unable to be present in the arbitration session or loses the confidence of the parties then with the permission of the chairman, the representative can be changed after cancelling the appointment of the previous representative. In that case a new representative has to be selected within the time frame prescribed by the chairman.

How is a decision taken in the shalish council?

All the decisions of the shalish council shall be taken through majority. But the matter where a decision cannot be reached in this way, the decision of the chairman will be considered final. If the chairman does not say otherwise then all the arbitration sessions shall be conducted behind closed doors.

What is the time limit for resolving dispute through shalish council?

The chairman of the Union Council or the arbitration council shall resolve the matter as soon as possible.

Can a party be his own representative in the shalish session?

A party to the dispute cannot be a representative of his own case for resolving the dispute through council.

Is there a way of reconsidering the decision of the shalish council?

If any of the parties (husband or wife) is not satisfied with the decision of the Shalish Council, he/she can apply in the court of assistant judge, having the necessary jurisdiction, within 30 days of providing the decision, through paying the necessary fee. In this case, the applicant should mention the reasons for which s/he wants reconsideration. The decision of the assistant judge shall be final in this case.

Role of The Paralegal

- To listen to the whole event from the person seeking justice.
- If the matter is beyond the jurisdiction of the village court or arbitration council then he should send the person to the relevant authority.
- If the matter is within the jurisdiction, helping him in filling up the application form and submitting to the Union Council.
- If needed taking the person seeking assistance to the Union Council.
- Filing the application for resolving dispute and following up on the matter.
- Providing overall assistance for conducting the proceeding.

Module 6

Law and Relevant Services

General Objective

To enrich information regarding the various complementary services which increase the effectiveness of legal services.

Specific Objectives

- List up the organisations that provide assistance regarding legal issues, social matters and health problems.

Topics

- Legal and relevant service providers

Legal and Relevant Service Providers

Trainer's guideline for preparation

- Before conducting this session, the trainer must obtain a proper idea about the various institutions that offer legal guidance and assistance in various other subject matters.
- Collect information about the numerous services that are available at these institutions and the conditions that need to be satisfied by an applicant so as to secure and benefit from those services.
- In the meantime, pick up leaflets of a number of these institutions, study their contents and learn about their first-rate services.

Objectives

At the end of this session, the participants will be able to:

- Create a list of the organisations that provide services in regard to legal, social, health and various other matters.
- Assist people seeking to contact the various service providing organizations/institutions.



Duration : 1 hour



Method : Discussion and poster exhibition



Materials : None



Stationeries : Flipchart and marker pens



Reading Materials : List of service providers along with their addresses.

Process

Step-1: Preliminary Discussion

- Welcome the participants and start the session.
- Introduce the topics to the participants. Tell them that there will be comprehensive discussions on both public and private institutions and their services that include free legal assistance, protection, resettlement/relocation and many other beneficial arrangements.
- Ask them, which institutions are likely to deliver free legal service? Listen to the answers.
- State that the Constitution of the People's Republic of Bangladesh affirms the notion of 'Equality' and asserts that every individual has been granted equal rights and opportunities by the State. There are quite a lot of public and private institutions who are currently working to provide cost-free legal protection and support to the underprivileged women and children in Bangladesh.

Step-2: Poster Exhibition

- Next, present the posters which display the names of the organisations which exist to deliver proper legal assistance and support to the people, the necessary criteria that must be fulfilled by an applicant to obtain the free services and the range of services that are available to the clients.
- Inform them that our primary aim is to create relationship with the authorities of these organizations by establishing lines of communication and to provide continuous assistance to the underprivileged women and children in our society to receive services.
- State that we have previously discussed about the services offered by the government organisations. At this stage, we will look at the non-government /private bodies which function alongside such government organizations to provide similar services.
- Now present everyone with manuals/brochures containing the name, address and contact number of various independent organisations that offer legal assistance.
- Try to know if they are familiar with any of the listed organisations.
- Provide a quick overview of the entire discussion before drawing an end to this session.

The Institutions that Provide Legal Assistance and Other Services

According to the constitution, the state is obliged to ensure that every person, whether rich or poor, has his right to get justice and enforce their legal rights. There are many public and private institutions which provide legal aid and protection in order to make sure citizens, especially those who are poor, helpless women and children are not neglected and deprived from their rights.

The Institutions that provide free services

A. National Legal Aid Services Organisation (NLASO)

The government has established 'National Legal Aid Services Organisation' in the year 2001, within the powers of the Legal Aid Services Act 2000. The government has managed to provide legal aid support to the underprivileged class of the society by creating several 'Legal Aid Services Committees' in 64 Districts of the country. These committees are known as 'District Legal Aid Services Committee'. They are situated in District Court Office. The 'Legal Aid Workers' provide regular services to the local community.

The types of legal help available:

- Provide with free Wakalatnama (letter of instruction).
- Appoint a lawyer and pay his fees.
- Appoint the mediator or the required arbitrator.
- Provide the copy of the decision or order given by the court.
- Bear all expenses of the DNA test.
- Publish updates of the case in the daily newspaper.
- Bear all expenses related to the case.

The cases where the government will provide legal aid:

Criminal Cases	Civil Cases
Husband marrying without the consent of his wife	Guardianship and Guardianship rights of a child
Sexual Assault	Securing maintenance and dower rights
Dowry Claims or Ill-treatment for dowry	Divorce
Acid Attack	Restoring possession over property
Human Trafficking	Invalid Deed
Kidnapping	Temporary Restriction Order
Rape	Property Distribution
Getting arrested or detained by the law enforcers	Disputes arising from agreements.

Legal and other service providing institutions**A. Victim Support Centres (VSC)**

Bangladesh Police has established Victim Support Centres in different regions of the country to fight against the abuse and torture of women. The centres provide twenty four hour service.

Eligibility Criteria	Available Services
Women and Children who are victims of either rape, kidnapping or trafficking	Useful Information and legal assistance are available to solve the matter.
Women experiencing mal-treatment at the hands of husband	Women and Children are given all kinds of support to help them to file a formal complaint.
Missing child	Emergency healthcare system; Hospital service (if required).
Oppression against Maid	Will help to conduct a fair and impartial investigation.
Oppression against Disabled People	Counselling Service.
Women and Children who have run away from their homes	Can refer to a governmental or non-governmental institution to help them to receive beneficial legal assistance and other services.
-	Effective measures will be taken to make sure they do not fall prey to similar abuse.
-	Can seek asylum for maximum of five days.

Contact these Victim Support Centres, if needed:

Victim Support Centre-Dhaka Tejgaon Thana Complex, Tejgaon, Dhaka-1215 Mobile: 01745-774487, Phone: 02-9110885	Victim Support Centre-Khulna Shonadanga Police Station, Khulna Sadar, Khulna-9100, Mobile: 01716-082087
Victim Support Centre- Chattogram Double Mooring Thana Complex, Chittagong-4100 Mobile: 01713-373249, 01769-690411 Phone: 0301-727196	Victim Support Centre- Barishal Kotoali Thana, Police Line Road Barishal-8200, Mobile: 01711-193521
Victim Support Centre- Rangamati Kotoali Thana, Tobolchori, Rangamati-4500 Mobile: 01730-336118, Phone: 0351-63282	Victim Support Centre- Sylhet Kotoali Thana, Topkhana Road, Sylhet-3100 Mobile: 01712-815962
Victim Support Centre- Rajshahi Shah Mokhdoom Thana Complex, Nowdapara, Rajshahi-6200 Mobile: 01734-340890, 01769-690504	Victim Support Centre- Rangpur Mobile: 01713373874

C. The government of Bangladesh has established eight one stop emergency centres (OCC) in order to secure protection for Women and Children from all forms of violence. The services mentioned below are free of charge for victims of violence.

Service Centres (OCC)	Available Services
<ul style="list-style-type: none"> - Dhaka Medical College Hospital (02-9664699) - Rajshahi Medical College Hospital (0721-812394) - Chottogram Medical College Hospital (031-2854073) - Sylhet MAG Medical College Hospital (0821-714133) - Barishal Sher-e-Bangla Medical College Hospital (0431-2176145) - Khulna Medical College Hospital (041-2850097) - Rangpur Medical College Hospital (0521-55310) - Faridpur Medical College Hospital (0631-67223) 	Full Medical Check-up, Forensic DNA Test, Provide Medical Certificates, Police Assistance, Legal Assistance, Psychosocial Counselling, Services that are commonly provided by Department of Social Services, Emergency Shelters, Protection, Settlement and other services which aim to enhance and restore functional ability to those sufferers.

Apart from the support centres mentioned above, the government has established 60 other 'One Stop Crisis Cell' (OCC) in the District and Upazilla Hospitals in order to protect the Women and Children from violence.

Emergency Contact Number:

Multi-central program to prevent violence against women

Mohila Bishoyok Odhidoptor Building, 37/3 Eastern Garden Road, Dhaka-1000

Phone: (02) 8321041, 9352450, 8322267

Mobile: 01199-810434

10921- Call for free

The Government has launched a national 'help line' number under the multi-central program to prevent violence against women and children. The number is 109; it will be open for twenty four hours and will protect the privacy of all your information. It can be contacted from any mobile operator free of charge to seek immediate assistance regarding any problems faced by women or children. Other than that, 01730443054 (for children) and 01730443052 (for women) numbers can also be dialled for help.

d. Legal Help and Rehabilitation Centre

'Woman help program' directed by Ministry of Women works to improve awareness, educate about legal rights, train and rehabilitate helpless, tortured women in six districts. The following services are provided free of cost by two organisations working under this program.

Available Services at the institutions created to help women were subjected to torture.	Services provided by Support (Rehabilitation) Centres for Women
Resolve disputes by counselling or hearing; Alimony; Resolve divorce disputes; Helps to ensure Dower and Alimony; Secure Child Custody; Free Legal Assistance; litigate the case and paying court fees etc.	Free Housing, Clothes, Food, Education and Health Care are available for six months to the abused (aged below 12 years) and her two children; Cutting and Tailoring Trainings are given to these women along with incentives to help them to earn their own living; Ensures allowances for widows and women who have been abandoned by their husbands; Maternal Allowances; Provides opportunities by offering them jobs to manage VGD programs or Hostels for Working Women etc.

The table below contains information about the support centres and rehabilitation centres that work to prevent torture and abuse against women.

Number	District	Address	Contact Number
1	Barishal	Kashipur, Choumatha, BarishalSadar	0431-64708, 01911-876564
2	Khulna	Railgate, Doulatpur, Khulna	041-775032
3	Sylhet	Atim School Road, Baghbari, Sylhet	0821-722040
4	Rajshahi	Bohorompur, SheshMatharMor, Rajshahi	0721-761065
5	Chittagong	Munsurabad, Beside Passport Office, Doublemooring, Chittagong	03-2526876
6	Dhaka	37/3 Eastern Garden Road, Dhaka	02-8321041, 9352450
		VCS, Tejgaon, Dhaka	02-9110885

This is a list of the organisations that work to provide Free Legal Help Services and Rehabilitation Centre.

Bangladesh Legal Aid and Services Trust (BLAST)	Jatiyo Mohila Ainjibi Shongstha
Legal and Arbitration Centres	Nagorik Udyog
Madaripur Legal Aid Association	Other local non-governmental organisations

Revisit and Reflection

Trainer's guideline for preparation

- 'Review and revisit participant's learning so far.
- Prepare everything beforehand in accordance with the materials.
- Ensure there is plenty of masking tape to create a spiral on the floor.
- Put the spiral on the floor during break time.

Objectives

- At the end of the session, the participants will be able to:
- Describe sequentially their learning from this course.



Duration : 1 hour



Method : Question/Answer, Spiral



Materials : Cards displaying the headlines of all the sessions, cards showing Day1 to Day 6.



Stationeries : Masking tape, card, marker pens



Reading Materials : None

Process

- Ask the participants to stand in a circle.
- Request them to pick up a card from the spiral and hold it in their hands.
- Interested participants can pick up more than one card.
- Allocate three minutes to each member to read the titles/headings on their card and remember the key messages of that topic/topics.
- Ask them to recall the day on which they learnt about that particular topic/topics.
- Fix the card displaying Day-1 on the centre of the spiral. Make a point on the circular line coming out of the centre of the spiral to create a boundary. This is to create enough space to allow every member having headlines of day-1 sessions to stand properly.
- Ask the members who have headlines of day-1 sessions to come out of the circle and enter the spiral and stand on the spot marked Day-1.
- After the participants settle inside the spiral, ask them to read aloud the cards displaying the headlines of the sessions conducted on Day-1.
- When they are done, ask others if the topics and their chronology are accurate.
- Make corrections in case of any mistakes.
- After correcting the headlines and the chronology, request each participant holding the headline to speak about the main teachings/learning outcomes in 30 seconds.
- Allow participants to join from other groups.
- In this way, allow the participants to make separate presentations on the lessons learnt on the second, third, fourth and fifth day.
- Ask everyone to raise all the headlines when the groups finish their presentations.
- Ask everyone to recite these three lines, 'we will use these teachings for the betterment of the society'; 'we will use them to benefit our country'; 'we will use them to help and support each other'.
- End this activity session by expressing your gratitude to all the participants.

Materials

Define the term 'Paralegal'.

Why is there a need for Paralegals?

What is the role of a Paralegal? What are the duties of a Paralegal?

The essential knowledge, skills and mind-set of a Paralegal

Fundamental Rights and Human Rights

The Universal Declaration of Human Rights and the fundamental rights that have been declared in the Constitution of the People's Republic of Bangladesh

Gender or Understanding of ' Sociology of Gender'

Patriarchy and Power

Gender Needs and the Positive Interim Measures.

Law and Our Legal Rights

The Judiciary of Bangladesh

Materials

The long-established Legal System of Bangladesh

Steps to file a case

Legal Measures for the Protection of Personal Rights

Alternative Ways to Settle Disputes

Conducting Arbitration

Marriage, Separation and Custody according to Islamic Law

Marriage, Separation and Custody in Hinduism and Christianity

Inheritance Jurisprudence

Law relating to Transfer of Property

Materials

Land Law

Laws protecting Women against Abuse and Torture

Child Marriage Restraint Act and The Children Act

Laws operating to guarantee Access to Justice

Village courts and Alternative Dispute Resolution Systems

Legal and other Service Providing Institutions

Post Test

Trainer's guideline for preparation

- Prepare a sufficiently large questionnaire table for the purpose of this activity.
- Arrange for adequate pens for participants who might need them.

Objectives

At the end of this session, the participants will be able to:

- Evaluate their self-learning capabilities.
- Present enough information to the course evaluators.



Duration : 1 hour



Method : To fill in the questionnaire table.



Materials : Question paper.



Stationeries : Pen



Reading Materials : None

Process


Step1: Fill in the Questionnaire table.

- Ask the participants to spread out across the room and take seats.
- Provide a separate sheet of Questionnaire table to each participant.
- Instruct them to complete the table without any help from others.
- Give them 40 minutes to finish the task and collect the answer sheets then.

Step 2: Experience Sharing

- Request the participants to sit in a circle.
- Pick a seat for yourself within the circle. Explain that the person on your left will start the activity by recounting his experience of the course followed by the participants on his left. Explain you will be the final person to share your personal experience after the person on your right.
- Ask each of the members to include the points listed below:
 - A lesson that he will always remember.
 - A decision that he has taken after doing this course.
 - A promise that he wants to share with the world.
- Every participant will have 30 seconds to speak.
- Finish the activity by sharing your own experience. Express your gratitude towards everyone and end the session.

Farewell Dinner and Closing Ceremony



A creative, spontaneous and memorable event will be organized and conducted in partnership with CPJ authority, participants and assistants. It is advisable to present certificates to the attendees during the event.

Pre and Post Course Evaluation Question Paper

Question Paper

Basic Paralegal Training

Knowledge obtained during the course

Evaluation

Participant :

Date :

Full Marks: 100

1. What do you understand by the term 'Paralegal'?

5

--

2. What are the three main roles of a paralegal?

3

1	2	3
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3. Write down the six primary duties of a paralegal.

3

1	2	3
4	5	6

4. What are the five characteristics of human rights?

3

1	2	3
4	5	

5. What are the four headlines that can be used to classify the thirty articles of Universal Declaration of Human Rights?

3

1	2
4	5

6. Distinguish between 'gender' and 'sex'.

3

Gender:

Sex :

7. What are the controlling aspects of patriarchy?

3

1|

2|

3|

4|

5|

6|

8. Explain affirmative actions to meet the gender needs?

5

9. What are the fundamental principles of a judicial process?

3

1|

2|

3|

4|

5|

10. How many types of courts are there in Bangladesh?

5

11. Name is the name of the highest and lowest court of Bangladesh?

3

Highest :

Lowest :

12. Provide three characteristics of civil and criminal cases.

3

Civil : 1|

2|

3|

Criminal : 1|

2|

3|

13. Differentiate between GR and CR cases.

3

GR :

CR :

14. What do PW and DW stand for?

3

PW :

DW :

15. Explain what do mean by framing a charge and cognizable issues?

3

Cognizable issues:

Framing a charge :

16. What is the difference between GD and FRI?

3

GD :

FRI :

17. What are the procedures that need to be followed by a police in order to arrest a person?

5

18. Mention 5 areas of arbitrable and non-arbitrable disputes.

3

Arbitrable : 1| 2| 3| 4| 5|

Non-arbitrable : 1| 2| 3| 4| 5|

19. What do you understand by “village court”, “arbitration council” and “social methods of settling disputes”?

3

Village court :

Arbitration council :

Social methods :

20. How many conditions of marriage according to Muslim family law? What are they?

3

21. What is legal process of divorce according to Muslim family law?

22. What are the underlying conditions of marriage in Hindu and Christian family law?

Hindu family law :

Christian family law :

23. What do you mean by 'guardianship'? Who is responsible for the maintenance of the child?

24. Who are the main successors under Muslim, Hindu and Christian family law?

Muslim :

Hindu :

Christian :

25. What do you mean by 'Khatiyani', 'Porcha' and 'Daag'?

Porcha :

Daag :

Khatiyani :

26. Mention three important laws to prevent oppression against women?

3

1|

2|

3|

27. What is the punishment for child marriage? Who is subject to this punishment?

3

28. Who are eligible to seek legal aid? What kind of aid is available to these people?

3

Who :

What kind :

29. Write down the names of three public and private voluntary associations that provide legal aid services and various other matters.

3

Public : 1|

2|

3|

Private voluntary : 1|

2|

3|

Basic Paralegal Training

Training Period: 6 days (9 hours 30 minutes sessions)

Applicable for: Paralegal Professionals and Trainers

Induction night:

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
7:00-9:00	introduction Session and general description of the aim of this course.	<ul style="list-style-type: none"> To connect with all the attendees and members so as to create an amicable atmosphere. A thorough discussion on the objectives of this course. 	Speech/ roundtable discussions or group presentation	Materials : 5 round tables for roundtable session. Stationaries : Marker Pen, Board Pin, Tape, Masking Books : None	

Day1:

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
8:00-9:00	Inaugurating the day	At the end of this session, the participants will be: <ul style="list-style-type: none"> Seen to be indulging in the learning process. Seen to be developing a better understanding of the course. 	Check In, Music and Breathing Exercise.	Materials : Not needed. However, it is good to have the option to play musical instruments. Stationaries : Flipchart, Marker Pen, Colourful Clothing Reading Materials : None	

Module 2: Human Rights and Gender

9:00-10:00	Fundamental Rights and Human Rights	At the end of this session, the participants will be: <ul style="list-style-type: none"> Able to define 'Fundamental Rights' and 'Human Rights'. Able to define threemain elements and four characteristics of human rights. Able to describe eight principles of human rights. 	Fictional Stories and Other Activities.	Materials : Cards displaying the words 'Fictions', 'Circumstances', 'Relationship', 'Authority' and 'Freedom' , One 3 feet x 8 feet brown paper Stationaries : Marker Pens, VIP Card, VIP pin, Masking, Tape, Board Pin, Marking Tape etc. Reading Materials : 'Fundamental Rights' and 'Human Rights'.	
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TEA BREAK (10:30-11:00)

11:00-11:30	Continuation of Previous Session	As previously discussed	Fictional Stories and Other Activities.	"	
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12:00-1:00	Session 6: Universal Declaration of Human Rights and Fundamental Rights mentioned in the Constitution of the People's Republic of Bangladesh.	At the end of this session, the participants will be: <ul style="list-style-type: none"> Able to explain the articles in UDHR Able to describe the principles and basic rights mentioned in the constitution. 	Reading and Solving Quiz	Materials : Table displaying results of the quiz Stationaries : Pen and Paper, Flipchart, Marker Pen Reading Materials : UDHR, The fundamental rights mentioned in the Constitution of the People's Republic of Bangladesh.	
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MID-BREAK (1:00-2:00)

2:00-3:00	"	"		"	
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Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
3:15-4:00	Session 9 Discussion on Gender or "	After the end of this session, the participants will be: -Able to identify the differences between "Gender" and "Sex".	Three-eyed exercise	Materials: -Find a poster which displays three eyes or **** -Nail polish, Hand-fan, Hair Clip, Lip liner, Bracelet, Hand band, Earrings, Bangles, Anklets, Necklace, Car, Powder Case, Frock, Lungi, Comb, Paste, Soap, Ball, Razor, Doll, Spinning top, Match Box, Marble, pot, shawl, Cricket Bat,, Ribbons etc. Stationaries: Marking Tape, Marker Pen, Brown Paper,, VIP Card etc. Reading Materials: Gender Ideas	
4:00-5:00	Session 10: Gender Roles and Gender Differences in Occupational Distributions among Workers	At the end of this session, the participants will be: -Able to define how assigning careers to people on the basis of their gender has become a convention - Able to establish that this process could develop into a convention due to the patriarchy system in the country.	Make trio and try to complete as many columns as you can in the table.	Materials: A table (with the samples attached) Stationaries: Mark Pen, Marking Tape, Notebook, Pen	
EVENING BREAK (5:00-7:00)					
7:00-8:00	Continued		Continue the activity		
8:00-8:30	Session-: End of Day1	- Evaluate what you learnt on Day1	Review	Materials: 3 feet x 5 feet paper or carry a bundle of PCV pages for each day. Stationaries: Circular, Rectangular, Oval, Triangular and cut out designs, Colourful Pens, Glue, Tape, Cine Pens. Reading Materials: None	

Day2:

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
8:30-9:00	Inaugurating the day	At the end of this session, the participants will be: -Seen to be indulging in the learning process. -Seen to be developing a better understanding of the course	Check In, music and breathing exercise.	Materials: Not needed. However, it is good to have the option to play musical instruments. Stationaries: Flipchart, Marker Pen, Colourful Clothing Reading Materials: None	
9:00-10:00	Session-11: Power and Patriarchy	At the end of this session, the participants will be able to: -point out the characteristics of patriarchy -identify the controlling bodies of patriarchy -The problems created by the system of patriarchy.	Large group discussions	Materials: Sic Cards reading "Controlling Bodies of Patriarchy", two cards-one with the title 'Power' and another with the word 'Patriarchy', One poster displaying the definition of the word 'Patriarchy' and explaining its source. Stationaries: Flip Chart, Marker Pens, Board Pins Reading Materials: The impact of 'Patriarchy'	

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
10:00-11:00	Session-12 Gender needs and the Positive Interim Measures.	At the end of this session, the participants will be able to: - Explain the necessity for positive interim measures based on gender needs.	An activity which requires the participants to play a game which requires them to put one step forward and two steps backward.	Materials: Circular cards displaying the words "Wealth", "Information", "Decision", "Power", and "Dignity" Stationaries: Masking Tape Reading Materials: Gender needs and the positive interim measures.	
TEA BREAK (11:00-11:30)					
Module 3: Development of knowledge and skills relevant to Law and Justice System/Trial Process					
11:30-12:30	Session-13: Law and Our Legal Rights	At the end of this session, the participants will be able to: - Explain the origin, source and philosophy of law. - The need for acknowledging, preserving and implementing law into our lives.	Story Telling, group discussion	Materials: Three card showing the words "Story", "Acknowledgement" and "Preservation". Stationaries: Flip Chart, Marker Pens, Masking Tape, Board Pin. Reading Materials: Origin and Philosophy of Law.	
12:30-1:30	Session-14: The Judiciary of Bangladesh	At the end of this session, the participants will be able to: - Explain the court structure. - Explain the system and jurisdiction of village courts. - Identify the differences between courts and other organisations that function to resolve disputes.	Group discussion and poster presentation.	Learning Materials: Poster (with samples), The reading materials will be used for this purpose. Stationaries: Masking Tape, Board Pin, Marker Pen. Reading Materials: The Judiciary of Bangladesh	
MID-BREAK (1:30-2:30)					
2:30-3:45	Session-17: The long-established Legal System of Bangladesh	At the end of this session, the participants will be able to: - Explain the characteristics of civil and criminal cases. - State the reasons and characteristics of Police Cases and Petition Cases. - Create a list of the relevant factors that must be considered before filing a case.	Group discussion	Materials: None Stationaries Flip Chart, Marker Pens. Reading Materials: The legal system of Bangladesh.	
MID-BREAK (3:45-4:00)					
4-5:30	Session-18: Steps to file a Case	At the end of this session, the participants will be able to: - Describe all the necessary steps that must be followed from filing a case to reaching a decision. - Describe the roles played by the applicant and the defendant.	Existing small groups.	Materials: Cards explaining each step. Stationaries: Masking Tape, Poster Paper, Marker Pens. Reading Materials:	
EVENING BREAK (5:30-7:00)					
7:00-8:00	Session-19: Legal Measures for the Protection of Personal Rights	At the end of this session, the participants will be able to: - Help in writing GD or FIR. - Describe the rights and duties of a person regarding arrest and bail. - Inform people about the guidelines given by the High Court in Article 54.	Work in small groups and participate in group discussion	Materials: GD, FIR sample Stationaries Poster Paper, Masking Tape, Marker Pens Reading Materials: Legal Measures for the protection of personal rights	

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
8:00-8:30	End of Day2	Evaluate what you learnt on Day2	Review	Materials: 3 feet x 5 feet paper or carry a bundle of PCV pages for each day. Stationaries: Circular, Rectangular, Oval, Triangular and other cut out designs, colourful markers, glue, masking tape, cine pens. Reading Materials: None	

Day3:

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
8:30-9:00	Inaugurating the Day	At the end of this session, the participants will be: -Seen to be indulging in the learning process. -Seen to be developing a better understanding of the course.	Check In, music and breathing exercise.	Materials: Not needed. However, it is good to have the option to play musical instruments. Stationaries: Flipchart, Marker Pen Reading Materials: None	

Module 4:

9:00-10:00	Session 20: Resolving Disputes by Arbitration.	At the end of this session, the participants will be able to: - Explain the idea of arbitration. - Identify the differences between village courts and arbitration. - Create a category of the issues that are appropriate and not appropriate for arbitration.	Work in pairs, group discussions.	Materials: Not applicable. Accessories: Flipchart, Marker Pens. Reading Materials: Settling disputes using arbitration.	
10:00-11:00	Session 21: Conducting Arbitration.	At the end of this session, the participants will be able to: - Identify the differences and similarities between arbitration and conventional litigation. - Demonstrate the importance of women leadership and involvement in arbitration.	Role play	Materials: Script, Stationaries: 4 feet X 5 feet PVC cloth, 18 rectangular or square cards, 1 circular card, Glue, Board Pin. Reading Materials: Ideal Arbitration and Participation of Women.	

TEA BREAK (11:00-11:30)

11:30-12:30			Role play		
12:30-1:30	Session-22: Family Law	At the end of this session, the participants will be able to: - Explain the origin and jurisdiction of Family Law in Islam, Hinduism and Christianity. - Describe the procedures that need to be followed in order to resolve family disputes in the Family Court.	Poster presentation, analyse the situation.	Materials: Poster, Incident. Stationaries: Making Tape, Brown Paper. Reading Materials: Family Law, Family Court.	

MID-BREAK (1:30-2:30)

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
2:30-4:30	Session-25: Marriage, Divorce and Guardianship in Islam.	At the end of this session, the participants will be: - Able to write down the ordinance of marriage according to Muslim Family Law 1961. - Explain the separation process. - Explain the laws of guardianship.	Role play	Materials: Will be provided instantly. Stationaries: Flip Chart, Marker Pens Reading Materials: Marriage in Islam: Divorce: Guardianship	
EVENING BREAK (4:30-6:30)					
6:30-7:30	Session-26: Marriage, Divorce and Guardianship in Hinduism and Christianity.	At the end of this session, the participants will be able to: - Explain the characteristics of marriage. - Explain the separation process. - Define the laws of guardianship.	Group discussions and presentations	Materials: Use the reading materials. Stationaries: Poster Paper, Marker Pen, Masking Tape Reading Materials: Marriage in Hinduism and Christianity: Divorce.	
7:30-8:00	End of Day3	Evaluation day	Review	Materials: 3 feet x 5 feet paper or carry a bundle of PCV pages for each day. Stationaries: Circular, Rectangular, Oval, Triangular and other cut out designs, colourful markers, glue, masking tape, cine pens. Reading Materials: None	

DAY4:

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
8:30-9:00	Inaugurating the Day	At the end of this session, the participants will be: -Seen to be indulging in the learning process. -Seen to be developing a better understanding of the course.	Check In, music and breathing exercise.	Materials: Not needed. However, it is good to have the option to play musical instruments. Stationaries Flipchart, Marker Pen Reading Materials: None	
9:00-11:00	Session-27: Inheritance Jurisprudence.	At the end of this session, the participants will be able to: - Demonstrate the governing principles of inheritance jurisprudence in Islam, Hinduism and Christianity. - Create a list of the supposed successors. - State the correct procedures that must be followed in order to distribute the inheritance in question.	Constructing a wall paper.	Materials:Will be provided instantly. Stationaries: Brown Paper, Colourful pens and papers, Marker Pens, Glue, Scissors, Masking Tape. Reading Materials: Inheritance Jurisprudence in Islam, Hinduism and Christianity.	
TEA BREAK (11:00-11:30)					
11:30-1:00	Continuing the Previous Session.		Creating a wall paper		
MID-BREAK (1:00-2:00)					

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
2:00-3:00	Session-29: Land Law	At the end of this session, the participants will be able to: - Create a short table comprising the reasons that generally give rise to land related disputes. - Explain the need for land law. - Explain the meanings of at least eight words which are commonly used in land law.	Group presentation	Materials: 8 or 10 Cards Displaying Various Words that are related to Land Law. Stationaries Flap chart, Marker Learning Materials: Bangladesh Land Law.	
HEALTH BREAK (3:30-3:45)					
3:45-5:00	Session-30: Laws Protecting Women against Abuse and Torture.	At the end of this session, the attendees will be able to : - Mention three important laws that have been enacted in order to prevent oppression against women? - Provide basic knowledge and support to the sufferers in order to help them attain justice.	Reading circle	Materials: A Table Exhibiting the Relevant Laws on this Specific Topic. Stationaries Board Pin, Poster Paper, Marker Pens. Reading Materials: Laws Protecting Women against Abuse and Torture.	
EVENING BREAK (5:00-7:00)					
7:00-8:00	Session-33: Laws against Child Marriage.	At the end of this session, the participants will be able: - Raise awareness about laws governing child marriage. - To inform people about the courts prescribed for settling child marriage issues.	Analyse the incident.	Materials: Incident Stationaries Poster, Paper, Masking Tape, Markers Reading Materials: Laws against Child Marriage, The Children Act.	
8:00-8:30	Session-28: Evaluation Day	Evaluate what you learnt on day4	Review	Materials: 3 feet x 5 feet paper or carry a bundle of PCV pages for each day. Stationaries Circular, Rectangular, Oval, Triangular and other cut out Designs, Colourful Markers, Glue, Masking Tape, Cine Pens. Reading Materials: None	

Day5:

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
8:30-9:00	Session-29: Inaugurating the Day	Through this session: - The participants will indulge in the learning process. - The participants will become active, alert and develop understanding of the course.	Check In, music, breathing exercise	Materials: None. However, it is Good to have the option to Play Musical Instruments. Stationaries Flip Chart, Marker Pens Reading Materials: None	

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
9:00-10:30	Session-34: Laws relating Proper Legal Assistance	At the end of this session, the participants will be able to: - Speak about the various support centres which provide assistance regarding legal issues. - Explain the procedure that needs to be followed in order to secure the benefits provided by these organisations.	Preparations to make posters and to present them.	Materials: Four Posters Stationaries Poster Papers, Marker Pens, Masking Tape Reading Materials:Laws relating Proper Legal Assistance	
TEA BREAK (10:30-11:00)					
11:00-12:00	Session-35: Village Courts and ADR Committees	At the end of this session, the participants will be able: -Differentiate between village courts and ADR centres using knowledge on these two. - Identify the existing differences between village courts, ADR committees and the conventional ways of resolving disputes.	Discussions	Materials: Posters Containing Differences among Village Courts, ADR committees, and Social Committees Stationaries Brown Paper, Marker, Making Tape Reading Materials: Village Courts, ADR committees	
12:00-1:30	Session-37: Legal and other Support Centres	At the end of this session, the participants will be able: - Create a list of the organizations that provide services in regard to legal, social, health and various other matters. - Assist people seeking to contact the various service providing organizations/ institutions.	Discussions and poster presentation	Materials: None Accessories: Flip Chart, Masking Tape, Marker Pens Reading Materials: List of the support Centres with their Addresses.	
EVENING BREAK AND STUDY TOUR (1:30-6:00)					
TEA BREAK (6:00-7:00)					
MODULE 1:					
7:00-8:00	Session-02: What do you Understand by the Word 'Paralegal'? Why is there a Need for Paralegals?	Through this session, the participants will be able to: - Clearly demonstrate their understanding about paralegals. - Assess the need and status of paralegal professionals.	Group discussions	Materials: The Reading Materials will be used for Supplementary Elements. Stationaries Flip Chart, Marker Pens Reading Materials: What do you Understand by the Word 'Paralegal'? Why is there a need for Paralegals?	
8:00-8:30	Session-34: Evaluation Day	Evaluate what you learnt on day5.	Review	Materials: 3 feet x 5 feet Paper or Carry a Bundle of PCV Pages for each Day. Stationaries Circular, Rectangular, Oval, Triangular and other Cut Out Designs, Colourful Markers, Glue, Masking Tape, Cine Pens. Reading Materials: None	

Day6:

Time	Subject/Session	Aim	Method	Learning materials and Stationaries	Assistant
8:30-9:00	Session35: Inaugurating the Day	Through this session: -Participants can indulge in the course -Participants will become active, alert and develop a better understanding of the course.	Check In, music and breathing exercise	Materials: Not needed. However, it is Good to have the Option to Play Musical Instruments. Stationaries Flip Chart, Marker Pens Reading Materials: None	
9:00-10:00	Session-03: The Roles and Duties Performed by a Paralegal	At the end of this session, the participants will be able to: - Identify the important roles played by a paralegal in the legal field and in the society. - Form a list of the jobs that are available for different types of paralegals.	Large group discussions, Work and create presentations in small groups.	Materials: Three Circular Cards describing the Roles of a Paralegal Stationaries Four Brown Papers, Twelve Marker Pens, Board Pin, Marking Tape. Reading Materials: Article on 'The Duties of a Paralegal'	
10:00-11:00	Session-04: The Essential Knowledge, Skills and Mind-set of a Paralegal	Through this session, the participants will learn to: - Form a list of the 'knowledge', 'skills' and 'approach' required for performing different tasks on the basis of his role as a paralegal.	Classifying the cards	Materials: Three Circular Cards with the words 'Knowledge', 'Skills' and 'Approach' written on them, Thirty Rectangular Cards Needed to write and attach under each of the titles. Stationaries Board Pin, Marker Pen Reading Materials: The Essential Knowledge, Skills and Mind-set of a Paralegal Professional	
TEA BREAK: (11:00-11:30)					
11:30-12:30	Session 38 Review	At the end of this session, the participants will be: - Able to write brief summaries of each day.	Q/A, Spiral	Materials: Cards Displaying the Titles of All the Sessions, Day1 to Day5 Cards. Stationaries Marking Tape, Card, Marker Pens Reading Materials: None	
12:30-1:30	Session 39 Post Test	Through this session, the participants will be able to: -Evaluate his learning - Provide sufficient information to the evaluators about the course.	Fill in the columns	Materials: Question Paper Stationaries: Pen Reading Materials: none	
MID-BREAK (1:30-2:30)					
	Session:40 Action Plan	2:30-3:30			
	Sharing Personal Experience	3:30-5:00			
	Preparations for Closing Ceremony	5:00-8:00			
CLOSING CEREMONY: (8:00-9:00)					
9:00--- --	Closing Ceremony and Certificate Presentation				

