

**Inauguration Ceremony of an Academic Building  
of Faculty of Law  
University of Chittagong**

**Date :** Saturday, 03 October 2015; Time: 10:00 a.m.

**Venue :** University of Chittagong

*Justice Surendra Kumar Sinha  
Chief Justice of Bangladesh.*

**Respected Chairperson of the Ceremony, Vice Chancellor of this University Professor Dr. Iftekhar Uddin Chowdhury, respected Dean and Chairman, Department of Law, Distinguished faculties, Dignitaries, My beloved students, Ladies and Gentlemen, Greetings....**

**I deem it a great honor and privilege for me to be here with you in this auspicious occasion. At the very outset, I express my infinite gratitude to the University Authority for inviting me to participate in this inaugural ceremony.**

### **Ladies and Gentlemen**

The rule of law ensures that everyone follows the same laws. It means that the law is supreme over officials of the government as well as over corporations and private citizens, no matter how wealthy or powerful. The rule of law ensures that governments “play by the same rules” and do not exercise their powers arbitrarily. Legal education should aim to prepare legal professionals who will play a decisive leadership role in surmounting challenges not only as advocates practicing in courts but also as legislators, judges, policy makers, public servants and civil society activists as well as legal counsel in the private sector. Legal education should also prepare lawyers to meet the new challenges of working in a globalized knowledge economy in which the nature and organization of law and legal practice are undergoing a paradigm shift. Original and path breaking legal research is needed to create new legal knowledge and legal ideas that will help us to meet these challenges in a manner responsive to the needs of the country and the ideals and goals of our Constitution. Legal education must also inculcate the need to observe the highest standards of professional ethics and a spirit of public service. In order to achieve these goals legal education needs to be broad based, multi-

disciplinary, multi-functional and contextual. The phenomenon of globalization provides an important context in relation to which the vision and goals of legal education have to be concretized.

Legal education at the university level is important for the future of the legal profession, but it is an ambitious area that has had limited success in the past. An evaluation of the open access of law schools should be done in order to prevent an excess supply of lawyers. Really, the most important objective of legal education ought to be stimulating excellence in both teaching and research. But these objectives ought to be fulfilled bearing in mind their importance to and linkages with establishing a rule of law-friendly society.

Mooting is a vital part of legal education. It helps a student refine his/her research and communication skills. It also allows a student to learn legal etiquette so necessary to all forms of legal practice.

Judges, lawyers, academicians etc., - play an important role in ensuring justice. They perform a vital role in the service of the nation. They give shape to the law and ensure its effective implementation. With these objectives in mind, we have to produce the lawyers. Legal education is a *sine-qua non* for the development of rule of law and sustainable democratic order. Legal education has also to cater to the institutional upbringing of a society based on law.

### **Dear young Law students**

You are our future, you need continuous and concentrated laborious study to achieve the qualities to do- (i) intensive research, (ii) analytical ability, (iii) client counseling, (iv) advocacy skill, (v) documentation and conveyancing skill, (vi) negotiation skill, (vii) court craftsmanship (viii) skill for human relations. You have to study sociology, philosophy, history i.e. the

social perspective of the country to build-up your career as a lawyer or as a judge.

In 1927, Felix Frankfurter wrote:

“In the last analysis, the law is what the lawyers are. And the law and lawyers are what the law schools make them.”

In this regard, we must recognize the role of our law schools in not only preparing individuals for the bar and judiciary, but also as the breeding grounds for democratic values and meaningful social engagement. Students should play an active role in sensitizing masses, especially women, to the acts and laws protecting the rights of women and children. Law students can actually play a vital role in disseminating legal awareness among the disadvantaged sections. Law students essentially need meaningful practical experience, through participation in the legal literacy programs such as workshops, seminars and symposiums involvement with NGO's and regular visits to institutions such as courts, police stations and prisons among others will give students a chance to observe the 'law-in-action' as opposed to the 'law-in-the books.

### **Role of Judiciary**

As an independent judiciary, under the scheme of the Constitution, the Court has played its role effectively in acting as a watchdog through judicial review over the acts of the legislature and the executive. The major contribution of the Supreme Court has been to uphold the Constitution by delineating the role of the three organs of the State, when two organs of the State fail to perform their duties, the judiciary cannot remain a mute spectator, While acting within the bounds of law, the Supreme Court has always risen to the occasion as one of the guardians of the Constitution, notwithstanding criticism of “judicial activism”.

## **Law and Technology**

Thomas Jefferson said in 1816, “Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.” The revolution in the field of information technology has enveloped the world. The entire globe is under the spell of ‘Information Revolution’. Therefore, the legal system has to keep pace with the technological advancement. In this area of globalization and rapid technological developments, which is affecting almost all economies and presenting new challenges and opportunities, judiciary cannot afford to lag behind and has to be fully prepared to meet the challenges of the age. It is heartening to note that use of information and communication technology in judicial is growing despite various constraints. Day-to-day management of courts at all levels can be simplified and improved through use of technology including availability of case-law and meeting administrative requirements. Congestion in court complex can also be substantially reduced through electronic dissemination of information. The objectives that can be achieved through use of technology include transparency of information, streamlining of judicial administration and reduction of cost. The law students in the Law School have to undertake the course like Law and Technology.

## **Legal Education**

The first objective of legal education should be turned out integrated personalities in whom have been inculcated noble ideals. You must stress the importance of individual self-fulfillment but not self-indulgence, group cohesiveness but not group jingoism, work and achievement but not power and acquisitiveness for your own sake. What the country needs in diestier fingernails and cleaner minds. Your education will be in vain if it has not

fostered in you the habit of clear independent thinking. Undisciplined demagoguery is as dangerous as undisciplined student power.

The shortcomings of the judiciary and legal profession in Bangladesh are:

Firstly, the commercialization of the legal system. It had never before in Bangladesh the legal profession been as commercialized. Lawyers made statements at the Bar that were factually incorrect, and affidavits were filed did not state the truth. Witnesses perjured themselves, but there was no surge of public distrust and outrage. Perjury is accepted as a fact of Bangladeshi life. The danger was not that even person in high public office perjured themselves.

Secondly, the administration of justice suffered from the intractable complexity of modern society. Life in Bangladesh has become far more complex.

Finally, in Bangladesh, while rights emphasized all the time, there is no corresponding stress laid down responsibilities. Excessive authority without liberty, is intolerable, but excessive liberty without authority and without responsibility, soon becomes equally intolerable.

Being the future conscience keepers of the nation I want to remind you of how the intellectuals and men of knowledge were given highest honour in society in ages past. Unfortunately, society has downgraded the intellectual to the point where an intellectual meant a person who is intelligent enough to know on which side his bread is buttered. You think hard about the problems not only facing you but also country as well.

We are currently facing four major crises:

First, the crisis of character, violence, indiscipline and corruption are stalking the country. Ancient Bangladesh was more civilized than modern Bangladesh with its satellites in space. Kurnard Lorenz, the Nobel laureate

said 'I believe- I have found the missing link, between animals and civilized man- it is we'.

The second crisis is one of identify. The happenings of bomb detonation all over the country in 2009, killing the judges and lawyers and the growth of terrorism in the name of religion is unwanted and unprecedented. They are the pangs of Bangladesh's rebirth as an independent state after the sacrifice of there million martyrs.

The third crisis is one of under-utilization. Most of our economic ills are the direct result of the underutilization of human and material resources available in the country, and also the culture of misappropriation of public money from the banks. The banks have been mired in financial irregularities in recent years.

The fourth crisis is of inadequacy. The country is facing of inadequacy of leadership and of administration. There is a failure to maintain law and order.

Our country needs the service of our finest and most talented citizens. It is better to try to do something and fail, than try to do nothing and succeed. Avoid fanaticism; give up violence and indiscipline in the larger interests of the country.

Remember that Japan had achieved progress on a big scale as their people had a sense of discipline and worked in harmony. A responsible society is, ultimately, a joint venture between the government and the people for enhancing the quality of life through human means.

It will be remiss in my duty, if I do not say something about A.K. Khan Foundation as a Chief Justice of Bangladesh and Chief Guest of this great occasion. A.K. Khan Foundation (AKKF) is a non-profit Social Welfare

Organization that formally started its journey in 1991 to materialize the dream of Late A.K. Khan, a pioneer industrialist in Bangladesh. The organization is being supported by A.K. Khan Group as part of the Group's Corporate Social Responsibility (CSR). Since the very beginning of the entrepreneurial endeavor of late A.K. Khan, he had been a firm practitioner of CSR well before the concept of CSR was even known to the business community of this part of the globe. Before he breathed his last in March 1991, late Mr. A.K. Khan put down in his will the wish to lend a hand to the vulnerable groups of our society. According to his wish, it has been established that 30% of his business profit will be earmarked for the well-being of the community, especially for the improvement of health and education. I have pleasure to express my special thanks and gratitude to A.K. Khan Foundation for its generous support and contribution in establishing an Academic Building for the Department of Law and I hope that it will continue to fulfill the dream of late lamented A.K. Khan. He was a generous man and ardent supporter of education. With the financial assistance incurring almost amounting to Tk. 20 cores of A. K. Khan Foundation constructed a beautiful and modern Academic Building for Faculty of Law, University of Chittagong. So, they deserve a very high appreciation from the core of my heart.

You may know that Harvard University receives largest ever donation from Hong Kong Foundation set up by Hang Lung Group Foundation Chief Ronnie Chan Chichung and his family has made the biggest donation in Harvard University's 379-years history, handing over US\$350 million to its school of public health. Oxford University received £75million gift from grant-making organization, the McCall MacBain Foundation in Geneva. Apart from the scene other word Ranking Universities are also receiving donations from the social philanthropies and alumni of the University.

In developed countries, specially USA, all big Business Houses, Billionaires and resourceful persons donate 40% of their fortune/ profit to the different social organizations including educational institutions but unfortunately, tendency of the affluent persons of Bangladesh in contributing a portion of their fortune to the schools, colleges and universities are not encouraging. Only they accumulate their wealth for self-comfort and family members. I would call upon the industrialists, rich persons of the society to donate a considerable portion of their profit for the development of education and social welfare activities of the country like A. K. Khan Foundation.

John F. Kennedy in his famous American University Commencement Address delivered 10 June 1963, clearly spelt out the significance of Universities. I am tempted to mention a passage from the same.

“Professor Woodrow Wilson once said that every man sent out from a university should be a man of his nation as well as a man of his time, and I am confident that the men and women who carry the honor of graduating from this institution will continue to give from their lives, from their talents, a high measure of public service and public support. “There are few earthly things more beautiful than a university,” wrote John Masefield in his tribute to English universities—and his words are equally true today. He did not refer to towers or to campuses. He admired the splendid beauty of a university, because it was, he said, “a place where those who hate ignorance may strive to know, where those who perceive truth may strive to make others see.”

We all know that from its inception, the graduates of Chittagong University are playing very conspicuous role in every sphere of life. University graduates reside all over the world, excelling in every facet of society - industry, business, finance, civil service, the judiciary and of course, the practice of law etc. Therefore, the University Authority present and past deserve special thanks and commendation.

Now-a-days, we can readily access legal materials such as decision of the Apex Court of Bangladesh as well as foreign courts and tribunals, legislations, conventions, treaties and academic writings through internet. Such facilities were beyond thinking of our generation. The students and teachers of this time are no doubt well aware as to the latest technology. Nevertheless, I would urge them to make the best use of the latest technology in order to produce legal scholarship of such a high standard that judges, administrators, lawyers and legislators would be compelled to read the same. Eventually, it will improve the reputation of the law schools and thereby the law students can actually be the agents of real social change.

Before parting with, I must urge that university authorities to update the syllabus of law incorporating the subjects so that the law students may face the global challenges and play vital role as real social engineers. One has achieved success who has lived well, laughed often, and loved much.

I once again thank the organizers for having given me the opportunity to inaugurate the Academic Building of the Faculty of Law, University of Chittagong constructed at the cost incurred by A. K. Khan Foundation which is closed to my heart.

In conclude with the words of George Bernard Shaw ‘Life isn’t about finding yourself, life is about creating yourself.’

Thanks for your patience hearing.