

Bangladesh Bar Council Enrollment Procedure: A Critical Analysis of Existing Debates

Md. Arman Khan*

Abstract

The Bar Council Enrollment Examination for advocates in Bangladesh faces enduring challenges of corruption, political interference, irregular scheduling, and lack of transparency, yet these concerns remain insufficiently examined in the literature. This study fills the gap using a qualitative approach backed by empirical data, utilizing document review, case analysis, and key informant interviews with judges and legal academics as well as questionnaire surveys with senior advocates, recently enrolled advocates, examinees, and law students. The analysis is organized around five interrelated debates: first, the lack of transparency fuels allegations of corruption and political influence; second, the examination system is undermined by institutional weaknesses; third, a mismatch among legal education, the Enrollment procedure, and legal professionalism limits the development of competent advocates; fourth, judicial interventions continue to shape procedures and results; and finally, all strands indicate the urgent need for comprehensive reform. According to the findings, fairness and accountability are compromised by irregular scheduling, weak institutional procedures, and a discrepancy between professional requirements and legal education. There is agreement on the need for systemic change through accountability, transparency, and coordination, despite disagreements over the scope of judicial overreach and corruption. The study places these results in the context of broader discussions about professional governance and regulation in Bangladesh.

Keywords: Advocate, Enrollment, Bar Council, Legal Practitioners, Corruption.

Introduction

The Bangladesh Bar Council was created as a statutory body by the Bangladesh Legal Practitioners and Bar Council Order, 1972, with the responsibility of checking and supervising advocate professional behavior. The integrity of the advocate enrollment process, which has long been impacted by procedural irregularities and accusations of unethical practices, has come under scrutiny as a result of allegations of corruption, irregularities, and undue judicial influence. Five interrelated debates can be used to analyze the long-standing irregularities and allegations of unethical practices in the enrollment

* LL.M. Student, Law Discipline, Khulna University, Khulna

process: the prevalence of political involvement, corruption, and discrimination in the process; the examination systems' inefficiencies and mismanagement; the misalignment of professional requirements, legal education, and the enrollment procedure; the overreach of judges in procedures and results; and the urgent need for reforms or systemic changes to ensure efficiency, fairness, and adherence to professional standards. These discussions are important because they have a direct impact on Bangladesh's legal profession's legitimacy, governance, and standard of care. In order to improve professional regulation and strengthen the enrollment process, this study critically analyzes these arguments, assesses the suitability of current procedures, identifies important issues, and considers potential solutions.

Methodology

This study examines the effects of the Bar Council enrollment process on the legal system in Bangladesh using a descriptive qualitative approach supported by quantitative components. The goal is to produce evidence-based insights that will guide practice and policy. Questionnaire surveys and interviews were used to gather primary data, and relevant blogs, statutory instruments, newspaper articles, and case law were used to gather secondary data. The survey was filled out by 17 people in total, split into two groups: Group 1 comprised nine experienced advocates and lawyers who were purposively chosen to ensure professional expertise and to capture their extensive experience with the enrollment process and its ramifications. Group 2 consisted of eight participants, including newly enrolled advocates, enrollment examinees, and pupillage applicants. They were purposively chosen to represent entry-level perspectives, share their experiences, and provide insights into recent challenges along with potential solutions. Responses were collected offline for Group 1 and online using Google Forms for Group 2. The descriptive qualitative approach, which is supported by quantitative elements and emphasizes a greater importance on capturing the breadth and depth of insights than on statistical generalization, justifies the limited number of participants. Interviewee 1, an Associate Professor of Law, Interviewee 2, an Assistant Professor of Law, and Interviewee 3, an Additional District and Sessions Judge, were interviewed as key informants to broaden the range of viewpoints. In compliance with ethical guidelines, all participants gave their informed consent, confidentiality was rigorously upheld, and data were used only for research. Microsoft Excel was used to analyze quantitative data from closed-ended questions. Graphs and charts were used to highlight observable trends, supporting the qualitative findings. Documentary analysis of secondary sources, including case law, statutory instruments, newspaper articles, and blogs, ensured analytical competence and corroborated the study.

Enrollment Procedure, Enrollment Committee and Its Functioning

The enrollment of advocates in Bangladesh is regulated by the Bar Council under the 1972 Order and Rules. A person has to pass the MCQ, written, and viva voce examinations

conducted by the enrollment committee of the Bar Council for obtaining the advocateship license from the Bar Council. A law student has to first undergo pupillage under an advocate with at least 10 years of experience. Then, a person has to pass the MCQ, written, and viva voce examinations conducted by the enrollment committee of the Bar Council. After passing all the procedures, he is enrolled to practice in the court.¹

The enrollment process for advocates in Bangladesh is basically decided by the Enrollment Committee. This committee decides whether a lawyer is eligible for appointment or not. The formation of this Enrollment Committee is described in Article 11B of the Bangladesh Legal Practitioners and Bar Council Order, 1972. In the Enrollment Committee of the Bar Council of Bangladesh, three out of the five members come from the judiciary. The Chairman is appointed from the judiciary. The Chairman is a Judge of the Appellate Division, nominated by the Chief Justice, and two other members are from the High Court Division, also nominated by the Chief Justice. Among the remaining two, one is the Attorney General, and the other is an Elected Member of the Bar Council. The procedure of the Enrollment of Advocates and the business of the Enrollment Committee are regulated by this Committee.²

Article 27 of this law also states who is eligible to become an advocate. To become an advocate, he must be a citizen of Bangladesh, be at least twenty-one years old, have a law degree, pass the Bar Council's enrollment examination, and pay the enrollment fee and other conditions. There are some other conditions for which he can be disqualified from becoming an advocate. Those include being dismissed from any government institution for moral turpitude, and two years have not passed since his dismissal. Also convicted for moral turpitude, but five years have not passed since.³ Article 30 also states that applications for admission will go to the Bar Council's Enrollment Committee. That committee will review the applications and approve or return them to the Bar Council with reasons. The Bar Council may review and accept or reject those that are returned. The entire process of Advocate Enrollment has also been described in stages in The Bangladesh Legal Practitioner's and Bar Council Rules.⁴ Rule 58 states that only those candidates who are eligible as per Article 27 of the Act can appear for the examination. It also states the required documents and fees to be paid. In addition, the procedure for approaching the Application Enrollment Committee and the process of screening their applications is included in Rule 59A.⁵ According to Rule 61, the Enrollment Committee conducts a summary inquiry before issuing a Certificate of Enrollment. The Bar Council also has the power to conduct further inquiry. The Enrollment Committee decides whether a candidate

¹ Advocate Shoaibur Rahman Shoaib, 'Type of Advocates and Enrollment Procedure' (Lawyers Club Bangladesh, 15 July 2019) <<https://lawyersclubbangladesh.com/en/2019/07/15/types-of-advocates-and-enrollment-procedure/>> accessed 13 June 2025.

² The Bangladesh Legal Practitioners and Bar Council Order 1972, art. 11B.

³ The Bangladesh Legal Practitioners and Bar Council Order 1972, art. 27.

⁴ The Bangladesh Legal Practitioners and Bar Council Order 1972, art. 30.

⁵ The Bangladesh Legal Practitioners and Bar Council Rules 1972, rule. 58.

can become an advocate or not. Their power is the highest in the process of recruitment of advocates.⁶

Findings

Corruption, Political Influence and Biasness in Bar Council Enrollment Procedure

The first debate involves the question of corruption, political influence, and bias in the enrollment procedure. The Bar Council's enrollment procedure has been facing many complications since the independence of Bangladesh. Allegations of various injustices and irregularities, including cheating in exams, issuing certificates for political reasons, and favoritism, are common in the Bar Council. These topics will be critically examined below.

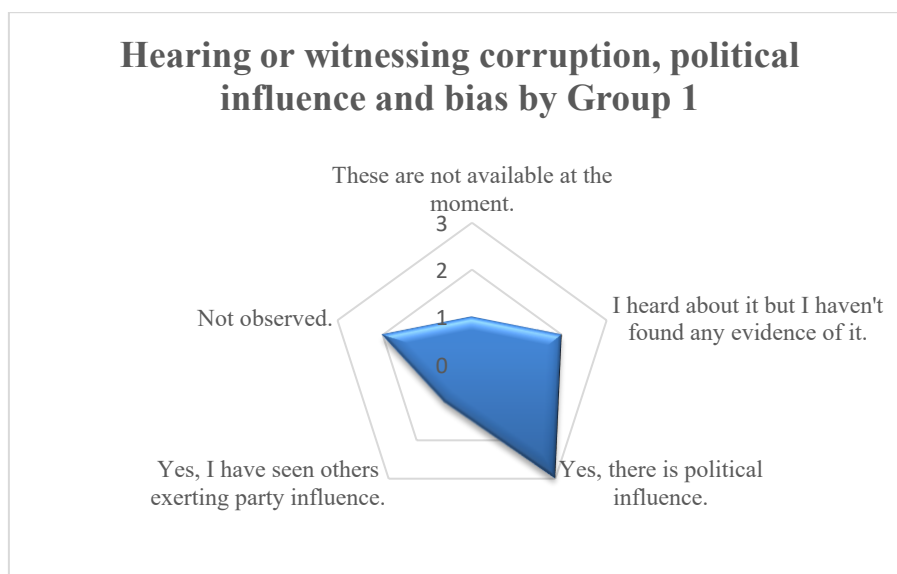


Figure 1: Hearing or witnessing Corruption, political influence and bias by Group 1.

To find out the truth of these allegations, Group 1 was first asked whether they knew of or had seen corruption, political influence, and bias in the Bar Council. Based on this, it was noticed that out of the 9 people, one said that this does not happen anymore, one said that he had seen others exerting party influence, two said that they had not observed this issue, two others said that they had heard about this issue but did not find any evidence of this issue, and three said that there is political influence in the enrollment procedure. These findings suggest that corruption, political influence, and bias remain significant concerns within the enrollment procedure.

⁶ The Bangladesh Legal Practitioners and Bar Council Rules 1972, rule. 59A-61.

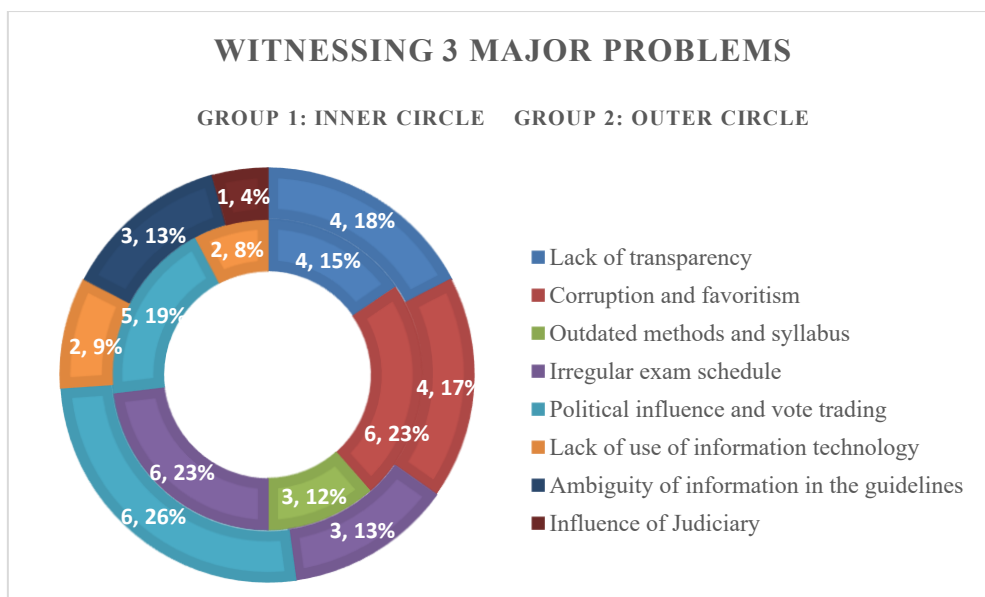


Figure 2: Witnessing 3 Major Problems by Group 1 and Group 2.

In addition, through semi-structured questionnaires, Group 1 and Group 2 were asked to talk about the three major problems of the Bar Council. Here, each participant gave multiple answers. Based on that, Group 1 informed us that the three major problems were corruption and favoritism, lack of a regular exam schedule, and political influence and vote trading. On the other hand, Group 2 stated that their three major problems were political influence and vote trading, lack of transparency, and corruption and favoritism. Therefore, based on the opinions of the two groups, it can be seen that the major problems are related to corruption, political influence, and bias.

Respondent 4 from Group 1 informed that often the code number of the exam paper gets changed. Interviewee 1 also informed us that corruption and bias occur in the Bar Council Enrollment Examination. He did not have enough evidence, but he heard that before the examination, contracts are made with visiting invigilators to make them pass the MCQ or written exam. At that time, when the invigilator inspects the room, he understands who is giving a good exam and later swaps the account of the good exam giver with the one with whom he has a contract. Because of this, many people fail to achieve the expected results, even after performing well in the exam. He also stated that many people are enrolled on a party basis. On the other hand, Interviewee 2 did not think that there was any major corruption there. According to him, if there were any corruption, it might happen at the viva stage after the preliminary and written stages. Therefore, recently, sufficient evidence of corruption, bias, and political influence has emerged from the Attorney General's statements. Attorney General Md Asaduzzaman revealed that some political leaders and lawyers had suggested admitting 300 students of the anti-discrimination movement in this year's Bar Council MCQ exam, but the proposal was

rejected. He noted that earlier there was widespread corruption in the Bar Council exam system, showcasing malpractice and corruption in the Enrollment process.⁷

However, a few years back, there were reports of serious irregularities. On December 19, 2020, during the Covid-19 pandemic, there were allegations of serious irregularities in the written examination of the Bangladesh Bar Council. It is said that there were allegations of obstruction of the examination at two centers in Mohammadpur, Dhaka. After the examination began, processions were taken out at Mohammadpur Women's College and Mohammadpur Central University College demanding auto-pass (automatically promoted or passed without taking an exam or meeting the usual requirements). In addition, there were allegations that the answer sheets of the examinees in that examination were taken away and the answer sheets of the examination were torn one after the other.⁸

Interviewee 1 heard that political influence and vote trading are evident behind providing law certificates in many law colleges. In many cases, after achieving an enrollment certificate, advocates do not get involved in the legal profession with their enrollment certificates but rather do other jobs. The Bar Council is not keeping proper records of this. These advocates are not practicing advocates but only voters. It has been alleged that certain legal leaders facilitate irregular enrollment certificates primarily to increase voter numbers.⁹ On the other hand, Interviewee 2 did not hear about that. He does not think that it happens very often; even if it happens, it is a rare case. In addition, bias is a major issue in the enrollment process for the Bar Council. In many cases, this is done without following the rules of the Bar Council. A writ petition was filed challenging a gazette notification allowing Md. Jumman Siddiqui, son of High Court Justice Md. Abu Zafar Siddiqui, to practice law in the High Court despite failing the Bar Council Advocacy Enrollment Examination multiple times. That writ petition was refused to be entertained by two benches of the High Court.¹⁰

There is a lack of transparency and accountability in the Bar Council Enrollment Procedure. Respondent 5 of Group 1 suggested that there should be a review system for MCQ exams, and it should show how many marks a student has obtained at each stage. Therefore, here it is seen that the lack of transparency can raise questions about the fairness

⁷ Tuhinur Rashid, 'Recommendation to Pass 300 Students in the Bar Council' (Translated from Bengali) Itvbd.com (30 June 2025) <<https://bit.ly/3LbF5KL>> accessed 9 August 2025.

⁸ Jamuna Television, 'Unusually Difficult Bar Council Exam Question Paper; Miscreants Took Away the Notebooks' (YouTube, 19 December 2020) <<https://youtu.be/e9t04Wp8NMw>> accessed 25 November 2024 (video in Bengali, translated by author).

⁹ Jaijaidin, 'Questions That Need Answers before the Bangladesh Bar Council Examination' *Jaijaidin*, (17 May 2022) <<https://www.jaijaidinbd.com/feature/law-and-justice/259343>> accessed 25 November 2024 (translated from Bengali by author).

¹⁰ Dhaka Tribune, 'Enrolment of Judge's Son as Advocate: Another HC' *Dhaka Tribune* (11 December 2019) <<https://www.dhakatribune.com/bangladesh/court/195863/enrolment-of-judge%E2%80%99s-son-as-advocate-another-hc>> accessed 25 November 2024.

of the enrollment procedure. If transparency can be ensured in the enrollment process, then it is possible to determine the extent to which corruption and biasness affect it.

When looking for corruption, political influence, or bias in the enrollment procedure, the issue of transparency of that procedure comes up along with this issue. Through the discussion, it is clear that there is a lack of transparency and accountability in this procedure, which raises questions about corruption, political influence, or biasness in the minds of many. During this investigation, different stakeholders raised various allegations of corruption, political influence, and bias. However, sufficient evidence to confirm these claims was mainly found in the Attorney General's statements. These findings underscore the urgent need to enhance transparency and accountability in the enrollment procedure and to take effective measures to prevent corruption, political influence, and bias, thereby restoring trust and ensuring fairness within the Bar Council.

Inefficient Exam Procedure Mismanagement

The second argument focuses on how effectively the examination process is managed. In this context, a number of criticisms have been made. While some contend that the enrollment exam is administered irregularly, others draw attention to the necessity of decentralization due to the small number of examination centers. Additionally, there are worries that rather than using technology-based systems, the process depends too much on manual administrative procedures. Additionally, there have been reports of disruptions in exam rooms that jeopardize the quality of the test. Below, these concerns will be examined.

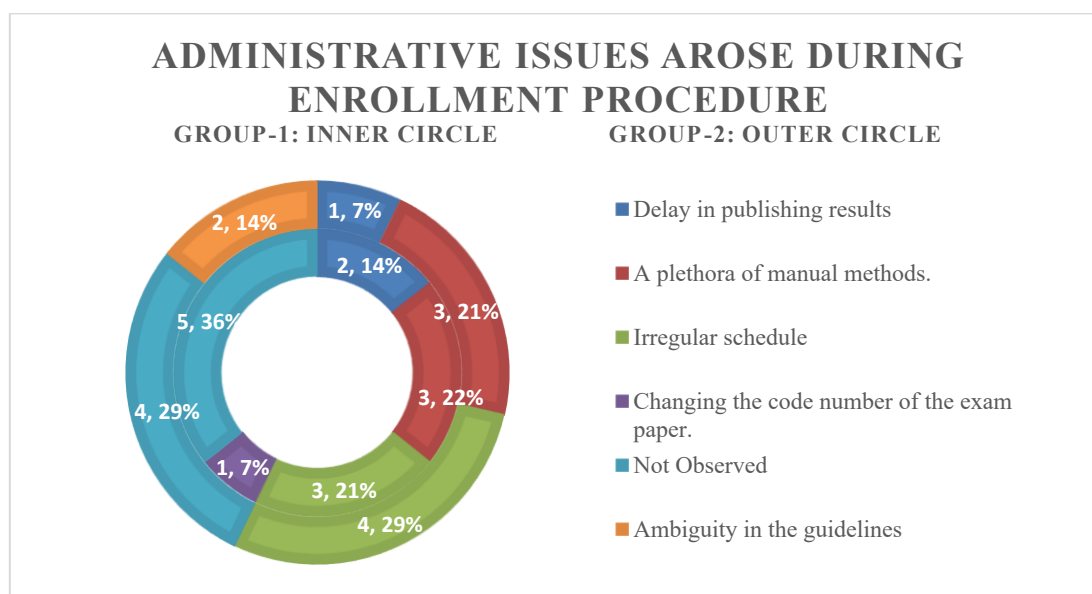


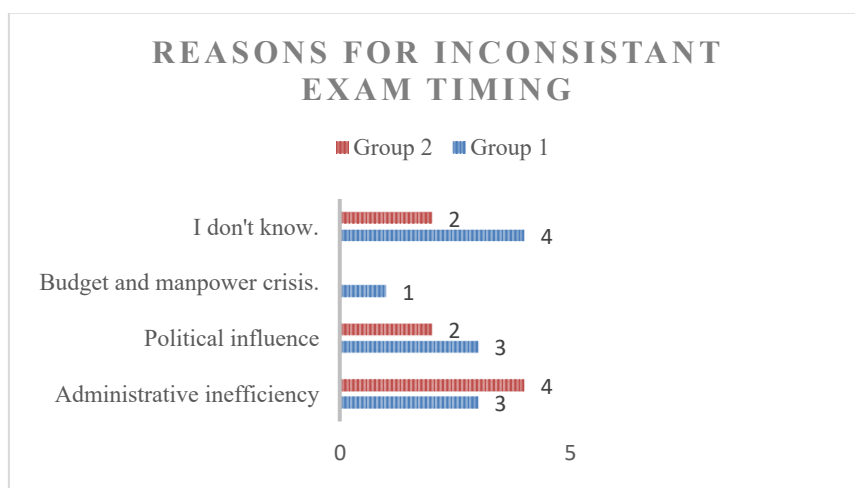
Figure 3: Administrative issues arose during Enrollment procedure.

Through semi-structured questions, Group 1 and Group 2 were asked what kind of administrative problems they faced during the exam. They had the opportunity to give multiple answers. Here, several problems were mentioned, such as a delay in publishing

results, a plethora of manual methods, an irregular exam schedule, and changing the code number of the exam paper. Group 1 said that the biggest problem was delay in publishing results, followed by a plethora of manual methods. On the other hand, according to Group 2, there were basically two main problems. One of them was the irregular exam schedule, and the other was the delay in publishing results.

The first problem was the irregular exam schedule. Due to the lack of regular examinations, their professional careers are suffering from uncertainty. The apprentice lawyers and law students demand that this problem should be solved by conducting examinations on time and simplifying the process. The lack of regular enrollment examinations is one of the failures of the Bar Council Association. As a result, a law student is not able to start practicing even after graduating from law. Before 2003, the enrollment examination used to be held every six months. However, in 2012, after the addition of Article 11B to the Bangladesh Legal Practitioners and Bar Council Order, 1972, which increased judicial influence on the enrollment examination, the exams began to be held very irregularly. In many cases, one has to wait 2-3 years to sit for this enrollment examination.¹¹

The Supreme Court has issued directions to the Bar Council on the grounds that the Bar Council is failing to conduct regular examinations. In 2017, the Supreme Court had issued directions saying that the Bar Council should conduct the Bar Enrollment Examination at least once in every calendar year. It was also stated that no one above the age of 40 should be certified as a lawyer.¹² Respondent 5 of Group 1 also suggested that Bar Council should take exams at a specific time every year.



¹¹ Newsflash, 'Apprentice Lawyers Want Only Certificate, Not Job-Salary (Translated from Bengali)' *Newsflash* (Dhaka, 20 August 2024) <<https://www.newsflash71.com/law/article/34466>> accessed 25 November 2024.

¹² *Bangladesh Bar Council and Ors v AKM Fazlul Kamir and Ors* (2017) 14 ADC 271.

Figure 4: Reasons for inconsistent exam timing.

Groups 1 and 2 were asked for the reasons for the inconsistency in the scheduling of the Bangladesh Bar Council Enrollment Examination. It is noticeable that the highest number of people in Group 1 thought it was an administrative failure and it was due to political insurance. On the other hand, the highest number of people in Group 2 thought it was an administrative failure, and some of them believed it was due to political influence.

However, whatever the reason, the irregular Bar Council examinations are leading to fewer good students entering this profession. Many of those who come are disappointed and move on to other professions. If this problem is not resolved, Bangladesh will face a huge shortage of good advocates, and the common people of Bangladesh will remain deprived of basic legal needs.

Respondent 4 of Group 1 believes that the delay in publishing results is one of the administrative problems that is frustrating for a young lawyer. This delay can hinder their ability to secure job opportunities or plan their next steps in their legal careers.

Another important issue of the Bangladesh Bar Council Enrollment Examination is the centralization of exam centers. Since the exam center is located only in Dhaka, all candidates outside Dhaka have to travel to Dhaka to participate in the exam, which results in students wasting their money and time. Respondent 3 from Group 1 stated that there have been problems with accommodation, food, and transportation due to the absence of exam centers in the divisional cities. Respondent 2 from Group 2 believed that to make this examination system more effective, these exam centers should be located in every divisional city of Bangladesh, not just in Dhaka. In addition, there are not enough facilities in the examination room. Respondent 2 from Group 1 stated that teachers talk amongst themselves in loud voices in the exam hall. Many rooms do not have clocks. In addition, there is no alternative arrangement for adverse natural disaster times.

Excessive examination fees are another issue. The application fee for the 2025 Enrollment Examination was set at 4200 taka, which is much higher than any other exam in Bangladesh. In protest, law students from various universities, including Rajshahi University, held a protest rally.¹³

Another important issue is that this exam follows a plethora of manual methods. In the conducted survey, both groups, Group 1 and Group 2, considered a plethora of manual methods to be an administrative failure. Group 1 had 22 percent of people in favor of this, and Group 2 had 21 percent.

In the first part of enrollment procedure, when a law graduate or a lawyer has to take the pupillage, he must go to Dhaka to submit his important documents manually. If another

¹³ Ajker Patrika, 'RU students demand reduction of Bar Council exam fees' (4 March 2025) <<https://www.ajkerpatrika.com/bangladesh/ajpz36qe9uhqw>> accessed 12 June 2025.

third party is assigned the responsibility of submitting these documents, then the third party may have to pay additional fees.¹⁴ In addition, from passing a law graduate's exam to getting his advocate listed, there are various manual procedures that are unnecessary in this era of information and communication technology. Instead, if the problems could be solved through the use of online resources, then the suffering would be reduced to a great extent.

The discussion refers to serious mismanagement in the way the Bar Council examination procedure was administered. Issues such as not conducting regular exams, delays in publishing results, centralized exam centers, and poor environments at exam centers indicate mismanagement. To rectify these problems, it is imperative that the Bar Council establish a consistent examination schedule, decentralize examination centers, improve the condition of examination halls, and release results on time in order to improve the efficacy and credibility of the examination.

Mismatch among Legal Education, Enrollment Procedure and Legal Profession

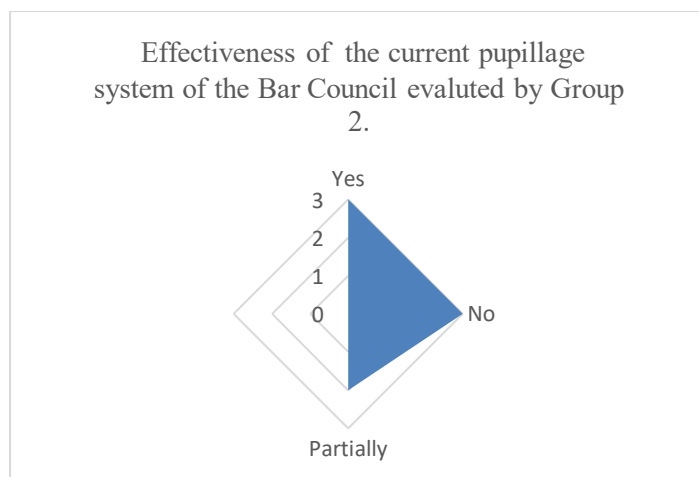
The third debate is that there is a considerable amount of inconsistency between legal education and the enrollment procedure. In addition, many believe that legal education should be taught in a professional way, which is not the case in Bangladesh, and so the enrollment procedure is unable to select a sufficient number of skilled and good advocates. This section will highlight the differences between the Bangladesh Bar Council Examination and legal education in Bangladesh. In addition, a critical examination will be made on how legal education should be and how the enrollment procedure should be.

The enrollment procedure is very backdated and memory-based. A law graduate first has to undergo a six-month pupillage under a lawyer with at least 10 years of experience, and then he can take the Bar Council Enrollment Examination. After 2012, this exam is held in three layers: first the MCQ, followed by the written test, and finally the viva voce. It is a theory-based exam instead of practical knowledge of law. As a result, many incapable students are becoming advocates only of rote knowledge. As a result, they are facing various problems while practicing. In many cases, they are unable to do various drafting properly. Many are also unaware of how to respect the court. The current emphasis on rote memorization in the Bar Council examination limits the development of practical advocacy skills.¹⁵

| | | |
|------------------------------------|-----------------------|---|
| Amount of experience working | Less than 3 months | 4 |
| | 3-6 months | 3 |

¹⁴Badhan Roy, "How to Fill Up Bangladesh Bar Council Intimation Form or Pupilage Registration Form" (YouTube, BadhanRoy) <<https://www.youtube.com/watch?v=ifOSbEpJDtw>> accessed 11 June 2025.

¹⁵ Nazmul Hasan, 'Bar Council Enrollment Exams: Time to Rewrite Rules' *The Daily Sun* (29 July 2020) <<https://www.daily-sun.com/printversion/details/496783>> accessed 25 November 2024.



| | | |
|-----------|------------|---|
| under | 6 months - | |
| senior | 1 year | |
| advocates | More than | 1 |
| | 1 year | |

Figure 5: Effectiveness of the current bar council enrollment procedure evaluated by Group 2.

Based on the information received from Group 2, it is seen that three out of the eight participants think that the current pupillage system is an efficient system, while five are seen to have the opposite opinion. Three of them think that it is not an efficient system, while two think that it is partially efficient.

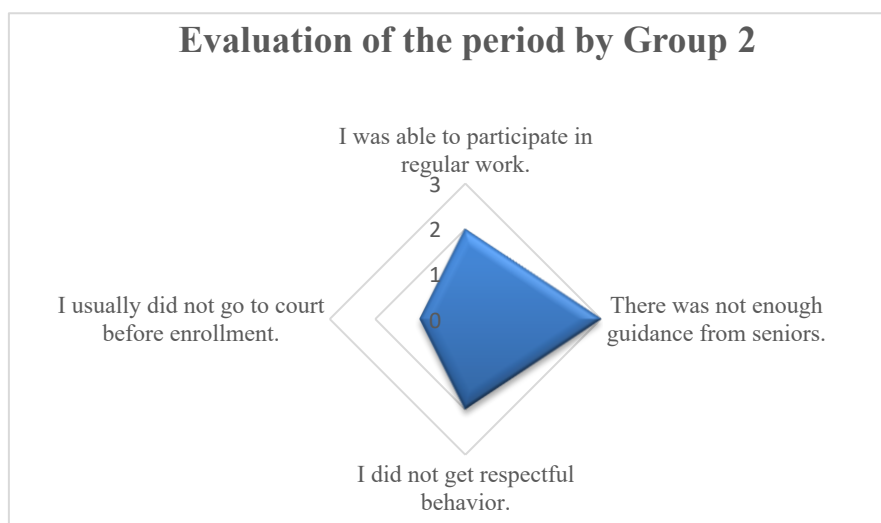


Figure 6: Evaluation of enrollment period by Group 2.

Meanwhile, when asked to describe their experiences during that period, several negative aspects emerged. For example, most of them said that they did not receive much guidance from their seniors during that period. Also, two of them said that they did not receive enough respectful behavior from their seniors. It is also seen that respondent no. 5 had never been to court before the enrollment examination.

To investigate further into this topic, according to the expert's opinion, the pupillage system in Bangladesh is not effective. Interviewees 1, 2, and 3 said that after getting the law degree, they take pupillage in name only, collect case diaries from somewhere, and pass

the enrollment exam. As a result, the purpose for which the pupillage system was made is not fulfilled. Interviewee 3 said that the pupillage system in Bangladesh does not work, and it is an open secret that they do not go to court. Interviewee 1 stated that most university graduates who do their master's do not have time to go to court. As a result, they do not appear in court and only collect case diaries to pass the enrollment exam. Interviewee 2 told us that the pupillage system has become completely ineffective and that it is not ethical for someone to get a Bar Council certificate in this way.

Interviewee 3 said, 'Good judges come from a good bar.' According to him, one of the reasons why good judges are not being produced in Bangladesh is that the advocates of Bangladesh do not have the necessary advocacy skills. As a result, they are not able to coordinate with the judges. He gave a description of a case and said that a client was entitled to 88 decimals of land, but the lawyer claimed only 60 decimals. In this way, a common citizen is being deprived of the right to the law. There are several disciplines in the world that require a professional degree. Such as medical engineering, law, etc. In Bangladeshi universities, an honors degree in law is given instead of a professional degree. But here a professional degree is required because those who are studying at the university are not able to apply that knowledge. As a result, when they enter the court after obtaining this academic degree, their studies do not match the court's practice. According to Respondent 3 of Group 2, an advocate is not the same as a professor. Court practice and book knowledge are different. Many university professors have never been to the courtroom. Therefore, by analyzing these, it can be clearly said that there is no compatibility among legal education, court practice, and the enrollment process.

To control the quality of legal education, the Bangladesh Bar Council has set a limit of 50 students per session in private universities. Law colleges where two-year pass courses are offered are seen taking admissions of more than a hundred students in the same session. It is known that Noakhali Law College has more than a hundred students enrolled in a session. On the other hand, Comilla Law College has about five hundred law students. Bar Council certificates are given with many irregularities. There are a lot of students who join various party politics in the hope of enrollment certificates, and these unscrupulous lawyers help them in their enrollment in the hope of getting votes. This is the picture of more than 70 law colleges in Bangladesh.¹⁶

When interviewee 1 and interviewee 2 were asked about the quality of law colleges, they said in one sentence that the quality of education at law colleges is not good. They also admitted that there is political influence in law colleges. When asked about their opinion on closing law colleges, they said that good advocates have come out of law colleges

¹⁶ The Daily Campus, 'Law education in colleges is open; private universities have conditions attached (Translated from Bengali)' *The Daily Campus* (Dhaka, 4 August 2023) <<https://thedailycampus.com/private-university/121406>> accessed 25 November 2024.

at different times in the past. Therefore, these law colleges should not be closed all at once but should be brought under a policy to ensure quality education.

Realizing the failure of the pupillage system, Interviewee 2 said that a six-month pupillage certificate cannot be given without practicing in court or working under a senior. He also emphasized getting professional skills. On the other hand, Interviewee 1 said that an internship can be arranged with university teachers, advocates, and judges where students will work under an advocate, and the judge and law teacher will verify this issue. He stated that a special semester can be organized in this regard. On the other hand, Interviewee 3 stated that, according to the interests of the students, internships can be arranged in the office of GP (Government Pleader) in the case of civil cases and PP (Public Prosecutor) in the case of criminal cases. Here, continuous evaluation will be done by the judge and university teachers, and on the basis of this, he will be numbered and given a certificate.

When Group 1 were asked to recommend a few important reforms, they emphasized adding real advocacy skills as the most important reform. Respondent 1 from Group 1 said that prominent judges of the Supreme Court used to take training in the past, but now that does not happen. Respondent 9 from Group 1 stated that training should be provided to enhance professional skills.

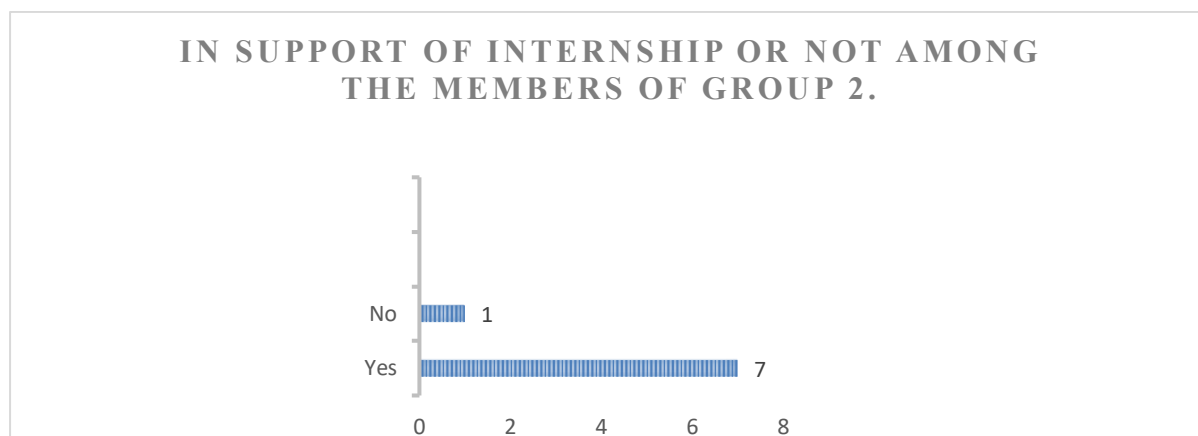


Figure 7: In support of or against internships among members of Group 2.

Through a structured question, people in Group 2 were asked whether they were for or against internships. Seven out of eight people gave their opinion in favor of internships. Respondent 5 from Group 2 said that instead of the Bar Council, students should gain practical legal knowledge through a compulsory internship or course at the undergraduate level, supervised by the law department or university. Respondent 2 from Group 2 stated that there should be opportunities to engage in real work with financial incentives, much like internships for doctors or BBA students.

With the help of facts and data, it can be understood that there is no harmony between legal education, the legal profession, and enrollment procedures for advocates in

Bangladesh. As a result, good advocates are not being produced. To bridge this gap, there must be improved coordination between legal education institutions, the Bar Council Enrollment procedures, and the vocational requirements of the legal profession. Curriculum reforms need to target professional requirements, and Enrollment criteria need to capture skills needed in practice. Strengthening partnership between academia, regulators, and practitioners will guarantee the output of well-qualified advocates able to provide standards demanded by the profession.

Excessive Power of the Judiciary over the Enrollment Procedure

The fourth debate is about the influence of the judiciary over the bar council enrollment procedure. In the Enrollment Committee of the Bar Council of Bangladesh, three out of the five members come from the judiciary, while the chairman himself comes from the judiciary. Among the remaining two, one is the Attorney General, and the other is a member of the Bar Council.¹⁷ At various times, questions are raised by advocates about the interference of the judiciary in the Bar Council. The study conducted interviews with various stakeholders in the judiciary regarding this interference in the internal affairs of the Bar Council. These issues are critically analyzed below.

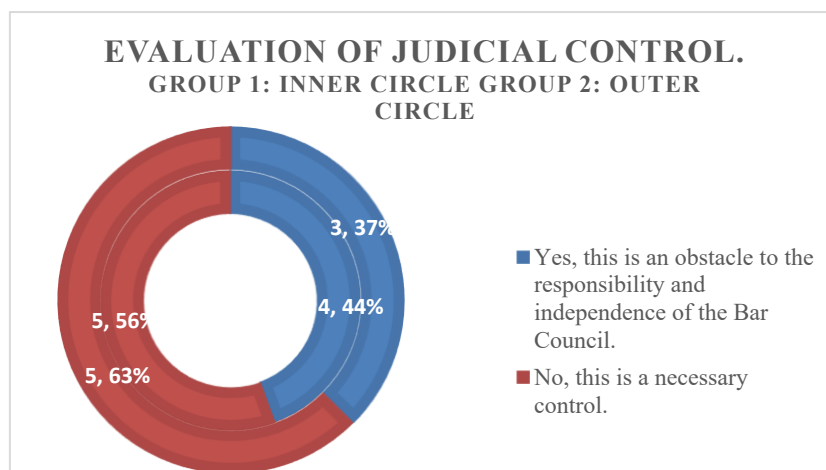


Figure 8: Evaluation of Judicial Control.

When Group 1 and Group 2 were asked questions through the survey questionnaire, Group 1 gave a fairly ambivalent answer, and although 4 said it interfered with autonomy, 5 did not think so. On the other hand, a significant portion of Group 2 thought that the control exercised by the judiciary was crucial. Regarding this issue, Group 1 respondent 5 said that the Bar Council should question itself as an autonomous body. On the other hand, Group 1 respondent 8 said that the Bar Council is corrupt, so it is better to take the exam through BJSC.

¹⁷ The Bangladesh Legal Practitioners and Bar Council Order 1972, *Supra* Note (n 2).

When asked about the opinion of Interviewee 1 on this issue, he said that generally it would seem that the bar and the bench are separate places, but for complete justice, the collaboration of the two groups is needed. The entire justice system should come under the same umbrella to run, but in the current condition, the way the judiciary is controlling it can be seen as interference. On the other hand, Interviewee 2 stated that it is possible to select quality advocates by working together with the bar and the bench. Also, if only the members of the bar council enroll on their own, then there is a possibility of corruption. If the judiciary is present there, then any unilateral corruption can be prevented through checks and balances. However, if three out of five members are from the judiciary, he thinks that the number of members of the bar council in this committee can be increased. Interviewee 3 also thinks that the judiciary should have an influence here because they listen to the submissions of the advocates and participate directly in the trial process.

All stakeholders believe that the Bar and the Bench should work together. Nevertheless, that should be within certain limits. The representation of the Bar Council in the enrollment committee should be increased. However, the Bar Council should ensure transparency and gain the trust of the stakeholders, which is lacking.

Time for Reforms or Systemic Shift

Every system in the world is not always equally effective. Over time, even the best systems lose their effectiveness. Anytime a system malfunctions, it must be reformed. Systemic change is required if the system entirely loses its effectiveness. Below, the paper will examine critically how relevant these specific issues are to the Bangladesh Bar Council.

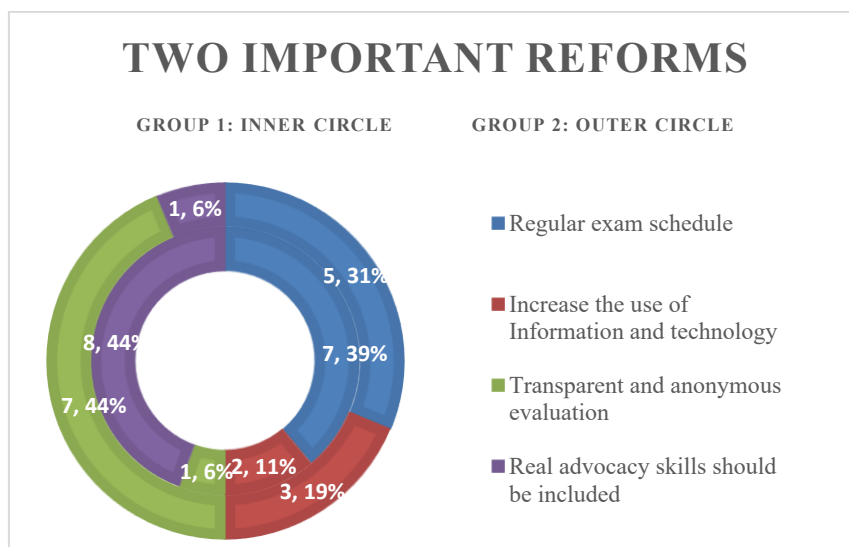


Figure 9: Two important reforms by Group 1 and Group 2.

Group 1 and Group 2 were asked about what kind of reforms should be brought to the Bangladesh Bar Council Enrollment Procedure, where each participant gave two opinions in the semi-structured questionnaire. Based on that, they gave their opinion that the

following reforms, such as a regular exam schedule, increased use of information and technology, transparent and anonymous evaluation, and real advocacy skills, are necessary. Respondents 2, 3, and 4 from Group 1 and Respondents 2 and 7 from Group 2 emphasized reducing political influence; Respondent 5 from Group 2 emphasized transparency; and Respondent 5 from Group 1 stated that the exam fee is too high. It needs to be reduced. Respondent 3 from Group 2 emphasized the importance of decentralization of exam centers. The previous information suggests that these reforms are important and should be introduced immediately.

According to Interviewee 3, law is a professional subject, so one should be given a professional degree, which must include practical experience. This requires systemic change. According to him, advocate enrollment should be a process that continues throughout the year. Students will earn their certificate by taking exams combining their studies, present intelligence, moot court, drafting, etc. According to him, there is a distance between university teachers and the legal profession. This issue can also be understood from the words of interviewee 2. According to him, those involved in the subject of law should be brought under one umbrella. It is not a good idea to keep the certificates of those who are working as teaching professionals and legal advisors suspended for that period. Especially if teachers can be directly involved in this profession, they can teach through practical experience in the classroom. This issue also applies to judges and advocates. If they can be involved in the classroom, legal education will progress. According to clause 8 of Chapter 4 of the Canons of Professional Conduct and Etiquette, 1969, of the Bangladesh Bar Council, an advocate shall not, as a rule, pursue any other profession or business or be an active partner in or a salaried official or servant in connection with any such profession or business.¹⁸ This is one of the hindrances between legal profession and legal education. Also, in *Bangladesh Bar Council and Ors v A.K.M. Fazlul Kamir and Ors*¹⁹, the then Chief Justice S. K. Sinha drew the notice of the Bar Council and observed - if retired judges can practice as lawyers directly in the High Court division, then why cannot university law professors, being engaged in strengthening the judiciary in the arena of law teaching, be granted the same facility. Analyzing these issues, it is seen that bridging the gap between legal education and the profession is the need of the present time. It is seen that systemic change is needed to create quality advocates and provide complete justice to the people.

Systemic change is a big and time-consuming matter. However, there is no alternative to systemic change to establish complete justice. The Bangladesh Bar Council needs to move towards systemic change for the sake of the rule of law by bringing in the most important reforms we need.

¹⁸ Saeed Ahsan Khalid, 'Ain Shikkha o Ain Peshar Setubandhone Protirodhkora: Ekti Porjalochona' (Lawyers Club Bangladesh, 30 March 2025) <<https://shorturl.at/7pTNF>> accessed 13 June 2025.

¹⁹ *Bangladesh Bar Council and Ors v AKM Fazlul Kamir and Ors*, *Supra* Note (n 12).

Conclusion

The analysis of the Bangladesh Bar Council enrollment procedure reveals multiple structural and administrative deficiencies. According to survey results and interviews, ineffectiveness and poor management are exacerbated by centralized examination centers, inconsistent exam schedules, excessive enrollment costs, and manual administrative processes. The need for increased transparency and accountability is highlighted by the empirical data from Groups 1 and 2, as well as by the opinions of legal professionals and experts in academia. These findings underscore enduring worries about bias, political influence, and corruption. Additionally, because pupillage and theoretical exams fall short in preparing advocates for the demands of the courtroom, the current enrollment process exhibits a serious mismatch with legal education and professional practice. While some stakeholders view judicial involvement as a safeguard against malpractice, others believe it goes too far, highlighting the need for balanced oversight. Actionable reforms, such as regularizing and decentralizing exams, integrating internships and practical training, improving coordination between law schools and the Bar Council, establishing transparent evaluation procedures, and fostering genuine advocacy skills, are needed to address these issues. Implementing these reforms and pursuing systemic change will not only improve the efficiency and fairness of the enrollment process but also strengthen professional standards, access to justice, and the overall credibility of the legal profession in Bangladesh.

Bibliography

Shoaib ASR, 'Type of Advocates and Enrollment Procedure' (Lawyers Club Bangladesh, 15 July 2019) <<https://lawyersclubbangladesh.com/en/2019/07/15/types-of-advocates-and-enrollment-procedure/>> accessed 13 June 2025

Jamuna Television, 'Unusually Difficult Bar Council Exam Question Paper; Miscreants Took Away the Notebooks' (YouTube, 19 December 2020) <<https://youtu.be/e9t04Wp8NMw>> accessed 25 November 2024

Jaijaidin, 'Questions That Need Answers before the Bangladesh Bar Council Examination' (Jaijaidin, 17 May 2022) <<https://www.jaijaidinbd.com/feature/law-and-justice/259343>> accessed 25 November 2024

Dhaka Tribune, 'Enrollment of Judge's Son as Advocate: Another HC' *Dhaka Tribune* (11 December 2019) <<https://www.dhakatribune.com/bangladesh/court/195863/Enrollment-of-judge%E2%80%99s-son-as-advocate-another-hc>> accessed 25 November 2024

Newsflash, 'Apprentice Lawyers Want Only Certificate, Not Job-Salary (Translated from Bengali)' *Newsflash* (Dhaka, 20 August 2024) <<https://www.newsflash71.com/law/article/34466>> accessed 25 November 2024

Bangladesh Bar Council and Ors v AKM Fazlul Kamir and Ors (2017) 14 ADC 271

Tuhinur Rashid, 'Recommendation to Pass 300 Students in the Bar Council' (Translated from Bengali) *Itvbd.com* (30 June 2025) <<https://bit.ly/3LbF5KL>> accessed 9 August 2025

Ajker Patrika, 'RU students demand reduction of Bar Council exam fees' (4 March 2025) <<https://www.ajkerpatrika.com/bangladesh/ajpz36qe9uhqw>> accessed 12 June 2025

Roy B, "How to Fill Up Bangladesh Bar Council Intimation Form or Pupilage Registration Form" (YouTube, BadhanRoy) <<https://www.youtube.com/watch?v=ifOSbEpJDtw>> accessed 11 June 2025

Hasan N, 'Bar Council Enrollment Exams: Time to Rewrite Rules' *The Daily Sun* (29 July 2020) <<https://www.daily-sun.com/printversion/details/496783>> accessed 25 November 2024

The Daily Campus, 'Law education in colleges is open; private universities have conditions attached (Translated from Bengali)' *The Daily Campus* (Dhaka, 4 August 2023) <<https://thedailycampus.com/private-university/121406>> accessed 25 November 2024

Khalid SA, 'Ain Shikkha o Ain Peshar Setubandhone Protirodhkoto: Ekti Porjalochona' (Lawyers Club Bangladesh, 30 March 2025) <<https://shorturl.at/7pTNF>> accessed 13 June 2025

Bangladesh Bar Council and Ors v A.K.M. Fazlul Kamir and Ors (2017) 14 ADC 271