



BILIA
The First Think Tank Organization of Bangladesh

CONFERENCE REPORT

13-16 JANUARY 2022

LAW & LEGAL EDUCATION DURING AND POST-PANDEMIC

ORGANIZED BY

BANGLADESH INSTITUTE OF LAW AND INTERNATIONAL AFFAIRS (BILIA)

IN COLLABORATION WITH

ASIAN ASSOCIATION OF LAW PROFESSORS (AALP)



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PROLOGUE

The outbreak of novel coronavirus disease (COVID-19) has a multidimensional impact on human society and development. This pandemic exposed us to various problems/issues relating to socio-economic, political, and cultural arenas that we might have overlooked. Law and legal education are some of those areas of crucial concern. In collaboration with the Asian Association of Law Professors (AALP), the Bangladesh Institute of Law and International Affairs (BILIA) organized an international conference from January 14-15, 2022, under the title of "Law and Legal Education During and Post Pandemic" to explore the impact of the COVID-19 pandemic on the emergence of new legal jurisprudence and the role of legal educators as well as students of law in this changing scenario.

CONFERENCE HIGHLIGHTS

Under the title of Law and Legal Education During and Post Pandemic, the two-day-long International Conference took place in BILIA, Dhaka, Bangladesh. Participants from India, Nepal, Vietnam and Bangladesh actively participated and presented their papers. The session comprised of nine sessions including opening and plenary session. Under the above title of the Conference, each session had a sub-title/ theme and papers were allocated and presented accordingly based on the theme of each paper. In day 01, apart from opening, there were 02 papers presented in the plenary session, and 07 papers were presented under other sessions which were segmented under sub-titles; COVID-19 and Legal Education in Asia, Legal Education in a Changing World: A Comparative Analysis, respectively. In day 02, there were 22 papers presented under the sub-titles; Legal Rights during the Pandemic, Pandemic and Emerging Horizons of Human Rights, Pandemic and Emergence of a New Jurisdiction, the Pandemic and the Challenges for Law and Education, and Myriad Dimensions of Law and Education, respectively.

MODE

The conference was held with physical participation. The program was held at the BILIA Auditorium as well as in a temporary venue established within BILIA premises with limited in-person participation of designated guests, contributors, and media personnel. Paper presenters and foreign guests actively joined the conference via online zoom conferencing.

Day 01: 14 January 2022

OPENING SESSION:



The Opening ceremony of the International Conference commenced with a rendition of the national anthem of Bangladesh. The welcome speech of the session was delivered by Professor Dr. Mizanur Rahman, Director, BILIA, followed by an online speech by the President of AALP and the Executive Director of Kathmandu School of Law (KSL), Professor Dr. Yubaraj Sangroula. The event was also enlightened by the address of the Special Guest, Prof. Dr. Md. Rahmat Ullah, Dean, Faculty of Law, University of Dhaka and the Chief Guest H. E. Dr. A.K. Abdul Momen, M.P., Hon'ble Foreign Minister, Ministry of Foreign Affairs, Government of Bangladesh. Barrister M. Amir-Ul Islam, Chairman, BILIA and Senior Advocate, Supreme Court of Bangladesh, also made valuable remarks. The opening session ended with a vote of thanks by Ambassador Muhammad Zamir, Alternate President and Life Member of BILIA. The session was moderated by Ms. Tamanna Moureen.

WELCOME ADDRESS:

The Director of BILIA, Professor Dr. Mizanur Rahman, delivered the welcome address. A warm welcome was conveyed to the chairman of BILIA, the honorable chief guest, the President of AALP, the special guest, the alternate president of BILIA, and the respected guests and executive council members. He also welcomed the delegates from India, Nepal, Vietnam and Bangladesh with equal importance who joined online due to the sudden onslaught of Covid-19. Professor Rahman recalled the remarkable history of the BILIA premises, which witnessed various historical events related to the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman and Huseyn Shaheed Suhrawardy.

This year, BILIA would celebrate 50 years since its establishment, commencing the year this international conference on “Law and Legal Education During and Post Pandemic” would mark as a good start. Professor Rahman expressed his hope that the papers that would be presented at the conference would shed light on the multidimensional impact of the pandemic on law and legal education.

It has been a while that covid 19 is prevailing in the world and impacting lives as a whole. In this long-standing stagnant situation, where we are not being able to find any situation, a call for this conference showed a good response and in a vast number of papers amongst those speak about the enormous interest the conference has generated amongst academic researchers, young professionals, and scholars. Professor Rahman mentioned about BILIA’s role as a pivotal think tank in the society and he believes that his conference would add a valuable contribution to the academia in understanding the impact of this new era.

The unflinching support of AALP, a forum of the legal fraternity in Asia that propagates anti-colonial, anti-imperialist homegrown national jurisprudence based on equality, human dignity, and social justice, was heartily acknowledged by the Director of BILIA, Professor Rahman. He concluded his welcome speech with the hope and determination to act as a motivational input in our pursuit of excellence in legal education, leading to the enactment of pro-people, human rights friendly legislation in our respective jurisdictions. He once again thanked the respected guests and participants who supported the venture of BILIA and for the happening of this conference.

MESSAGE BY THE PRESIDENT OF AALP:



Professor Dr. Yubaraj Sangroula, President of (AALP), joined the conference from Nepal through online zoom platform. He showed homage to special guest, chief guest, chairman of BILIA and guests from Bangladesh and Nepal online and offline. He reflected on the aims of AALP, which promotes solidarity among Asian professors with a special focus on the decolonization of our legal systems, education, and judicial systems. In the past, AALP had a few conferences, and one was held in Kathmandu in 2019 and another in July 2021, wherein interesting papers were presented virtually by people from different jurisdictions on COVID situations and the changing role of legal and social aura.

Professor Dr. Sangroula then congratulated BILIA on its 50 years of establishment as a distinguished think tank in South Asia and for organizing this conference on 'Law and Legal Education During and Post Pandemic'. He also appreciated the tremendous effort of the Institution to connect the international law and legal system of Bangladesh and South Asia. Professor Dr. Sangroula in his speech then highlighted the historical relationship between Nepal and Bangladesh, mentioning the recognition of Nepal at the time of separation of Bangladesh from Pakistan and the participation of many people from Nepal during the liberation war.

He thanked Professor Dr. Rahman for taking the initiative on organizing the conference on topic related to the pandemic, addressing various aspects of our lives, and more profoundly the presence of distinguished guests from the government of Bangladesh (GoB) at the conference gives him a hope of many more joint conferences and working together with BILLA. In his speech he addressed academic environment of youngsters which is changing due to pandemic situations, and such situations can only be handled through interaction amongst colleagues and peers, which is challenged due to covid. As a result, the quality of education has dropped, especially the legal education, which highly depends on clinical education both in Bangladesh and Nepal. Institutions failed to provide quality education, clinical methods and representations.

While expressing his views professor Dr. Sangroula further stated that with time and tide of covid we might have to face new challenges with variations of covid. He realized that society and democracy needed to be functional and that the economy needed to be protected from trampling down on social justice for everyone, even in this pandemic situation. Professor Dr. Yubaraj Sangroula after thanking the organizer of the event and the honorable guests ended his speech by hoping to organize future conferences in Kathmandu, Nepal.

ADDRESS BY THE SPECIAL GUEST:



Dr. Md. Rahmat Ullah, Professor and Dean of the Faculty of Law at the University of Dhaka, headed the conference as a special guest. In his speech, Dr. Md. Rahmat Ullah expressed his concerns regarding the current pandemic situation and the crisis the education sectors of different countries around the world including Bangladesh are facing now. Moreover, in response to the COVID situation, the government is under the impulsion to call for a lockdown and sometimes impose restrictions where human rights are curtailed.

Bangladesh is currently thinking about its demographic dividend. If education is not continued as it has traditionally been, Prof. Dr. Ullah feared that this dividend would turn into a demographic burden. He further said that we would have to rethink everything to come up with some legislation that would address our problems in the new normal situation. The intellectual richness of BILIA and the papers presented at the conference would help to find a path to frame legislation for this new normal situation. He ended his speech by thanking BILIA for arranging this conference and addressing the impact of COVID on legal education.

ADDRESS BY THE CHIEF GUEST:



His Excellency Dr. A. K. Abdul Momen M.P., Honorable Foreign Minister, Ministry of Foreign Affairs, Govt. of Bangladesh, was the chief guest of the inaugural session. He thanked Prof. Dr. Mizanur Rahman for organizing such an event to celebrate two historical events, the birth centenary of Bangabandhu Sheikh Mujibur Rahman and the golden jubilee of Bangladesh's independence.

The pandemic has taken away many of our freedom of choice. According to Dr. Momen, it is one of the most challenging times of our lives and COVID has a multifaceted impact on the nexus of human security and human development. Moreover, the government had taken different innovative actions, from restricting the fundamental rights of the citizens without invoicing emergency provisions to adopting new legal concepts. Restrictive measures such as lockdown, social distancing, and wearing masks have been adopted.

Dr. Momen further expressed that it is no longer a luxury for citizens not to know the law. He expressed his delight for organizing the conference and addressing the unique challenges the legal arena is facing. He then reminisced the rich history of BILIA and the BILIA premises, the Suhrawardy Bhaban that witnessed many historical events and the organization.

He briefly mentioned the initiative taken by BILIA in 1973 in writing the first draft of the International Crimes Tribunal Act and the organization of the third international criminal law Conference, which was a step towards the establishment of the International criminal court. Mr. Momen ended his speech with an optimistic remark towards BILIA's future endeavors for new world order, legal laws and frameworks that the nation may have to go through in the future.

SPEECH BY THE CHAIRMAN OF BILIA:



The Chairman of BILIA, Barrister M. Amir-Ul Islam, Senior Advocate, Supreme Court of Bangladesh, commenced his speech with his greetings towards the respected guests and participants present at BILIA. He congratulated everyone, and in particular Professor Dr. Mizanur Rahman, for successfully arranging this conference in connection with other SAARC countries. He expressed his hope that this conference would revive the role of SAARC law.

He also shared historical events relating to the creation of BILIA as an independent research-oriented think tank organization under the direction of the father of the nation, with the objective of helping the nation in strengthening the rule of law, good governance, human rights, as well as international cooperation and understanding. Barrister M. Amir-Ul Islam further shed light on the earlier role of BILIA and its function in legislative drafting and conducting judicial training.

He briefly mentioned the drafting of the International Crimes Tribunal Act 1973 and the 3rd international criminal conference that recognized BILIA as a - of excellence in the international arena. After a brief discussion on the mission and objectives of BILIA, he discussed the impact of covid 19, which can be viewed from an individual as well as societal viewpoint, and how the rights of citizens were curtailed in the challenging time. He expressed his delight at the organization of this event and the research papers presented by various scholars, which hopefully would be beneficial to society and help build a new jurisprudence.

VOTE OF THANKS:



Ambassador Muhammad Zamir, Alternate President, and Life Member, BILIA, Former Chief Information Commissioner of the Government of Bangladesh, began his remarks by greeting everyone who attended the session. He shared his experience as a teacher and talked about students' hardships in continuing their education. The financial crisis of the students was one of the main points of his speech. He then briefly discussed the algorithm principle and cloud structure that came into his focus. He stated that another aspect of digitalization was online dispute resolution, online justice delivery and hearing, and the problems faced with digitalization.

He also briefly stated the challenges emerging due to the pandemic and not only medical aspects but also updating covid data vaccinations and tariff structures that need to be clearly identified. Ambassador Muhammad Zamir concluded his speech with a request to everyone, specifically to the Dean of the University of Dhaka and the Minister, that the report of this international conference should be published and digitally saved by the government and circulated among embassies and foreign diplomats present in Bangladesh. He hoped that this would ensure accountability in this age of social media.

CREST GIVING CEREMONY



Following the vote of thanks, there was a crest-giving ceremony. The Chairman of BILIA, the Senior Advocate, Supreme Court of Bangladesh, Barrister M. Amir-Ul Islam, awarded honorable chief guest, H. E. Dr. A. K. Abdul Momen, M.P., with the Crest of honor. Barrister Amir-Ul Islam awarded Dr. Md. Rahmat Ullah (Professor and Dean, Faculty of Law, University of Dhaka) with the Crest of Honor. The opening ceremony came to an end with the crest-giving ceremony.

PLENARY SESSION: PAPER PRESENTATION



The plenary session commenced with the speech of Professor Dr. Md. Mizanur Rahman, Director, BILIA, being the chair of the session. The session was co-chaired by Mr. Kazi Arifuzzaman, Joint Secretary, Legislative and Parliamentary Affairs, Ministry of Law, Justice & Parliamentary Affairs, Government of Bangladesh. As per the schedule two papers were designated for presentation. The paper titled “Legal education in Bangladesh in the time of covid and 4th industrial revolution (4IR)” was presented by Mr. Iftekhar Mahmud, Assistant Professor, Faculty of Law, Eastern University.

The second paper presentation was given by Professor Dr. Yubaraj Sangroula, Executive Director of Kathmandu School of Law and President of AALP (Asian Association of Law Professors), Nepal. His paper was titled “The Necessity of Decolonizing [Human Rights] Jurisprudence in Developing Countries: The Role of Legal Education.” Ms. Tamanna Moureen was the session's moderator.



While delivering his remarks at the plenary session professor Dr. Mizanur Rahman briefly discussed how South Asia can come up with our homegrown jurisprudence that would be anti-imperialist, anti-capitalist, and pro-people, and based on the principles of social justice and equality as well as the core values of the constitution. In his speech he expressed his gratitude towards barrister M. Amir-Ul Islam, the initiator and founder of proclamation of Independence of Bangladesh; the official announcement declaring independence of Bangladesh by the first government of Bangladesh on 17th April, 1971. The core values of our Independence and formation of our Constitution are conceptualised from the Proclamation of Independence.

PLENARY SESSION: PAPER PRESENTATION

Mr. Iftekhar Mahmud, Assistant Professor of Eastern University, Dhaka, Bangladesh was the first paper presenter of the conference. The title of the paper was “Legal Education in Bangladesh in the Time of Covid-19 and 4th Industrial Revolution(4IR)”.



The paper addressed three issues while talking about legal education in the context of the pandemic in Bangladesh. The paper mainly addressed three issues; legal education in Bangladesh, pandemic and its after effect-realization, and what 4IR has to do with it?

Education primarily an end of year of mankind to pass knowledge from generation to generation which systematically generalizes human minds to be professionally fit for the society. Education at territory level enables one to bring changes in the society developing deliberations for overcoming the limitations of legal education in term of facing future challenges is one of the purpose of this article. The essential point of the article is to recognize the need to acknowledge our advantageous position to deal with the 4th Industrial Revolution, the COVID-19 experience in the field of legal education as 4th Industrial Revolution will be in control of most of the future human transactions, the education sector cannot sit idle and wait for the day to completely resign from taking the challenges. Educating the nation is the ultimate way and accidentally COVID-19 compelled us to recognize our potentials and possibilities in this regard.

Legal Education on Bangladesh: Our reluctance to develop close connections with Courts, Lawyers, as well as other branches of epistemology, is inscribed in the curriculum of the Universities. Legal studies in Bangladesh prefer to remain traditional Law Colleges. Public Universities, as well as the Private Universities have different approaches and of course, purposes also vary, which too critically influence legal education here. Among other limitations, conventional teaching methodology and curriculum with less practical implication, the inadequate orientation of doing research, the limited establishment of clinical legal education, the problem with innovating subject-specific pedagogy and unpopularity of perceiving legal issues from an interdisciplinary approach—together reinforces these challenges.

Mr. Mahmud further added that for embracing 4IR, overcoming these limitations is a must. Moreover, the experience in this Pandemic establishes the need to take a couple of new steps and a few strategies are to be adopted to keep pace with the challenges of 4IR.

Not everybody is on equal footing for participating in the education project through the internet. The stark economic disparity prevailed. State intervention could not solve it. Education for all, and policies to be adopted for equipping each with the facilities suitable for learning is no more rhetoric. Previously we knew, books are to be there for studies, but after the first hit by Pandemic, we did learn that for education, we also need a stable internet connection, access to resources like phones, laptops, we need unfailing electricity service, access to digital libraries, and e-books and trained teachers, and of course, we need high schools to be aware of the future of university education. If we fail to address it now as COVID-19 has taught us, we will be bound to care for this as 4IR will compel us to suffer and struggle in the coming years. Remaining unready to foresee the future will not save us anymore. COVID-19 also has imparted this insightful message.

Due to COVID, we have come to this realization that our universities are equipped in terms of digital resource management and developing research capacity by giving priority to cloud teaching.

Law schools need not be so self-satisfied that only law students are going to be the future legal service providers, technology is taking over the charge of finding the law and legal precedents, for example, where the Law is not the question anymore, computers know this, but why this law is insufficient—enabling finding this answer is the pedagogical approach law schools have to take for which they still seem hesitant to adopt.

According to Mr. Mahmud, the first industrial revolution, started with the growth of the mechanized system and manufacturing of commodities for the invention of the steam engine and the second industrial revolution is the direct outcome of electricity which caused mass production whereas the invention of computers and emergence of information technology caused the radical changes calling the third industrial revolution to take place.

According to Professor Klaus Schwab 'the new age is differentiated by the speed of technological

breakthroughs, the pervasiveness of scope and the tremendous impact of new systems’.

The COVID-19 experience compelled us to accommodate the idea that there are other means of educating ourselves. We have recognized our limitations like inadequate knowledge in information technology, unprepared digital sections of our libraries, poor internet connectivity in remote areas, infrastructural limitations, no priority actions on behalf of the government in case of lack of resources, etc. This paper is not an exhaustive guide for the future; rather it invites the debate to break the silence with the changes we need to take beforehand.

The paper suggested four recommendations:

i. Collaborations with all branches of knowledge, As Law School will never remain a separate branch of knowledge or isolated from others, let the law schools care for teaching certain aspects of history, philosophy, economics, and sociology in a sincere manner. We need graduates capable of understanding the whole picture of a part of a problem in a global context. Our only law learning project is parochial and is not going to assist us anymore.

ii. Accepting dynamics of modernity, the term modernity, for this purpose, means recognizing the need to change the traditional approaches. Engaging more in developing circumstances to do so, which ranges from modernization of the curricula to adopting technological advancement and keeping the schools open to learning all new skills. Investment and engagement in this connection must be the priority.

iii. Valuing inclusiveness in legal learning, by the word inclusiveness, what we mean is to accept the other means and methods of learning and assessing students. Only writing answers to a set of questions at the end of the learning tenure might not be the appropriate way in the future. Law Schools should not deny students are more focused on the future as we see they care more for their job, their skills and networking, and building themselves for the future than attending classes with dedication and honest focus which is a signal to make classes a place of raising those abilities while training them in legal knowledge.

iv. Training openness, recognizing creativity will value the creative methods of serving the nations. A liberal approach towards learning would emancipate law schools. There must be systematic methods that not only encourage creative thinking but also nourish the creative attitude of the learner. The challenges are global, the competitions are no more local. Rigid and traditional learning outcomes will ruin the future of our learners. They will fail to lead if they are not inspired to do so in the early stage of their learning. The ability to follow the future, as we have experienced, must be the right kind of attribute the future is looking for. COVID-19 has proved in the judicial offices that sometimes it's not the knowledge of the law, but the command over technologies deciding who is good at law. What we are trying to bring to the table is that Law Schools around the country need to bring changes to keep pace with the future challenges as the 4IR will influence all branches of knowledge.

SECOND PAPER PRESENTATION



• The second paper presenter of the session was Professor Dr. Yubaraj Sangroula, President of AALP and the Executive Director of Kathmandu School of Law, paper titled, "The Necessity of Decolonizing [Human Rights] Jurisprudence in Developing Countries: The Role of Legal Education". The paper was presented online as professor Sangroula was based in Nepal. In his presentation he stated that the legal system and judicial system of south Asia had been fixed in the colonial age to facilitate and protect the rules fixed by the colonizers to oppress the colonized. Although we are not in a colony, era but as retained the legal system of South Asia inherited from the colonial rulers and continue to adhere to the principles of the colonial era, nevertheless the region wants to establish and established democracy. His first assumption of the plea was that if we don't seriously review our legal system, judicial system, and procedural laws by the law schools, it would be largely meaningless no matter what method we apply in teaching. Teaching methods are secondary to him.

Professor Sangroula suggested that in our law school, research needs to be conducted on the identification of these legal instruments that will be pragmatically effective, sustainable, and relevant in our context. According to Karl Marx humans are largely similar to animals but two things that differentiate them from animals are sociable and being sensible. According to Marx, poverty destroys people's sociability and sensibility. Colonialism was an instrument that destroyed the ambiance of our society as they took everything from that society.

When society is immersed in poverty, legal education is meaningless. Professor Dr. Yubaraj Sangroula then referred to the memoir of Amartya Sen titled "Home in The World," where Mr. Sen talked about the prosper of the political, economic and educational system of earlier India before the onslaught of

British colonization. He mentioned that even though we follow the common law system, our people hardly prefer to go to court, which means our legal culture differs from the legal system that we have.

He briefly mentioned the famous Nuremberg trial, which introduced the construct of fairness and partiality for the first time internationally. Legal education largely changed due to this trial. He then went on to the economic, political, and legal pillars. When UDHR introduced economic, social, and solidarity as part of the fundamental rights, the UN charter introduced chart-based international law. On the pretext of the cold war between the western countries,

The UDHR almost became non-functional as civil and political rights were largely dysfunctional and the three pillars of the new world order were lost. Mentioning Adam Smith, he described the approach of the developed countries as "all yours is ours and nothing ours is yours." Thus, the legal and judicial systems continued to subjugate the colonized as in the past.

He then briefly talked about the Washington Consensus of 1989 and the rise of neoliberalism, which many economists, including Amartya Sen, opposed. While we don't talk about these ideas of justice or concepts in our legal education. Charles Gore, who read the Washington Consensus (WC) very closely, mentioned that it was not simply a swing from state-led to market-oriented policy but a shift in how the development problems were framed. Professor Dr. Sangroula remarked that hardly any students in South Asia are aware of the functionality between our court and legal system. He also mentioned that the law schools from the developing countries failed to see American legal education as a tool of WC. According to him, social democracy and socialism were largely killed by WC.

He then went on to mention Kesavananda Bharati vs. State of Kerala, a remarkable human rights case that many people don't know about. He then rounded up his presentation by talking about the UNDP Sustainable Human Development Approach versus Washington Consensus. He mentioned that law schools don't teach students about the emergence of BRICS, the Asian Infrastructure Development Bank, Silk Road Development Fund, South-South Cooperation forums, ASEAN, SAARC, and the African Union. He further added that the Southern Consensus rejected so-called liberal rights alone as fundamental rights and stressed the integration of ESDR.

In that context, a call for shifting legal education into justice education appeared, calling for developing countries to concentrate on pragmatism and contextualism, focusing development on addressing deprivations, and this was the crux of his speech. Professor Dr. Sangroula recommended methods for decolonization as it is clear from the legal system of Nepal that the colonial methods no longer work, which he guessed was the same in respect of Bangladesh.

In his paper he has put emphasis on clinical education and the justice system. He appreciated the earlier clinical method called "Salish" in Bangladesh. Professor Sangroula further stated that South Asian countries altogether can make a diverse new jurisprudence by decolonizing the legal system.

REMARKS BY THE CO-CHAIR:



This session ended with the concluding remarks by the co-chair of the session, **Mr. Kazi Arifuzzaman, Joint Secretary, Legislative and Parliamentary Affairs, Ministry of Law, Justice & Parliamentary Affairs, Government of Bangladesh.** While making his remarks on the paper on 4th IR Mr. Arifuzzaman stated that certain aspects were emphasized in the paper, such as inclusivity, creativity, modernization, and collaboration with other branches. The paper has brought us to this understanding that we have reached a point of fourth industrial relation where we cannot depend only on traditional classroom-based learning and focus in the core subject. During the pandemic we have to come to realize the need of online based education/internet-based education at all academic level. Nevertheless, the legal field is not an exception as we have evidenced the need to proceed our court proceedings virtually.

While addressing to Prof. Dr. Sangroula's paper, Mr. Arifuzzaman referred to some ancient civilizations' development in human rights provisions such as the Magna Carta, the Bill of rights, etc., and expressed that we witnessed the League of Nations' failure to promote and protect international stability and that the community had thought that the question of human rights would no longer be left to the discretion of any particular state. Mr. Arifuzzaman remarked that Bangladesh is the result of the due fulfillment of the legitimate right of self-determination and the creation of international legal principles. He added that we are not considered separatists; otherwise, our liberation war would have been jeopardized. He also gave his remarks, saying that even though we are not developed in a democratic culture, we cannot ignore the western political thoughts that have enlightened us. He concluded his remarks by saying that we must have to concur with the idea of Prof. Dr. Sangroula and not be distraught by human rights provisions in any way that will jeopardize the culture of politics in developing countries.

THIRD SESSION: “COVID-19 AND LEGAL EDUCATION IN ASIA”



3rd session under title covid 19 and legal education in Asia was chaired by Professor Dr. Yubaraj Sangroula, Executive Director, Kathmandu School of Law, Nepal, there were three paper presented in the session. As the session was conducted in hybrid mode, the chair of the session and two paper presenters joined the session online and one paper was presented offline.

Professor Dr. Chintamani Rout, Head, Department of Law, North-Eastern Hill University, Meghalaya, India, was the first paper presenter of the session. The title of the paper was, **“Impact of Pandemic in Legal Education: Teaching and Research in Law”**. At the beginning of his presentation, Dr. Rout gave a brief introduction of “Legal Education”. Professor route in his paper showcase the impact of COVID on legal education in India. In his paper, he outlined the impact from both teachers and student point of view. As teachers without any previous experience has to begin taking online classes, uploading materials online and adjusting themselves with the online system. On the other hand, students had to adjust themselves with online class participation and submission of assignments and assessment script online. From both in the dependency on technology gave them a burden as proper internet connection, Smartphone, lack of technological advancement may not be within their affordable range. Dr. Rout then specifically discussed how the existing pandemic situation has adversely impacted the legal education sector by bringing examples of various problems and limitations regarding admission and examination in legal institutions and universities, evaluation, the financial burden that has been imposed on students in general, difficulties in conducting and attending online classes.

Dr. Rout further claimed that these are some of the reasons that created hindrances in the way of imparting quality legal education. He further added that legal research is also facing various challenges, such as difficulties in conducting practical studies, sole dependency on theoretical research, and a lack of qualitative evaluation. In conclusion, Professor Dr. Chintamani Rout urged everyone to try their best to improve the quality of the graduates, the quality of the research papers and innovative new ideas, and solve all the problems that have arisen because of the pandemic.

Mr. Md. Mostafa Hosain, Assistant Professor & Academic Coordinator, School of Law, BRAC University, presented a paper on “Role of Legal Education in Ensuring Access to Justice for All: The Context of Bangladesh”.



In his paper, he deliberately went beyond the COVID situation because one can focus on specialization when the general rule has been established. He further added that it should be observed how qualitative our legal education is to ensure access to justice for all. Moreover, by "access to justice," he meant that all individuals should have access to the court premise and access through the court process to get justice.

Mr. Hosain In his presentation outlined few points; Firstly, He tried to point out the articles of the constitution which ensure the equality of the people and the fundamental human rights and dignity for all. Second, his idea was to look at it from the perspective of ‘Sustainable development goals (SDGs). Mr. Hosain claimed Bangladesh was one of the promising countries to look into the SDGs. SDG-16 is committed to ensuring access to justice for all. He then tried to connect the topic to SDG-4, which talks about legal education with the goal of connecting legal education with access to justice. After sharing these points in his paper, Mr. Hosain held a brief discussion on the history and different streams of legal education in Bangladesh.

Mr. Hosain then mentioned a few facts while connecting legal education and access to justice. He stated that particular ways that can strengthen legal education are teaching, research, and partnership with external agencies. He further claimed that these ways could help ensure quality

education, which will ensure access to justice. He then emphasized clinical legal education and said it is very important as it helps students to realize the true picture through experience. Nowadays, the law degree is monotonous and lacks experience-based learning. Inter-disciplinary research is lacking in our system.

According to Mr. Hosain, one particular lacking is that law graduates are not touching the reality of this society. He suggested that law students should conduct more research on village issues. He further suggested that students should collaborate more with external agencies. In comparison to traditional systems such as "Panchayat" or "Shalish," the formalities introduced by western ideas in our judicial system will take more time to become familiar with marginalized people.

He further said that it is one of the failures that we did not research those methods. Mr. Md. Mostafa Hosain concluded his presentation by saying, "We should put more emphasis on this aspect and change the curriculums of our legal education."

· The third paper of the session was jointly presented by **Ms. Arpeeta Shams Mizan, Senior Legal Officer, iProbono Bangladesh, Mr. Sayeed Hossain Sarwar, Lecturer, East-West University, Dhaka, Bangladesh, and Mr. Ali Mashraf, Program Officer, South Asia of iProbono** paper titled, "**Clinical Legal Education in Bangladesh during COVID-19 Pandemic: Lessons from iProbono's Virtual Street Law Program**" through online platform. In the first part of their presentation, Mr. Sayeed Hossain Sarwar in his presentation addressed how a clinical session can be arranged in a virtual setting without losing its interactive sessions.

He explained what "street law" is. He then provided a definition and discussed the history and origin of the program and how it turned into a global movement to advance social justice propelled by many universities and non-governmental organizations, like Street Law Inn. He then claimed that it not only increases the ability of students but also brings empowerment and social justice. He then gave an example from the South African perspective. In Bangladesh, street law started its journey in the late 1990s.

In 2007, the Law Commissioner said in his report on legal education in Bangladesh that legal education in Bangladesh is traditional classroom lecture-based and not really succeeding much in achieving goals. Professor Dr. Mizanur Rahman initiated street Law to break from the very traditional classroom method of teaching. Though it was introduced under the law clinic at the University of Dhaka, later, it was continued under the name "Protidiner Ain" at ELCOP, the very organization of Professor Dr. Mizanur Rahman.

In that program, undergraduate law students visited the schools or any other marginalized communities to conduct human rights duties and other practical legal issues. The present situation is that the pandemic has brought a shift and pushed us all onto a virtual platform. iProbono wanted

to continue this program on the new platform. Hence, came the project of virtual street law.

Mr. Ali Mashraf another paper presenter of the paper at first, introduced the iProbono Bangladesh. iProbono was founded in 2009, and it was a global organization run by the Guarantee United Kingdom. It is registered with the Charity Commission of England and is a non-profit organization. It has operations throughout South Asia and its head office is based in London, the United Kingdom. iProbono provides solicited council.

This aspect is not only limited to litigation but also to other forms of advocacy, which are found in Bangladesh in all forms of street law. Then he explained the virtual street law program and its context. iProbono decided to launch a virtual street law campaign on cautious remedies for advising medical negligence. It is because, a lot of times, victims are unable to make informed choices due to a lack of legal knowledge.

After that, they decided to select six street lawyers who would join the previous six lawyers from the earlier campaign and deliver the idea of 'each one, teach one'. In his presentation, he pointed out how the street lawyers were able to join the program in his slide presentation. Two points were sorted out as to why a street lawyer wanted to join this program. iProbono realized that during the pandemic, legal education was diminished, or reduced in form. It was difficult for iProbono to continue with legal clinical education in some areas of Bangladesh. So, they decided to launch this project and showed the multiple tiers of this program on the slides.

They conducted training of the trainers and created the lesson plans for the audience of this project. Based on these lesson plans, the street lawyers conducted countless practice sessions to polish their content and delivery before the campaign was launched. By publishing the project on social media, they called for interested audiences to join their program on Zoom. Finally, they launched the program in February 2021.

In medical-legal knowledge, they were assisted by distinguished medical academics and a distinguished expert on constitutional and court law. Some veteran street lawyers also joined the sessions. The participants participated in a spontaneous manner, which helped them conduct the session smoothly. Before the session, the audience's understanding of street laws was very low, and after the session, their understanding of the street laws had drastically increased. After that, he gave the floor to Ms. Arpeeta Shams Mizan.

Ms. Arpeeta Shams Mizan another paper presenter of the paper stated that lack of face- to-face interaction for both parties created certain challenges. It is important to share the challenges with the community as the pandemic has become the new norm. Street law has been practiced on virtual platforms all over the world, and Ms. Mizan has faced some problems in the context of Bangladesh. The specific challenge was to expand on the collegiate concept.

As opposed to traditional education, street law allows lawyers to become self-reliant and they do not have to only memorize the selected topics of the syllabus. The second challenge was to perceive the law from the community's point of view. As a result, they decided to make the session much more interactive while still allowing the lawyers to maintain control of the proceedings. Ms. Mizan then described the challenges and the way they solved them. There were feedback sessions after each session. After the three-month program, the street lawyers were making lesson plans on their own.

A student created a maze to ensure justice from medical negligence by connecting the legal advice that will help solve the maze. Between the online session and the offline street law session, she preferred the offline one. But the virtual session had some new prospects. For the first time, they conducted a session where students from outside Dhaka attended, and this broke the traditional geographical discrimination. Through Zoom, students from Barishal, Khulna, and Rajshahi attended the program for the first time ever, and they attended the session from the comfort of their homes. The sessions are uploaded on YouTube for everyone to see. Lastly, she thanked BILIA for organizing the international conference.

REMARKS BY THE CO-CHAIR:

Professor Farhana Helal Mehtab, Dean, Faculty of Law, Green University, Bangladesh, was the co-chair of this session and attended the session virtually. She thanked everyone and added that it was an honor for her to attend this session. Professor Mehtab appreciated the presenters attended at the session. According to co-chair, it was interesting to hear various challenges that authors highlighted from various jurisdictions. Who would has impacted our lives in various ways and legal education is not an exception to that. Professor Mehtab tanked BILIA for organizing such and innovative conference bringing together experiences on legal education during COVID.

THIRD SESSION (PARALLEL): LEGAL EDUCATION IN A CHANGING WORLD: A COMPARATIVE ANALYSIS

Along with the third session of the conference, another session was held in parallel at BILIA premises, bearing a separate title based on the theme of the paper presented at the session.

The session was chaired by **Professor Dr. Biswajit Chanda, Member, University Grants Commission (UGC) and co-chaired by Professor Abu Zayed Mohammad, Dean, Faculty of Arts & Social Sciences, City University, Dhaka, Bangladesh.** 4 paper were presented in the session. Ms. Rose Barua, Research Assistant (Law), BILIA, and Ms. Farhat Lamisha, Research Assistant (International Affairs), BILIA, were the anchors of the sessions.



INTRODUCTION BY THE SESSION CHAIR:



As chair of decision professor Dr. Biswajit Chanda and honorable member of Bangladesh's University Grant commission (UGC) deliberated his remarks as chair on the topic of parallel session. He appreciated BILIA's initiative for organizing such event. In his remarks he addressed the title of each paper that would be presented after his speech. He further mentioned that this topics are very much relevant to the current global scenario, and addressing such issues in the form of paper presentation can be a good initiative to draft a policy.

PAPER PRESENTATION:

The first presentation of the session was made by **Dr. Sanjay Gupta, Professor, Department of Law, University of Jammu, India**, who participated in the conference online from India. He made his presentation based on the paper titled, **"Impact of Covid-19 on Legal Education: Indian Experience"** which Dr. Gupta has jointly prepared along with **Dr. Raj K Sandhu, Assistant Professor, Department of Law, University of Jammu, India**. In his presentation, Professor Gupta highlighted the practical difficulties in the legal profession with regard to online education during the pandemic. He said though different sectors have faced challenges due to the ongoing pandemic, legal education's challenges are quite different.



According to his discussion, students faced both advantages and disadvantages due to the pandemic. While discussing advantages, he mentioned a few points, such as online classes are easier than joining classes physically; simultaneously, students are not required to bear transportation costs; moreover, they can join the classes from anywhere at any time, unlike traditional classes. On the other hand, Professor Gupta mentioned some major disadvantages of virtual learning, such as economic and technological disparity. Professor Gupta also brought issues like the mental health of students during a pandemic in his discussion. According to Professor Gupta, the government must ensure equal opportunity to eradicate these disparities.



•**Ms. Yugichha Sangroula, Assistant Professor, Kathmandu School of Law, Nepal**, presented the next paper of the session, under the title, **"Tunnel vision or light at the end of the tunnel? The prospects and challenges in using the Global Education Reform Movement in the legal education reform agenda in Nepal"** via zoom video conferencing. At the inception of the presentation, Ms. Yugiccha Sangroula briefly discussed the factors behind the less progressive condition of legal education in Nepal, namely the rigidity of the curriculum, lack of creativity, innovation, intelligence, contextualized knowledge, and slowness in regard to quality.

In addition, rather than emphasizing a country's own style of education, students' demands are adjusted to another country's system. In her view, the purpose of education is to understand something and learn the process of doing something, develop one's skills and identity, and learn to make decisions. She also mentioned that affordability, accessibility, and quality are the three pillars of education. She added that there is an unethical belief that schools should compete with each other and that students should have a similar mindset. Moreover, the standardization of teaching, which refers to the curriculum, should be defined, with test and evaluation methods to determine whether students learn properly or not.

In respect of Nepal, there is a set curriculum, practical methods classes, and books examinations, and grading scales have been defined. Deprofessionalisation of teaching means what to teach and why that particular data or information is important for reality. Therefore, in order to standardize teaching, a teacher needs to know what to teach and how to teach. Education is a social enterprise but should be supportive of the public. The public should have the right to choose which school they want to send their children to.

Ms. Sangroula's presentation made it abundantly clear that she advocated for developing the country's own education and teaching standards rather than adopting Western structures. The paper's main objective is to increase the creativity, intelligence, and innovation of a student. Besides, the teachers should take the initiative to teach the students so that it wouldn't be confined to theories only. Teachers should focus on what to teach and how to teach. Standardization of teaching is crucial in order to ensure a better system.

• **Ms. Do Thi Anh Hong, Lecturer, Comparative Law Institute, Hanoi Law University, Vietnam,** presented the following paper of the session. Ms. Hong presented the paper titled, "**Access to Internet and Right to Education under American and Vietnamese Law during the COVID-19 Pandemic: A Comparative Perspective**" on behalf of her co-authors, **Ms. Dinh Thi Phuong Thao, Ms. Pham Thi Nhu Ngoc and Ms. Nguyen Ngoc Minh Hung from Hanoi Law University, Vietnam,** by joining the session virtually. The speaker in her presentation discussed how access to the internet is co-related with the right to education, which is a fundamental human right and proclaimed in the International Covenant on Economic, Social, and Cultural Rights, 1969, with the object of protecting and respecting the right to education for everyone.

In the latter part of her presentation, Ms. Hong mentioned the three characteristics of the right to education. According to her, access to the internet is connected to the right to education in terms of affordability, availability, accessibility, and adaptability. She further said that internet access could not be ignored in promoting education. Ms. Hong then compared the legal frameworks existing in the United States and Vietnam, covering provisions relating to the right to education and access to the internet during the pandemic. In her conclusion, Ms. Hong urged state budgets to be managed appropriately and distributed. As well as, the education sector needs proper planning and encouragement for it to be fully functional.



The final presentation of the session was made by **Mr. Gyanu Gautam, Assistant Professor, Kathmandu School of Law, Nepal**, through active online participation. The topic of his presentation was, "**Challenges and Prospects of Clinical Legal Education in Nepal: During and Post Pandemic Situation**". In his presentation, Mr. Gautam mainly discussed various aspects and challenges of clinical legal education in Nepal by relating it to the current pandemic situation. He said clinical legal education as a pedagogical technology in legal education impacts experimental learning.

The aim of the clinical approach is to teach the students with knowledge and strategies so that they have the experiments they would mean to have. The individual who seeks legal education needs to cope with global institutions, society, and the global arena as a whole and needs to be sociable and connected with certain human norms, ethics, and conduct. This would help to acquire all these things within the institution, society, and global context as well. It basically has two approaches; the first one is student-centric and the second one is society-centric.

A student-centric approach include moot court, trial advocacy, memorandums, case studies, methods, etc. The sea redesigned to enrich the students' knowledge, skills, and strategy. Society-centric approach where the law schools have their own clinic, either a housing clinic or an external clinic, and they offer different programs such as legal services to the poor and native people, intensive and extensive programs, awareness, litigation programs, and other sorts of advocacy programs, and they are assigned to promote human values, ethics, personalism, morality, and social justice to the students. Mr. Gautam also briefly discussed the application of clinical legal education in the curriculum and co-curricular activities at KSL.

REMARKS BY THE CO-CHAIR:

The Third Session (Parallel) was co-chaired by Professor Abu Zayed Mohammad, Dean, Faculty of Arts and Social Sciences, City University, Dhaka, Bangladesh. He made some valuable remarks at the end of the session. He made a few observations regarding the papers that were presented in the session. He said Legal education provides a blend of practical skills, doctrinal knowledge, and awareness. But unfortunately, the Covid-19 has caused unimaginable devastation in respect of law and legal education. Still, there was no other institution to arrange any awareness or seminars or workshops with regard to this perspective. BILLIA, in collaboration with AALP, has come forward to address the situation by organizing this conference where many noted persons presented their papers.

Day 02: 15 January 2022

FOURTH SESSION: LEGAL RIGHTS DURING THE PANDEMIC

Five sessions were held on the second day of the conference. The fifth and sixth sessions were divided into two parallel sessions. The second day of the conference commenced with the fourth session and concluded with a lively closing ceremony.



The fourth session of the conference commenced under the title "Legal Rights during the Pandemic" on 15 January 2022 of the conference. **His Lordship Mr. Justice A.H.M. Shamsuddin Chowdhury Manik**, Former Justice, Appellate Division, Life Member & EC Member, BILLIA, was present as the Chair of the session. **Ms. Khandaker Farzana Rahman, Chairman, Department of Criminology, University of Dhaka**, was the co-chair of the session. **Ms. Tamanna Moureen** was the moderator of the session. In total, five papers related to the session theme were presented by the scholars both in-person and online participation.

REMARKS BY THE SESSION CHAIR:

The chair of the session, Mr. Justice AHM Shamsuddin Chowdhury manik commenced his speech by welcoming everyone who have joined the session both offline. In his speech Justice Chowdhury addressed the universal declaration of human Rights (UDHR) of 1948. Rights under the declaration are prominent and essential for the greater interest of a community. He particularly emphasized the right to life and the protection of human beings. Justice Chowdhury expressed his concern on the temporarily suspended human rights and its effects on humanity.

Justice Chowdhury in his speech thanked the Hon'ble Prime Minister of Bangladesh for her initiatives to save the right to life in Bangladesh in exactly this situation. He praised the Prime Minister's decision to curtail those rights of civil and political as well as economic and cultural to ensure the right to life because it is the first and foremost right. Thereafter, he focused on and mentioned the ways the government should impose restrictions and keep everything closed. In the next part of his welcome speech, he focused on the right to education, particularly, but he mentioned that the Bangladesh constitution did not declare the right to education as a strict right but rather a fundamental right.

Justice Chowdhury further quoted Article 16 and Article 17 of the Constitution of the People's Republic of Bangladesh while saying that the improvement and right to education is one of the fundamental principles of state policy. In particular, he mentioned the name of the father of the Nation Bangabandhu Sheikh Mujibur Rahman, who was very much keen on ensuring the right to education for all. In his speech, he mentioned about Gautam Buddha, who emphasized on education.

PAPER PRESENTATION:

The first paper of the session was presented by Ms. Tamanna Aziz Tuli, Lecturer, Department of Law and Justice, Jahangirnagar University through a delightful in-person presentation. The topic of her presentation was "An Appraisal of the Management of the Right to Education in Bangladesh during Covid-19". While making her presentation, she said the corona virus outbreak forced the Bangladesh government to close down numerous educational institutions in Bangladesh with effect from March 17, 2020. The presentation highlighted that Bangladesh has world's most full closures of educational institutes due to the pandemic.

The cost of this catastrophe on students' learning, health, and well-being has been devastating. Against this backdrop, this paper intends to have a focus on the following issues: Firstly, the multi-dimensional impact of the ongoing pandemic up on the different stakeholders of the education system of Bangladesh, like parents, teachers, and other staff, and, above all, upon the millions of students, with a particular reference to equal access to education.



Secondly, Ms. Tuli tried to critically analyzed the policies and decisions relating to education taken by the government during the pandemic to assess their compatibility with four core components of the right to education, namely availability, accessibility, acceptability, and adaptability, as has been enunciated in the International Covenant of Economic, Social, and Cultural Rights, of which Bangladesh is a ratifying party.

Thirdly, the paper examined the process followed by the government to make decisions, one-size-fits-all approach in making policies fail to consider the existing substantive and procedural disparity between urban and rural students. Instead, a need-based policymaking approach must be considered to ensure the right to education during the pandemic.

The second paper of the session titled, "Locating the 'right' to education within the spectrum of 'indirect enforcement' of the Economic, Social and Cultural Rights: Pandemic in context" was presented by Dr. Masum Billah, Associate Professor, Department of Law, Jagannath University on behalf of the author of the paper Ms. Pymhe Wadud, Lecturer, Bangladesh University of Professionals(BUP). At first, Dr. Masum Billah thanked the organizing authority and then continued with the presentation on behalf of Ms. Pymhe Wadud.

He started with the digital divide, lack of threshold internet services, and ineffective learning based on pre-recorded materials. The covid-19 pandemic has brought about a paradigm shift in the understanding

of human rights jurisprudence. Like many other human rights, since the beginning of the pandemic, the right to education has continuously been rethought and renegotiated within the constant pull of statist economic priorities and public health emergencies. From a constitutional law perspective, no violation of rights as such can be underscored in as much as from Bangladesh; education is not a right, rather a need, which is not judicially enforceable. The judiciary crafted an artifact of 'negative/indirect enforcement' from within the spectrum of not judicially enforceable.

On a more practical level, the inadequate rights-enforcement scheme helps the state hide behind the veneers of 'economic constraints' and 'progressive realization. The constituent assembly's envisaged realization of the right to education was envisaged as a political act, as opposed to a judicial one by the constituent assembly. One of the draftspersons opined that "realizing rights in the truest sense through judicial means is neither possible nor desirable". The responsibility to realize education as a right, among others that are couched as 'basic needs is to be undertaken by future parliaments.

Involving the judiciary can only amount to a 'remedial' approach. In order to fully realize basic rights such as education, it is necessary to create a social environment for those rights to thrive in. As such, the creation of an appropriate social environment can be made possible with strong 'political will' as opposed to judicial interventions or enforcement. This implies that the intention of the constituent assembly was to keep future parliaments obligated to realize the right to education, among others. And only when there was the desired environment could the future parliaments bring in changes in the constitution to make the rights judicially enforceable.

The constituent assembly never envisaged a remedial approach, nor was indirect enforcement deemed desirable or as deemed as an end in itself. Over the years, Bangladesh's investment in the education sector has been extremely poor. The expenditure in the education sector as a percentage of the GDP is the lowest in South Asia and has declined over the years. The speaker finally thanked all the guests and the audience and concluded his presentation.



The third paper of the session was presented by **Professor Dr. Asha Verma, Dean, IILM Law School, IILM University, Haryana, India**. The title of her paper was, "**Community Service by the Law Students in India during COVID-19**". In her presentation, Dr. Verma in her presentation shared some incidents relating to the community service that was provided by the students and alumni of the National Academy of Legal Studies and Research (NALSAR), Hyderabad, during the covid-19 pandemic.

From creating a group on a social media platform to providing support from door to door was nicely mentioned by Dr. Verma during her presentation. Dr. Verma described the time when the NALSAR team got to know about some workers who had been stranded and jobless. The objective of these law students was to collect funds so that the migrant laborers could safely return to their native villages or towns. The website was created especially for them, and they collected Rs. 28 lakhs through crowdfunding.

In the paper also shared experience of another group of law students in Bangalore arranged food for migrant workers traveling in laborers' trains during the unprecedented pandemic of 2019. People faced several issues that had never arisen before, emotionally, physically, socially, or educationally. They were drained of all their rights. They were displaced, deprived of their basic rights, etc. The people were helpless, and so was the government.

Dr. Verma further mentioned in her presentation that a group was also formed comprising of some young advocates and law students promoting health and safety measures while defending the right to life. Their courage and relentless determination to help those around them are a reminder of how we can achieve a healthier, safer, and equal world. These young people are leading the way in the battle against Covid-19 through heroic acts of goodwill and support for their communities.

The lawyers' community has been reaching out to the vulnerable and marginalized people who find it difficult to access legal services. She concluded by saying that the paper is an attempt to see the work done by the law students and pro-bono by their advocate brothers, and the researchers shall also discuss the experience of some of the people who got relief due to the noble work done by these students".



· The fourth paper of the session was presented virtually by **Dr. Sayeeda Anju, Professor, Department of Law, Rajshahi University, Bangladesh**, on "**Electronic Trading Platform in Pandemic Situation: Bangladesh Perspective**". The paper mainly highlighted the electronic trading platform during the pandemic. The study identifies that a significant proportion of consumers are dissatisfied with the services of online sellers in Bangladesh.

In the pandemic epoch, people started their internet businesses with personal user profiles on social media networks like Facebook and Instagram and started selling goods through personal accounts to group members. In comparison to other online business platforms, Facebook Pages have gained popularity among startups due to their advanced features, which assist both shoppers and sellers in finding one another. Social media trade platforms do not require the submission of a municipal trade license or electronic business identification number (e-BIN) to create an account; anyone can conduct online trade with fake or untrue information. It results in revenue loss for the municipality, and stakeholders are increasingly exposed to the danger of unresolved contract infringements.

The Ministry of Commerce of Bangladesh prescribed a 2021 Guideline in the pandemic to protect the sellers in digital commerce, which highlighted that the existing concerned laws of the country would apply to the digital commerce operations. The term "online" is absent in the prevailing relevant laws for which there will be a need for interpretation and application of terms in these laws. Bangladesh Bank has issued an e-commerce transaction Guideline in 2021. As the online transaction guidelines are scattered it becomes too challenging to apply and get justice for the victims of online fraud.

The fifth and final presentation of the session was made by Dr. Mac Thi Hoai Thuong, International Law Faculty, Hanoi Law University, Vietnam, on paper titled, "Ensuring Children's Right to Education in Covid-19 Pandemic and Post-pandemic Context from the Perspective of International Law and Practice in Vietnam". In the presentation, Dr. Thuong stated that the Covid-19 pandemic with new variants had been seriously affecting human health, economy, and all aspects of social life. The pandemic has taken a toll on children's mental and physical health worldwide. In particular, poor and homeless children, children with disabilities, etc., are severely affected.

Based on the provisions of International Law on Children's Right to Education, this paper focused on analyzing (1) the impacts of the COVID-19 pandemic on children's right to education, (2) Policies and measures of the Vietnamese Government to ensure children's rights to education, (3) the responsiveness of such policies and measures in ensuring children's right to education. The article concludes that Vietnam has been facing a huge challenge in protecting children's rights due to the impact of the Covid-19 pandemic. With the economic potential of a developing country, despite the efforts and policies to ensure children's right to education, Vietnam still faces difficulty ensuring Vietnamese children's right to education.

The article proposes some solutions to improve the effectiveness of ensuring children's right to education in Vietnam during the pandemic and post-pandemic periods.

REMARKS BY THE CO-CHAIR:

Ms. Khandaker Farzana Rahman, Chairman, Department of Criminology, University of Dhaka, Bangladesh was the co-chair of the session. While delivering her remark as co-chair, she thanked the organizing committee for organizing such a Conference, Ms. Rahman addressed each paper separately. While making remark about the paper titled **“Electronic Trading Platform in Pandemic Situation: Bangladesh Perspective”**, Ms. Rahman stated that the paper has actually broadened the idea of internet-based business and issues associated with the business in Bangladesh.



The next paper was presented by Professor Dr. Asha Verma on a paper titled “Community Service by the Law Students in India during Covid-19”. The paper projected a case study on how the law students on India have been able to contribute to the society during and after pandemic how they are serving to the nation through different types of pro bono and volunteer services. In Bangladesh students from different areas supported the society as front-line defenders during and after the pandemic. On a paper titled “Ensuring children’s right to education in covid-19 pandemic and post-pandemic context from the perspective of International law and practice in Vietnam”, Ms. Rahman stated that how right to education for children was violated during the pandemic in Vietnam. The paper also identified the initiative of Vietnam government on ensuring education for disabled children, which is missing in Bangladesh added by Mr. Rahman. Regarding the paper titled “An Appraisal of the Management of the Right to Education in Bangladesh during Covid-19”, Mr. Rahman added that the paper projected one of the ironic situation of educational policies in Bangladesh that the government is applying one size fit all approach for all irrespective of class or work places or location. A right based approached to be implemented or should be applied regarding to ensure right to education for the children in Bangladesh. Ms. Rahman concluded her remark by thanking Professor Dr. Mizanur Rahman for inviting her and the audience for their kind presence and patience at the Session.

FIFTH SESSION

PANDEMIC AND EMERGING HORIZONS OF HUMAN RIGHTS

The fifth session of the conference under the title, “**Pandemic and Emerging Horizons of Human Rights**”. **Barrister Tania Amir, Senior Advocate, Supreme Court of Bangladesh, Life Member & EC Member, BILIA**, presided over the session as a chair **Professor Dr. Kumar Innam, Kathmandu School of Law, Nepal**, was the Co-chair of the session. In this session, four papers were presented by speakers from Vietnam and Nepal. All the papers highlighted the emerging human rights issues that the world is experiencing due to the COVID-19 pandemic. Most of the paper presenter of the session joined online and presented their paper through zoom.



REMARKS BY THE SESSION CHAIR:

While delivering her speech, Barrister Tania Amir expressed her views stating that sovereignty belongs to the people in South Asia, unlike in western countries, particularly in the British Parliament, where sovereignty belongs to the parliament. Certain fundamental rights have been guaranteed. The government, the state parties, and the organs of the states: judiciary, legislature, and executive are bound to protect the supremacy of the constitution and the fundamental rights guaranteed. She showed her concern that despite our jurisprudence being non-colonial, some of the policy decisions are not taken within the territory of South Asia.

The measures often dictated by the CDC in the US and WHO are imposed upon the people of South Asia by the health ministry officials. Those decisions or policies have not been debated in our parliament. In this COVID-19 pandemic situation, we have begun to see the rise of mega-companies that are selling their products without revealing the information.

The people of South Asia are being indirectly forced to buy those products without being informed. The experimental vaccines are being given to these people, and this act breaches their fundamental rights as they are not aware or informed of what they are taking in. Barrister Tania Amir expressed her disappointment that South Asia is not investing in its own methods of research and cure to fight this pandemic. There are many indigenous forms of treatment, such as Ayurveda and Homeopathy, which are yet to be explored in treating the virus. Among many other rights, the right to freedom of expression has also been diminished. Any doctors, heal the experts, or scientists who are criticizing these official narratives are discouraged, which creates a serious concern because science cannot be dogmatic. There cannot be a tyranny of pseudo-science.

Science is always changing and evolving. Science means debate. Science means open discussions, she added. She emphasized that those who are experts in health and science sectors should be the ones holding the authority and regulating the policies according to their research and experiments. Barrister Tania Amir also talked about the emergence of capitalism that has risen, centering on this pandemic situation.

The mega-companies selling their medicines and vaccines are being profited from, especially in South Asia, as this region blindly follows what these companies are regulating without any debate or discussion. In order to protect the rights of the people of this region, Barrister Tania Amir thinks that these issues need to be debated and discussed in our parliaments, and a holistic approach should be encouraged to fight the COVID-19 pandemic.

PAPER PRESENTATION:

· The first paper of the session was presented on the topic, **"Ensuring the Balance between Individual Rights and Public Interests in the Context of COVID-19 Pandemic under International and Vietnamese Laws"**. This paper was jointly presented by **Professor Nguyen Toan Thang, Director of Comparative Law Institute, Hanoi Law University, Vietnam. Ms. Huyuh Phuong Anh, Bachelor of Laws, Hanoi University, and Ms. Truong Thi Lan Anh, Bachelor of Laws, Hanoi Law University**, were the co-authors of the paper.

The topic was presented as an analysis and an evaluation of a number of theoretical and practical aspects regarding ensuring the balance between individual rights and public rights in the context of the COVID-19 pandemic under international and Vietnamese laws.

A few points were discussed in this presentation regarding the elements of ensuring the balance between individual rights and public interests. It was said that balance of interests means recognizing the limited nature of some rights and the need to balance them against the rights and freedoms of others. In the latter part of the presentation, the international law frame work and the responses of states were discussed.

It was further claimed that various instruments of international law have set rules and limitations and played a vital role in creating responses from the states. Such as the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), European Convention on Human Rights (1950), and the World Health Organization. After that, the current status of ensuring the balance under the laws that are in existence in Vietnam was discussed. The paper presented some achievements of the state due to the implementation of policies. The policies follow all the factors to evaluate the balance.

They are formulated to maximize individual rights and ensure social security, especially for disadvantaged groups. With the application of the legal framework and commensuration of policies with the severity of COVID-19 along with national awareness, Vietnam could no longer rank second in the world in response to the pandemic. And in the final part of the presentation, a set of recommendations were made for protecting the Vietnamese legal system in the face of the COVID-19 pandemic.

. The second paper of the session was presented by **Ms. Binda Kumari Thapa, Teaching Assistant, Kathmandu School of Law, Nepal**, on the topic, "**Essence of Pragmatic Approach to Legal Education in Eastern Episteme**". Her presentation highlighted two questions. First, why is a pragmatic approach essential in legal education? Second, what are the major factors in the perspective of the eastern jurisdiction, from the vanishing point of jurisprudence to indigenous values of jurisprudence? Two factors can justify the necessity of a pragmatic approach to legal education: The voluntary slavery of western deception of knowledge. Westerners have been conceiving of eastern societies as a false notion of prejudice for approximately two hundred years. They have been using this region as an implicit justification for their colonization.

It has been hampering and exploiting the socio-political, cultural, and most importantly, the education systems of eastern society. The role of legal education lies here in the application of due diligence before the mere transplantation of legal education into society. Another factor is that the role of legal education is important to deracinating imperialism. Imperialism does not nearly mean the physical intervention and territorial encroachment of a particular territory. However, it also means hampering the social life and deconstructing the culture of the respective societies.

Therefore, legal education has to act as socialization. Thus, education plays a vital role in transforming the indigenous values of jurisprudence in legal education. Ms. Thapa, while answering the second question, also mentioned nine points. For example, the approach of the pragmatism and legal education in the proponent of the social context, legal education has to be socially functioning, clinical legal education as a mandatory pragmatic approach in legal education, the multipronged

approach, the construction of the indigenous social values, Asian solidarity in continuing the eastern legal culture and stability, setting the bar of legal education higher, the role of the teachers to flip the legal education system, and the domestication of the pragmatic approach to the legal professionals. These factors were stated to promote the eastern jurisprudence of law in legal education with due consideration of socio-cultural diversity and respective contexts.

. The third presentation of the session was **Mr. Ram Sharan Pokharel, Deputy Director, Nepal Rastra Bank, The Central Bank of Nepal**, on the topic, "**Student's Commotion During and Post Covid Pandemic and its Impact in the Legal Education of Nepal**". The paper focused on the tremendous impact on the legal education of Nepal due to the commotion created among the students as an outcome of the COVID-19 pandemic. It is to be mentioned that while writing this paper, 50 law students with their parents engaged in different professions were interviewed.

Along with it, newspaper articles were reviewed, and observations of societies were conducted. The author included data based on the occupations of parents of interviewed law students. Different scenarios were presented as well. Scenarios represent the difficulties students face and the commotions they go through since the pandemic has started. Observations have shown that students feared their course would be finished and their academic year would be completed on time. Even though there are internet facilities, online classes cannot be run smoothly due to poor Internet connections, intermittent interruption, and load-shedding.

Due to the financial crisis, many families cannot afford to have access to the internet at home. Many low-paid job-holders cannot afford laptops or smartphones. So, their children remain deprived of education during the pandemic. In some places in Nepal, the mobile network signal is also very insufficient. Another difficulty that both students and teachers faced was not being familiar with using the internet for education. This caused a delay and discomfort in the process. Besides the lack of physical facilities, students may experience screen fatigue due to their eyes being on the screen for a long time.

Gender discrimination has also come up as a concern in education for students. Girls have a low rate of joining classes as they are responsible for providing care for their siblings. Observations have proved that sometimes if there is a girl and a boy child and there is only one gadget, the boy child would be given preference by parents to take classes as they think education is more important for boys. Due to these multiple facts, Nepal's legal education experienced many other commotions during and after the COVID pandemic.



The fourth and final presentation of the session was made by **Ms. Prapoosa KC, Head of Secretariat, AALP and Assistant Professor, Kathmandu School of Law**. The title of her paper was, **"Empirical Research during the Pandemic: Practice and Way forward"**. While presenting the paper, she projected a picture of a living goddess that they call 'Kumari' and worshiped in Nepal. This paper attempts to show the failure of creating a balance between socio-cultural rights and human rights based on this concept. Nepal is a country of diversity. It's a cultural and religious country.

The mother tongue of Nepal is 123 languages. There are 126 castes and ethnic groups, stated Ms. Prapoosa KC. UDHR provides the right for everyone to participate in cultural activities, she added. But at the same time, various declarations on cultural diversity claim that no one, in the name of diversity, has the right to infringe upon human rights guaranteed by international law. Using "Kumari" as an example of cultural practice is not meant to degrade or disrespect the ones who believe in it but to point out the areas that can be improved. Ms. Prapoosa then discussed the origin of the term and practice, the process of selection of a Kumari, the ritual maintained, the life of a kumara, and the belief surrounding the overall concept. The way a kumari lives her life also proves how human rights are not ensured in South Asia, Ms. Prapoosa said. She also shared a few interviews taken with ex-kumaris. The legal status of a kumari in Nepal was also discussed in the presentation.

It was stated that Kumaris were not allowed to have an education until 2008. In that year, the Supreme Court of Nepal declared that every girl has the right to education. As an approach to balancing human rights and culture, this decision was taken. A teacher was permitted to be assigned to a Kumari to educate her. The Supreme Court also stated that unless the Kumari tradition violates the basic rights provided by the constitution and international conventions, it should be treated as a community right.

Domestic obligations are also to be kept in mind in evaluating this decision. Nepal is also bound by a number of international treaties such as CEDAW, ICCPR, ICESCR, etc. Nepal does not disregard these obligations, but whether Nepal is perfectly able to balance cultural rights and human rights or not is the question here. And finally, Ms. Prapoosa concluded her presentation by saying, The COVID-19 pandemic has certainly brought new challenges. As the Kumari meets thousands of people when a ritual takes place, her health and safety must be taken into sheer consideration. After all, a Kumari is a child. Protecting her human rights and cultural rights balancing must be ensured simultaneously in the time of the pandemic.

REMARKS BY THE CO-CHAIR:

Professor Dr. Kumar Innam, Kathmandu School of Law, Nepal, was the co-chair of the session. He began his speech by congratulating BILLA and AALP for organizing such a wonderful conference. In his speech, he talked about the papers that were presented in the fifth session. He shared his views and perspectives regarding each paper. Dr. Kumar highly appreciated the analysis and evaluation of a number of theoretical and practical aspects regarding ensuring the balance between individual rights and public rights in the context of the COVID-19 pandemic under international and Vietnamese laws.

He talked about the paper that was presented based on the essence of the pragmatic approach in legal education and discussed the major factors that have been mentioned in the perspective of the eastern jurisdiction, from the vanishing point of the jurisprudence to the indigenous values of the jurisprudence. The co-chair also appreciated the third paper that portrayed the student's commotion during the post-COVID pandemic and its impact on the legal education of Nepal.

It showed the real scenario of the suffering of the students of Nepal in this pandemic. Regarding the fourth paper, he mentioned that to identify empirical research practices around the world during the pandemic and to analyze the practicability of those tools and methods of research in the context of Asia, this paper has shown brevity by talking about a sensitive yet serious issue concerning the right of a Kumari.

FIFTH SESSION (PARALLEL): PANDEMIC AND EMERGENCE OF A NEW JURISPRUDENCE



The fifth (parallel) session was on "**Pandemic and Emergence of a New Jurisprudence**" which took place in the BILIA premises. **Dr. Md. Rahmat Ullah, Professor, and Dean, Faculty of Law, University of Dhaka**, was the session's chair. Professor A.N.M. Wahid, Department of Law, Rajshahi University, was the co-chair of the session. Four papers similar to the session's theme were presented in the session. The session started with a warm welcome from the moderators, Ms. Farhat Lamisa, Research Assistant, BILIA and Ms. Rose Barua, Research Assistant, BILIA, addressing the hon'ble chair and co-chair, all the paper presenters, research scholars, professionals, and distinguished guests from various parts of the world who joined the session. The conference addressed questions as to how big of a hit has legal education has taken during the pandemic and how law students have adapted to the new normal. After the initialization, the session was handed over to the honorable chair of the session, Dr. Md. Rahmat Ullah, to convey his introductory remarks by Ms. Lamisha.



After having the floor, Dr. Md. Rahmat Ullah, Hon'ble Chair of the Session, addressed the theme of the conference and proceeded with the introduction of the paper presenters and their topics.

PAPER PRESENTATION:

The first paper of the session was presented by **Ms. Shadika Haque Monia, Lecturer, Department of Law, Notre Dame University**, on "The Desirability of Normative Pandemic Jurisprudence under International Law". In this paper, the author talked about the challenges of existing pandemic jurisprudence under international law. While pointing out the lacunas, she proposed a fully-fledged legal mechanism for pandemic protection. There are three separate sets of international obligations in the present pandemic jurisprudence. The first responsibility stems from the ILC Draft Articles on the Prevention of Transboundary Harm (DAPTH), which include no-harm principles, and the Paris Framework Agreement on Climate Change, which was signed in 2015.



The International Human Rights Mechanism ensures the second set of obligations. International Human Rights Law imposes some requirements in terms of basic human rights protection. The third set of obligations arose out of international humanitarian law. The Biological and Toxin Weapons Convention (BTWC) are to be mentioned in this particular context. The WHO created an Incident Management Support Team on January 1, 2020. Globally IHR is the regulatory treaty that governs global health security, the speaker said. Adopted by the World Health Organization (WHO) under its Articles 21 and 22 of the Constitution of the WHO, it is legally binding on 196 state parties.

The speaker later emphasized the peculiar feature of the IHR on the mode of approval. Various Human Rights Instruments guarantee a variety of protections in the area of health. The provision of Article 25 of the UDHR, Article 12 of the ICESCR, and International Health Regulations (IHR) 2005 was also mentioned by the presenter.

After laying down the baseline, the presenter forwarded her thoughts on the legal mechanisms. There is no single mechanism to address the pandemic, so it varies from state to state. From this absence of a uniform state mechanism, the desirability of a separate pandemic jurisprudence arrives, Ms. Haque stressed. The speaker emphasized the need for uniform pandemic jurisprudence.

She further expressed that an agreement on pandemic prevention, preparedness, and response adopted by the World Health Organization (WHO) accordingly would enable countries around the globe to strengthen national, regional, and global capacities and resilience to future pandemics and prevent potential losses. Lastly, the speaker discussed the "One Health" approach, which connects human, animal, and environmental health. The speaker concluded her presentation with this urge; may the lives be saved, may the world no longer have to face any other deadly epidemic, and may we take our lessons from the loss and act accordingly.

Ms. Laxmi Sapkota, Assistant Professor, Kathmandu School of Law, presented her paper on "Significance of Critical Legal Studies in Nepal: A Study Before, During and Post Pandemic" via online on this very session. In this paper, the entire discussion was separated into three particular segments; the first part portrayed the history of critical legal studies in Nepal, followed by a comparison made between the pre-covid and post-covid eras of CLS in Nepal. Finally, the concluding remarks were given.

Ms. Sapkota showed that law is intermediate and inseparable from politics in her presentation. The prime object of CLS (Critical Legal Studies) always remains to attack legal liberalism. Those who

support CLS traditionally talk about three contradictions in legal liberalism; the contradiction between rule and standard, the facts and values distinction, the reason-desire separation, and lastly, the free will and determinism contradiction, which is the highlighted and justified part of this paper through relevant case studies and references from Nepal.

In her presentation, Ms. Sapkota forwarded the common themes of Critical Legal Studies (CLS): the law has become an instrument of oppression used by the powerful and wealthy to serve their purpose. In support of her argument, she referred to certain provisions of the Nepal Constitution, domestic substantive and procedural laws, and various case laws of Bangladesh. During the pandemic, the subject matter of CLS has been acute, be it in terms of vaccination, technology, or other causes. The disparities have been acute not only because of financial differences but also because of many gender-based discriminations.

The speaker further submitted that judicial objectivism is not entirely possible because of the judges' non-playing neutral roles; an example was drawn from the repeatedly submitted reports to the Supreme Court. The speaker, in conclusion, said that, in each of the times, be it in terms of pre-COVID times or during the pandemic, the law has been indeterminate and does not treat people equally regardless of their socio-economic position.

The third paper of the session was presented by **Dr. Tavleen Kaur Khurana, Assistant Professor, The North Cap University, India, on the topic, "Digital Participation of the Elderly Populace: The Need for an Inclusive and Protective Andragogy and Practice "**. Dr. Khurana presented this paper via online from India to arrange fruitful participation of the elderly populace of the country through inclusive and protective andragogy. This paper shows how due to many barriers, such as lack of access to the internet and digital tools, paucity of digital literacy, ineffective awareness initiatives, infrastructural barriers, internalized ageism, inadequate safeguards, etc., the elderly populace is being deprived of their basic rights and are being prejudiced against by the younger population.

The pandemic has acted as a propellant for an otherwise upcoming reality of rising digital intervention and its expediency. Thus, in this literature review, the presenter has shown how an inclusive and protective andragogy's realization could help mitigate the crisis. The entire presentation was divided into five particular parts. These are: why digital literacy for senior citizens is important, what are the evident barriers to the cause, the innovative measures through an urgent (4CS) approach, the international best practices, and finally, suggesting a way forward as a whole. Senior citizens of any country are rightfully entitled to digital literacy.

However due to reasons like ageism, lack of access, lack of innovative, inclusive measures, and an element of fear, it becomes really hard for the elderly populace to keep up with this fast-paced world, Ms. Khurana said. The speaker drew examples from the delivery of a prepaid order and confusion arising from its mechanism, or the incidents of fraudulent activities against the retirees, in order to explain the extent of this issue.

Furthermore, the speaker proposed innovative measures, the 4C approach, namely, effectively connecting the elderly with digital tools, developing more appropriate tools and measures to ensure their active participation, and collaborating with stakeholders as well as the recipients of such initiatives, as well as the youth, to address and solve such problems, including in the private as well as the public sector. And finally, building a cohesive society together in order to build a digital nation.

The speaker, followed by the innovative measures, drew examples of the other jurisdictions where the aim of addressing the elderly populace is being addressed through remote learning. The speaker suggested that India could receive its lesson through adopting legal and policy initiatives, ensuring the proper maintenance and welfare through the Citizens (Amendment) Bill 2019 by including provisions regarding digital literacy, ensuring the National Digital Literacy Mission (NDLC), and Adult Education. Lastly, implementing a strong collaboration between the stakeholders and the victims was re-emphasized by Ms. Khurana.

The session's final presentation was made on the topic, **"Peacemaking and Pandemic: Predictable Opportunities from Unpredictable Crisis"** by **Mr. Raihan Rahman Rafid, Lead Specialist, Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)**. Mr. Rahman addressed two research questions, how the pandemic has transformed the processes of the world and what opportunities can be harnessed from the practice for a long-lasting period. For his research, he relied on quantitative analysis of secondary data, such as scholarly works, journal articles, news reports, as well as institutional publications. Focusing on the importance of such research, the speaker said that, ever since the pandemic was announced, there has been a global ceasefire, which initially mitigated the ongoing crises, and although violent acts have decreased after the Second World War during this pandemic and onwards, the process of peacemaking has been observed.



According to the Global Peace Index 2020 data, the speaker mentioned that global peace has deteriorated by 6.18 percent. According to the Global Peace Index 2021 data, the past sources or the past struggles have sort of mitigated ever since the pandemic. However, those have been replaced by new crises. However, Mr. Rahman further explains that these issues got rather overshadowed despite having a strong impact on global peace. The peace mediation process has several stages, such as gender inclusion, trust-building, problem-solving mediation, capacity building, facilitated dialogue, peace process support, and so on.

He further said that the peace process was affected in many ways due to this pandemic. The speaker, shortly after that, focused on the differences between the virtual peacemaking process and the physical peacemaking process. Both have their fair share of advantages as well as disadvantages. The United Nations Innovation Network (UNIN) has been working on introducing virtual reality technologies envisaged as an opportunity to provide decision-makers with an experience of active conflict zones, ensuring better anonymity by maintaining avatars.

The process remains neutral and removes politicized elements. The researcher further finds that there are gaps regarding gender inclusion. But virtual peacemaking processes would add to its advantage in this case since the problems would be reduced, the presenter says. A hybrid setting and collaboration with local mediators could be helpful. The paper is still in its draft process, and Mr. Rahman, while thanking them, asked for the valuable opinions of the present guests as well as the participants to add to his research.

REMARKS BY THE CO-CHAIR:

In his remarks, the distinguished co-chair of the session, Professor A.N.M. Wahid addressed the first speaker's remarks, saying that it was extremely thought-provoking to be having this dialogue as she expected a single mechanism to address this entire situation, which would help the entire combat mechanism against the pandemic. Then he addressed Ms. Sapkota, saying he was amazed by her submission, as she, through relying on various case studies and reports, portrayed her thoughts on how relevant her concerns were during the pandemic. Then he addressed the third speaker, where he found the presentation to be very adequate in terms of the elderly, as he had seen from his own experience that the elderly are not very comfortable using these mediums due to a lack of knowledge.

Finally, he addressed the fourth speaker and added that, due to the emergence of this new jurisprudence, there are several new sorts of violations and, thus, several changes in the peacemaking process. He further said that we, from our jurisdiction, should be giving birth to new jurisprudence in order to deal with the emerging crisis. However, our position does not support the idea due to many barriers.

Thus, BILIA and the scholars are now trying to add more weight to the cause by adding new scholarship to the problem, despite many of the authority authorities' restrictions, which are seemingly squeezing us, he added. He further said that, since the pandemic, there had been no significant verdict, suggesting new scopes from the higher courts. He ended his remarks with the hope that the court might address new solutions to these very problems and deal with the pandemic in a very efficient manner in terms of addressing the problems.

SIXTH SESSION: THE PANDEMIC AND THE CHALLENGES FOR LAW AND EDUCATION

The Sixth Session of the International conference started at 02:00 p.m. on the second day (15 January 2022) of the conference. The sixth session of the conference was titled, “**The Pandemic and the Challenges for Law and Education**”. Five papers on diverse topics were presented in the session. The chair of the session was **Dr. Abdullah Al Faruque, Professor, Department of Law, University of Chittagong, Bangladesh**. The co- chair of the session was **Dr. Md. Rizwanul Islam, Professor and Chair, Department of Law, North South University, Dhaka, Bangladesh**.



INTRODUCTION BY THE CHAIR:

Dr. Abdullah Al Faruque welcomed everyone to the session, expressing his sense of honor and privilege to be at the session and expressing his deep gratitude to the Bangladesh Institute of Law and International Affairs (BILIA) for inviting him to the session. He divided the session into two main elements: law and education during the pandemic and how we responded to the challenges posed to us. He talked about how the pandemic has affected various aspects of our lives, especially our public lives and education.

Firstly, he highlighted the role of law, where he defined law as a social phenomenon, where the law needs to be changed along with the social changes that take place since the law is a social phenomenon. He accepted that the pandemic has resulted in a lot of changes to the legal system and the judiciary, as well as the whole spectrum of society. He then spoke of the second aspect, namely how the law can initiate change, resulting in the formation of new forms of life.

Given that the pandemic has created a lot of uncertainty, exposed vulnerabilities, and faced us with various challenges, He then went on to question the role of the law in the pandemic, which he termed as a public health emergency. He deemed it necessary for us to revisit the health law, especially in the context of global health. Secondly, considering the pandemic, a global framework on global public health issues needs to be revisited. Finally, the chair, citing a recent report in Forbes magazine, stated that the pandemic has affected not only human health but also redistributed global wealth in the wrong direction.

The poor people became poorer, and the rich became richer. Regarding the second aspect of the session, which is focused on education, he expressed that there has been a massive transition from the old teaching practices to the new, where we have moved completely online and use new teaching tools such as Zoom. He urged the whole redesigning of the education system, where new methods needed to be set up to deal with the pandemic. He finally concluded by thanking BILLIA for the opportunity and welcoming the paper presenters to present their papers.

PAPER PRESENTATION:

·The very first presentation of the session was made by **Professor Dr. Kumar Ingnam, Kathmandu School of Law, Nepal, on the topic, “Present Inequality and Equity Before the Future: An Academic Discourse”**. Professor Ingnam joined the session online from Nepal. He began his speech by admitting the well-established fact that inequality is always growing. He revisited the study in the last two centuries of inequality that were present in his paper. However, he went further back to the Roman period from 63 BCE to 14 BCE. He showed the data of early 17th century India, where 25% of global GDP belonged to this part of the world.

He also gave instances of various rulers from different parts of the world who were the owners of vast amounts of property. The difference came in the 18th to 20th centuries, particularly around the time of the Second World War. He then spoke on the right to private property and how it is guaranteed in various constitutions, but it is not protected properly. He also speaks about Karl Marx and how during his time, he concluded that inequality existed with regard to private property.

His presentation was primarily based on key factors of property and income, which determine the material physical condition of a human being. He poses the notion that national or individual property is based on existing property and income. Stemming from his presentation, it was clear that the larger the volume of property, the higher the guaranteed income rate. The typical expectation of the people is that law and policy would balance inequality while considering the current unequal situation. He reminisces about the attempts made to curtail inequality by raising taxes by up to 80% in the 1920s and 1980s. However, there has been a subsequent drop-off to more than half, and nearly all protective measures have been lifted. This has resulted in the maximization of the movement of goods, services, and investments.

Therefore, the consequent events worldwide were in favor of these big investors and businessmen. If the trend as per the data is allowed to resume for the next few decades, the whole global wealth would be concentrated to only a few hundred of a thousand individuals. This, he terms, is a great fraud to humanity. Thus, he poses that there is no hope for equality. However, there are only a few options left for the correction of the “gradual transformation to equality” such as violent events, war, or natural calamities. Therefore, he urges that before the situation comes to such a point, the wise man’s solution would be equity justice through equity trade and service.

· The second presentation of the session was made by **Ms. Farjana Yesmin, Assistant Professor, Department of Law, University of Chittagong and Ms. Ainun Jariah, Lecturer, Department of Law, The University of Chittagong jointly on their paper titled, “Addressing Climate change in Post-Pandemic World: Lessons for the emergency policy making”**.

They began their presentation by emphasizing the striking similarities between the COVID-19 pandemic and climate change, primarily due to both of them being termed as global crises affecting the global population as a whole. They then went on to give a brief idea of both the global phenomenon and its history, drawing a parallel between them.

They then went on to focus on the impact of COVID-19 on the aspect of trade and how it was halted, deeming that climate change also needs to be addressed in a similar manner. Moving on to the similarities between the two, the first similarity was regarding their impact, which was experienced by people all over the world. Another similarity is that they brought about an instance of immense loss of human life for which there is no remedy. Regarding social and economic inequality, during the pandemic, the rich are getting unequal access to healthcare compared to the poor.

Similarly, in the case of climate change, it is not the rich countries that are affected by their deeds, but the poorer ones. As for the dissimilarities that were presented by the other author she started with the first dissimilarity, which was regarding the speed at which they develop. Being a virus, COVID-19 can spread much more rapidly and affect people's lives, but that is not the case for global warming, where its effects are much slower. "International collaboration is one of the most effective measures to tackle this global problem"- was claimed during this presentation. Citing the example of how individual efforts have had a far-reaching positive impact on the pandemic, which can also be the same in mitigating the impact of climate change.

Finally, coming to the difficulty of creating a habitual shift in how we live, she explains that it is almost impossible to stop people from going to social gatherings, stopping them from wearing masks all the time. This is also true for climate change, where the shift from the usage of fossil fuels is very difficult. Geopolitical differences also play a key role in collaborating and dealing with the problems.

In conclusion, she said that the example set by COVID-19 is that the significance of early action and precautionary measures cannot be disregarded in any way. Early action can be the most effective step in impacting climate change. Even though the two crises are closely related, the impacts of the climate crisis are much bigger than we can fathom and much more enduring. Thus, these lessons need to be taken forward and implemented to preserve this planet for future generations.

· The third paper of the session was presented by **Policy Analyst and Social Activist Mr. Imran Khan, The City Bank Ltd and International, Federation of Liberal Youth (IFLRY), Dhaka. The title of his paper was, "Disinformation, Misinformation and Infodemic: Impact on the Rule of Law and Security Structure in the Post-Covid World"**.



He began his presentation by reading the title but quickly admitted that these words point to one thing: fake news. He then went on to define information, misinformation, and disinformation. Coming to the topic of infodemic, he defined what it entailed and what its harmful effects were. Deep fakes, conspiracy theories, and more are all a part of fake news. Disinformation comprises three parts: being time-bound, the whole structure, and having an ill-motive. Keeping in line with his discussion, Mr. Khan mentioned a few incidents where fake news and misinformation became the reasons for serious conflicts and violent clashes. He then asked the question as to why people believe such fake news. Focusing on the pandemic, he emphasized the various ways in which the pandemic has impacted mental health and affected our personal lives. Most notably, people find more comfort in imaginary things than in actual facts.

He cautioned about the risk of well-timed, thoughtfully scripted disinformation that can cause a massacre in an entire region, like a deep fake, can spark violence, communal violence, ruin elections, and create long-term insurgent narratives in the border areas. Speaking about the freedom of expression enshrined in the Constitution, UDHR, and the ICCPR, he noted that the whole world is moving away from these principles and has enacted its own legislative pieces, particularly in the USA, Europe, and Bangladesh.

Mentioning the controversy in the European democracies, he gave the example that if people deny the Holocaust, they will be charged under the law, but the same would not be the case for the Armenian genocide. In the purview of the vast number of people online, he mentioned three ways to better deal with the situation.

Firstly, he emphasized the need for a balance between the strict implementation of the law and freedom of expression. Secondly, he focused on self-regulation while also citing the differences in approach between educated classes of people. Thirdly, he significantly upheld the need for better media literacy, fact-checking, and counter-speech to better understand the way online platforms work.

Most importantly, he spoke about major annual events like festivals, elections, and holy days, which are of key focus to the criminals. Thus, prevention is better than cure. Coming to the accountability of Big Tech, on how they are too big to control, especially in cross-border scenarios. In the coming days, the accountability of Big Tech will be of crucial concern. The current Big Tech has a domino effect everywhere around the world and the speed at which they can operate is unfathomable.

• The fourth paper of the session titled, **“Strengthening of Police Service Responses to Domestic Violence”**, was presented by, **Dr. Syed Iqbal Ahmad, Research Associate and Assistant Professor, National Law University, Delhi, India.**



In his introduction, he mentions that his paper focuses on the best practices worldwide in addressing domestic violence. He then mentions some of the latest developments concerning responding to instances of domestic violence worldwide, especially by the United Nations. His first central point states that around 50 nations worldwide have incorporated the Essential Services Package into their respective jurisdictions. Regarding the aspect of availability, steps need to be taken for it to apply to all, regardless of their status, i.e., even migrants and refugees. The sensitivity and needs of the victims need to be maintained in the purview of their confidentiality.

With accessibility comes accessibility, especially for disabled women and girls. This also includes linguistic differences and issues of language barriers. Assessment and consequent management are the keys to keeping the victim in a calm state of mind so that they are more forthcoming with their experiences in front of the law enforcement agencies. Thus, the whole idea worldwide is the step that needs to be taken to make this experience of the victims more fruitful.

As the Police pursue the cases of the victims seriously, it will send a message to the community as a whole that the victim's case will be taken seriously, and more people will come forward with their claims. He then mentions the recent developments in the United Kingdom and how they have made significant strides towards the development of responses to domestic violence. He talked about the key objectives of policing and what it means for society in general. Citing that prevention is the first imperative of justice. For this, he stresses the need for the support of the whole community that is being served.

Identification of the problems of specific groups of women is key. Establishing better communication with them is the key to which all groups will benefit. Local Security Council plays a critical role in planning and organizational aspects. Secondly, the first responders are deemed crucial. The Police need to establish that the law enforcement agency is in support of the victims. Some of the biggest problems are regarding language, registration of reports, and lawyer services. Hence, the whole idea is how civil society responders respond to it. Emotional competency and social skills are crucial in interviews and more.

In the investigation, social support mechanisms are a must. For a successful prosecution service, the Police and the prosecution need to work together. The case needs to be watertight to have a successful outcome. This applies equally, if not more, between the Police and the judiciary. He also mentions the Tokyo Principle, 1990, about the Police and correctional services. He then mentions the successes of the religious leaders and their effect on correctional services. Keeping in mind all the nuances of dealing with these sensitive matters the requirements of compassion during the first interaction with the victims, especially girls, He then cites two reports from Bangladesh and Nepal about policing and community management. These reports have been able to positively impact the community and Police in general.

·The fifth and final presentation of the session was made by Ms. Laxmi Bakhadyo, Assistant Professor, Kathmandu School of Law, Nepal, on the topic titled, “Applicability of Forensic psychology in children victim justice system in Nepal: Post Pandemic Lens”. The paper mainly focuses on whether it is a criminal justice system or a victim justice system. In reality, the system was supposed to be a system of justice in totality, but the child victims of sexual abuse were sadly re-victimized when they came into contact with the justice mechanism. Studies have come up that sexual abuse is done in lonely places, and the ratio of children victimized by an acquaintance is sadly very high.

Furthermore, data reveals that the proportion of female victims is much larger than male victims. During natural disasters and instances like the pandemic, the occurrences jump significantly. The justice system in Nepal is primarily focused on the perpetrators and their rights, whereas victims are always treated as mere evidence to prove the case. For children, such sexual violence is more prone to carry these psychological problems well into adulthood, even lasting a lifetime.

While children of such abuse are handled, significant extra care needs to be given; the persons questioning them need to be well trained and aware of the psychological aspects of the victims. Sadly, this is hardly ever done. It is a harsh reality that the giving of compensation to the victims is equated justice.

However, the application of psychology is hardly seen in investigation processes or the judicial systems. With regards to the victim, this is equal to none. Hence, the overall practice focuses on crime, criminals, and convictions rather than victims and justice for the victims.

REMARKS BY THE CO-CHAIR:

·The co-chair of the session, Dr. Md. Rizwanul Islam began the session by thanking the organizers, participants, speakers, and panelists. He expressed his enjoyment of the presentations and his wonder at the depth of the papers, along with their diversity and thought-provoking questions. He then went on to praise the papers presented individually. Of the five papers, he considered that the paper by Professor Ingnam was very eloquently written, but due to the time restraints, justice could not be done to his wonderful paper.

Regarding the second paper, he expressed his wonder about the striking similarities between the pandemic and climate change. The challenges to these issues need to be global, and the rhetoric is about cooperation and action. In the third paper, he expressed that it was very vibrant and thought-provoking. Talking about the infodemic and the freedom of expression, it is rather difficult to understand which right is to be curtailed and which is to be protected.

Hence, the balance between the two is crucial. He also spoke of the risks of reacting to disinformation and misinformation and how we sometimes overreact instead of just responding and reacting. In the second last paper, he supports that community investment is essential and that the Police cannot work alone. The Police do not operate in a vacuum.

They neither come from heaven nor hell; they are a part of society. Despite the amount of training that the Police get, they come from diverse backgrounds and have their own beliefs about rights and wrong. Coming to the last presentation, he praises it highly and mentions a quote he likes most: Often, offenders, and victims are penal couples. More often than not, we forget the plight of the victims and then victimize them further. The psychological elements of her paper were very illuminating and riveted to him. He then concludes his speech by thanking the organizers for bringing together people from various backgrounds, despite the pandemic and other difficulties.

SIXTH SESSION (PARALLEL): YOUNG SCHOLARS' SESSION MYRIAD DIMENSIONS OF LAW AND EDUCATION

The sixth session (parallel) was design to encourage young scholars such as law students, young researchers to research and think about covid 19 and its impact in legal education globally. The title of the session was "Myriad Dimensions of Law and Education". The chair of the session was Professor Dr. Sarkar Ali Akkas, Dean and Chairman, Department of Law, Jagannath University, Bangladesh. The Co-chair of the session was Mr. Tapos Kumar Das, Associate Professor and Chairman, Department of Law and Justice, Jahangirnagar University, Dhaka. The session was enlightened by the paper presenters from different parts of Asia. In total, five papers were presented in this session. Ms. Rose Barua, Research Assistant (Law), BILIA and Ms. Farhat Lamisha, Research Assistant (International Affairs), BILIA, were the session moderators.

INTRODUCTION BY THE SESSION CHAIR:

The chair of the session, Professor Dr. Sarkar Ali Akkas, expressed his exhilaration at being the Young Scholars' session chair, exclaiming that he was feeling like a young scholar like the paper presenters. The primary mission of a law school is to prepare students for legal practice, and the secondary mission is to prepare them for civil, political, and other leadership positions. It is critical to ensure that students receive serious and sustained perspective exposure during their legal education and prepare them for the practice of law.

It is also vital for preparing students for civil, political, and other leadership positions. However, the only way to ensure that students are exposed to a serious, long-term perspective is to create a course dedicated to that purpose. In this context, the myriad dimensions of law and legal education are of crucial importance. In order to put light on that, the taxonomy scheme might be taken into consideration. The taxonomic scheme identifies six sets of dimensions of law.

They are the substantive dimensions of law, structural dimensions of law, practical dimensions of law, social dimensions of law, cultural dimensions of law, and transnational dimensions of law. Thus, there are really myriad dimensions to law and legal education. In this session, the paper presenters shed light on these myriad dimensions of law while presenting their papers. In this session, there were five paper presenters. Then the chairman introduced the paper presenters to the session and the co-chair of the session. Then he went on with the session.

PAPER PRESENTATION:

The first presentation of the session was made by **Ms. Nguyen Ngoc Anh Thi, Legal Assistant, INA Law Firm, Vietnam, on the topic, "Child Labor Rights in free trade Agreements: Challenges During Pandemic"** through an online platform. Ms. Thi greeted everyone in the session, and expressed her joy to be a paper presenter on this platform, and began her presentation. She started her presentation by saying many children have to live in prejudiced, dangerous conditions and are fully exploited.

The new generation of future agreements or principles is referred to as the progression of the ILO (International Labor Organization) on the rise of workers, including child labor, to focus not only on economic benefits but also on human rights, or in other words, the rights of workers. This paper aimed to analyze the reasons for the rise of child labor in the FTA's (Free Trade Agreement) and its implementation in Vietnam and make some recommendations related to law enforcement and raising awareness of child labor.

In the next part of her presentation, Ms. Thi tried to define the term "Children" under different legal instruments and draw a brief of their vulnerability. She also discussed the four fundamental principles for the effective abolition of child labor.

Later, Ms. Thi shed light on the different social programs and movements to prevent child labor in Vietnam. And finally, she shared a set of recommendations for abolishing child labor from the perspective of Vietnam.

The second paper of the session was presented by Ms. Shahriar Islam from East-West University, Bangladesh on the topic titled, "Domestic Violence against Women during Pandemic". Domestic violence had been on a rise in the Bangladeshi context for many years, but it scaled dramatically high

in this pandemic. Along with many other problems of the pandemic, domestic violence has become an alarming phenomenon. There is no limited reason behind it. It may result from innumerable causes, which are abundant in Bangladesh. In this pandemic, numerous people became financially crippled and were forced to sit back at home.

These setbacks and crowded conditions have boosted rage, frustration, anger, dissatisfaction, and all the tolls fall on the vulnerable group of the population. Over the year, the country has witnessed innumerable inhuman abuses on the vulnerable group, especially women and children. The research paper was based on various primary and secondary sources and put light on the domestic violence situation. At the beginning of the presentation, Ms. Islam tried to explain domestic violence and why this topic is important to be discussed. Then she tried to share the reasons behind domestic violence. The condition of domestic violence in Bangladesh during the pandemic was discussed later in her presentation. And finally, she suggested a few social awareness and legal steps to be the probable solutions to reduce domestic violence.

The next presentation of the session was made by **Mr. Sudip Raj Ghimire, Teaching Assistant, Kathmandu School of Law, Nepal, on the topic titled, "Revisiting the Teaching Pedagogy of Legal Education in The Past Covid-19 Era"**. The speaker focused on the teaching pedagogy of the pre- COVID and COVID eras. In the pre-COVID era, in-person class methods were conducted all over the globe, which wasn't possible in the COVID era. So, the teaching and learning method was converted to online from in-person mode. The teaching pedagogy witnessed unimaginable changes. With the changes came possibilities, along with problems.

The paper presenter addressed those problems, possibilities, and what steps could minimize or solve them. While doing so, he mentioned a few facts. He also used KSL as an example, stating that the Kathmandu School of Law adopted the online evaluation mode of evaluation. In Institutes where such a moral was opted for, the students reported it to be more effective than the examination was conducted in person. The next mode adopted by the Kathmandu School of Law during the period was the concept of minimizing the gathering of students and initiating the classes on an alternate basis, minimizing the gathering and interaction among students.

In the next point, he shared the possibility of a prolonged effect of the pandemic, which will require continuing legal education through online platforms. As more lectures and visiting professors' access can be taken from online means. With more lectures and visiting professors becoming available online, with the alternative modes adopted, there will be no problem with the closure of institutes and the overall problems will be minimized. The speaker in the latter part also mentioned a few limitations and challenges that these alternative means may face. He ended his presentation by mentioning a number of solutions to the challenges.

Therefore, the paper by Mr. Ghimire basically highlighted the benefits of online legal education systems and what steps can be taken to make them more effective. At the outset of the pandemic, even new situations can emerge. So, the teaching pedagogy needs to be revisited. The method of education needs to adapt to the new normal following the new waves of pandemics. The resources available and the potential resources can now be used to adapt and make positive changes in this situation.

Ms. Wakila Hussain made the fourth presentation of the session, **Teaching Assistant, LLM, Department of Law, Bangladesh University of Professionals (BUP), Dhaka, on the topic, "Re-Envisioning the Legal Regime on Mental Health in Post-COVID Bangladesh: Challenges and Way Forward"**. In her presentation, Ms. Hussain mentioned that 10,000 lives are taken each year in Bangladesh by mental disorders, and 17% of adults in Bangladesh live with mental illness. However, for every 800,000 people, we have only one mental health specialist and one mental hospital for every 1,484,000 people in entire Bangladesh. 3 confirmed COVID cases were found in March 2020 and 16 cases until yesterday, January 1. Distinctive mental health studies have found increasing mental health problems, depressions but however, we have not seen any implication of the finally passed mental health Act of 2018, which outdated the hundred and five years of old Lunacy Act 1912.

So, keeping those in mind, the research objective is to find the legal basis of mental health protection in Bangladesh and explore the current legal infrastructure that administers mental health development and rights protection throughout the pandemic in Bangladesh, to analyze the nature and status of rights in international human rights perspective, and finally to emphasize the legal regime that inadequately incorporates a rights-based approach to mental health legislation in post-COVID Bangladesh. Keeping those objectives in mind, parallel research objectives have been drawn.

This research has to be interpreted in the light of some specific limitations and scope. This study does not include people, specifically people with disabilities, nor does it investigate the complaint mechanism in international forums; rather, this document focuses on the Mental Health Act 2018 and how much of a right-based approach it incorporates into its implications. Ms. Hussain then mentioned the methodology that she used in her research. Then she discussed the state's obligation to health and humanity, and in support of her argument under this point, she started a few facts and data. In the next part of her presentation, she came up with some findings and recommendations.

In her concluding remarks, she stated that this legislation was adopted in 2018, which is not far away, and that it has been a very progressive move for Bangladesh, but that the needs of these vulnerable people have not been progressively recognized. Now, we are in post COVID situation in Bangladesh and it is the new normal. It is really important that we address mental illness the same way that we address physical illness. The recommendations should be taken more seriously to make sure that we have a healthy Bangladesh in both pre and post-pandemic eras.

The final paper of the session was on the topic, "**Scouring the Law students in the New Normal**" which was presented by Mr. Sanjay Adhikari, Teaching Assistant, Kathmandu School of Law, through an online presentation from Nepal. The paper presenter greeted everyone present in the session and went on with his presentation. The disaster relief law clinic that they had done in 2015 when the massive earthquake impacted Nepal was not possible to conduct in case of the pandemic.

On February 12, 2020, advocate Ritesh Paudel, Alumni of Kathmandu Law school, filed a writ in court, which was the first writ regarding the COVID. This was the first writ of COVID in Nepal. The writ was filed, and the question was asked to the court; as a guardian of fundamental rights, it's the court's duty to play the role and bring back the students from China. A researcher filed the first writ in April 2020 because the court order was not implemented. Around hundreds of cases were filed related to COVID, but only four were from law students. The quality of writ was questioned.

They kept on pushing all the interim orders that were given by the Supreme Court. They used a very basic tool, the Constitution of Nepal and its article 27. New things have been adopted to evolve in this new normal, but the curriculum is still idealistic and not pragmatic. It has become like a Unicorn horn that you cannot see, said Mr. Adhikari. Our intellectuality comes from the way we are taught from our curriculum. This is the major source of our knowledge. Teachers fall into the professional trap and start delivering ideas about how they can know from reading secondary sources.

He stated that teachers should be allowed to practice law. In many countries, practicing law isn't allowed. He further said that being a law student is a great power because you know the laws and how to use this information. You can hold the government accountable and transparent if you know the facts. First of all, you need to understand that great power comes with great responsibility. Secondly, capacity building. Without capacity, no one can be sent to the field. He then asserted that the collaboration of seniors and juniors and the relationship of alumni with students could greatly improve many things.

Mr. Adhikari emphasized that; we mostly focus on formalities. But more focus will be given to practical knowledge and bringing change. Transparency and accountability can be brought to the government. He further suggested that we need to teach our students that being emotional isn't being foolish or irrational. We need to have cognition, that is true, but you need to have empathy. He concluded his presentation by saying that our education system needs to change. And it is possible with a new curriculum, real-life skills, and pragmatism.

CONCLUDING REMARKS BY THE CO-CHAIR:

The Co-chair of the session Mr. Tapos Kumar Das, Associate Professor and Chairman, Department of Law and Justice, Jahangirnagar University, Dhaka made his remarks on the paper presented. While making remarks he addressed all the papers one by one while commenting about Ms. Nguyen's paper

he stated that Ms. Nguyen shared her experience from Vietnam how the Vietnam government, initiating different measures under International and domestic laws for child labor, clearly depicted the situations in Vietnam was highlighted. Mr. Das suggested that she needs to address the cultural and structural challenges in Vietnam and around the globe in her paper. Some people are living on child income. We have national and international commitments to eliminate child labor and ensure child rights. A Further suggestion on the paper to address the conflicting position, one as the child's survival and the other as the protection of a child.

Regarding the second paper of the session presented by Ms. Shahriar Islam from East-West University, Bangladesh the co-chair commented that the paper presenter focused on female suffering and how the pandemic has aggravated domestic violence. Children's vulnerabilities are the same as women's, which could have been mentioned. They became the first targets and victims of domestic violence. She has made some propositions based on empirical data, and the number of respondents on whom the propositions have been made is low. When some empirical research is being conducted, it is necessary to include more people to properly address the issues.

While delivering comments about Ms. Wakila Hussain's paper Mr. Das sated that the research was on 117 respondents and advised her to increase the number of participants to make a good decision. In her paper, Ms. Islam could have mentioned the challenges of resorting to or tackling domestic violence. In this hierarchical society, when someone is going against someone, husband or wife, accusing them of domestic violence, the family minute continues. It becomes prejudicial in family and relationships. We need to focus on the issue and overcome it.

Regarding the third paper presentation, the co-chair commented that Mr. Sudip Raj made an excellent presentation. Mr. Sudip Raj and Mr. Sanjay Adhikari focused on nearly the same issues. Regarding Mr. Sudip Raj, his research is a handbook for students and teachers' communities. The co-chair thanked BILIA for providing the chance to bring them together. From Nepal's perspective, Mr. Sudip Raj focused on alternative teaching and learning methods. Mr. Raj could have pointed out how to make a good distribution of online equipment to include the left ones.

At the fourth paper presentation, the co-chair commented that Ms. Wakila should maximize her number of interviewees and then make propositions based on that data. And, can we focus on cultural and social barriers in addressing mental health issues? She did an excellent job. The only thing that she missed was the cultural and social barriers to mental health issues. There are many problems that are not considered mental health issues. Like with autism or, as found in an autistic child's family, slow learning, no help or advice is taken from any mental health-related professional in these situations. These are the issues she could have addressed.

The co-chair again thanked Mr. Sanjay Adhikari. He pointed out that it might have been better if the ethical points had been covered. Then, accountability and ethical points would have come forward in this research. In conclusion, he thanked the young scholars, saying that "they have enlightened them all".

CLOSING CEREMONY:



The two-day International Conference on Law and Legal Education During and After the Pandemic came to an end with a closing ceremony. Happening of the conference has some meaningful immediate achievement. Preponderance, vulnerabilities, competences, and at last our retreat to challenge the Covid. It could have been more participatory and views could have been challenged. Legal education is at a crossroads. Its model was under siege before the pandemic and underwater now. Well-endowed, elite law schools will weather the storm, but even they have begun to embrace change in response to a rapidly changing legal industry climate that is transforming the legal function. Other law schools must engage in more uncertain, rapid, fundamental transformation or confront shuttering. We can only hope that this conference will provide enough food for that to assess our position, mirror the ideas practiced elsewhere harder to attain the objectives of justice education.

CERTIFICATE GIVING CEREMONY:



As a token of appreciation, law students who worked as the rapporteurs and volunteers to make this conference successful were awarded certificates by Barrister Amir-Ul Islam on behalf of BILIA.

SPEECH BY PRESIDENT OF AALP:



Professor Dr. Yubaraj Sangroula, Executive Director of Kathmandu School of Law and the President of AALP, He briefly mentioned the enlightening papers and contents presented at this conference. He stated that this is the age of young minds and that we must nourish and educate them. He lauded the success of the conference focusing on law and legal education during the pandemic.

The tremendous loss the whole world sustained due to the COVID situation regarding the law, educational excellence, and social structure to address the problem of COVID 19 was addressed in his speech. He briefly talked about the system of legal education that has

Shifted tremendously towards technology, which has transformed the culture of being physically present with the students and interacting that way. He delightedly mentioned a lot of things that were learned from this conference, such as orienting legal education to timely needs in the context of the COVID 19 crisis and how we can relate the legal system, judicial system, and system of justice at large to the crisis of pandemic.

He mentioned an earlier conference organized by AALP and the present conference. He optimistically conveys that these particular conferences will be an important contribution to the creation of 'Pandemic Jurisprudence' by this part of the world for the entire world. He pointed out that the victims of the pandemic were the center of the conference, and yet he emphasized the need to pay much more attention to the discussion of injustice to a large part of the population. He strongly mentioned the development of this part of the world and assured us that the unequal gap is lessening with time. He reflected on the time when India, Nepal, and Bangladesh were seriously connected. Then he expressed his dismay that we could not connect intellectually and spiritually despite being connected geographically. He mentioned the language barrier between the South Asian countries, due to which many could not participate. He sincerely believes that this conference has been a milestone. Advocacy of colonization in South Asia focusing on legal freedom, which Prof. Dr. Mizanur Rahman often mentions.

Professor Dr. Sangroula has focused on his speech, and he thinks that COVID has taught us a lot regarding decolonization. He emphasized the distinguished ideas emanating from South Asia. We do not need to think like earlier philosophers but rather contextualize the jurisprudence to the needs and circumstances of our own jurisdictions, which is what he meant by decolonization. He also emphasized the importance of promoting South Asian ideas and intellectuals in order to break the cycle of relying on the jurisprudence of colonizers. He commented that the relationship between the legal and justice systems and development is the people's right.

There was a discussion of the laws we inherited from the colonizers and how we should reflect on and revise them to meet our current needs. He proposed to the Director of BILIA for collaborative research and joint publication so that students and scholars can benefit from such research and jointly help students from Nepal and Bangladesh learn more about what happens in other countries.

He also talked about adopting common clinical methods to implement in law schools, where students will be thinking about justice more functionally. He ended the speech very optimistically with a desire to improve legal education in South Asia so that students from Asia will not need to rush to western countries to enrich themselves, but rather they can come here in South Asia to enrich themselves. He once again appreciated the efforts of BILIA and AALP in this pandemic situation and expressed his desire to visit Bangladesh.

SPEECH BY BARRISTER TANIA AMIR:



Barrister Tania Amir, Senior Advocate, Supreme Court of Bangladesh, and Life Member and EC member, BILIA, addressed the crowd and expressed the honor of co-hosting this event. She hoped that other conferences would be organised in the future. Speaking on behalf of the BILIA Executive Council, she expressed the desire to host another conference where everyone could be present physically. Although due to pandemic it has not been possible to know and meet paper presenters but through their papers and presentation we have come to know them

She delightfully mentioned the papers presented and wishes to publish them and distribute them to the countries that participated in this Conference and to other legal academia and judges who can rely upon the new trends presented here. Highly impressed by the young minds, Barrister Tania Amir said that this is the beginning of interaction young minds which can be nourished. She mentioned the areas where South Asia has made a mark, such as the doctrine of basic structure, and concluded her remarks with the hope of contributing further to the jurisprudence with the cooperation of the South Asian countries.

SPEECH BY MR. JUSTICE A.H.M. SHAMSUDDIN CHOWDHURY MANIK:

Mr. Justice A.H.M. Shamsuddin Chowdhury Manik, Former Justice, Appellate Division, Supreme Court of Bangladesh and Life Member, BILIA, delivered his valuable speech on this occasion. He greeted everyone present on the premises and those who did not present physically but joined online. Mentioning the words of Sir Isaac Newton, he said that the opportunity to learn is a divine gift. He then reflected on the teachings of Gautam Buddha to enlighten oneself and then spread the light to people all over the world. He mentioned it because the sessions at this particular Conference greatly enlightened every participant.

Justice Chowdhury in his speech mentioned the contribution of Barrister M. Amir-Ul Islam, who was one of the 34 members to draft the constitution of Bangladesh and made an important contribution to the drafting of the Statute of Rome, which actually gave birth to the International Criminal Court. He also added the rich history of 1974, when members of the international law commission came here to BILIA to discuss with the then members and were briefed about the International Criminal Tribunal Act. Principle of secularity, which is a glowing stone in our constitution. Justice Chowdhury in the event asked participants who had the opportunity to be enlightened and educated to spread the ideology of secularism to combat the rise of religious fundamentalists, dogmas, and those who try to demolish the secular principle advocated by the father of the nation, Bangabandhu Sheikh Mujibur Rahman. He concluded his remarks by congratulating those who delivered their thoughts and putting on the table various suggestions that should be followed and appreciated. He thanked the members of BILIA and AALP who have worked hard to put together this international Conference.

SPEECH BY BARRISTER M. AMIR-UL ISLAM:

The Chairman of BILIA, **Barrister M. Amir-Ul Islam**, Senior Advocate, Supreme Court of Bangladesh, commenced with a note of appreciation to the people who worked hard to make the event successful. He focused on the duties and obligations of new generation to build the nation and expressed concern over the position of women and children in our society, and believes that society will be bankrupt if rights of woman and children are not addressed. He reflected on the provision of human dignity incorporated in the proclamation of independence and properly mentioned about the areas that need to be focused on.



He stated that the Law and society go side by side the concept of cultural movement and cultural sharing was emphasized in, Barrister Islam's speech. He mentioned that it's the message he thought should be distributed to all that the law and society cannot function without each other. He highlighted the current situation in society and the legal system, which hurts the principle he holds so close. On a more positive note, he encouraged the young people present at the conference to join a collective movement against injustice and atrocities, emphasizing that collective sharing, collective thoughts, and collective campaigning are extremely powerful and have the potential to regenerate society, and he hoped that the young people would be the forerunners of this movement. With this hope in his heart, he concluded the address.

VOTE OF THANKS:



The concluding remarks and vote of thanks were conveyed by Director of BILIA, **Professor Dr. Mizanur Rahman**. According to Professor Rahman., this nexus between countries over virtual platforms in the time of a pandemic is what the conference has been about. He remarked that good things come to an end sooner or later. He thanked everyone from home and abroad who worked hard to make this event successful, with their busy schedules. At 50, BILIA became younger than ever with the presence of young students and scholars, Professor Dr. Rahman further appreciated the hard works of BILIA staff members, volunteers, rapporteurs, for the conference to happen.

He exclaimed that it was a remarkable coincidence that the parallel session that he attended was full of young and enthusiastic legal minds. Through this conference the ideas that has been generated and memories shared are going to add value to the society.

He mentioned the ' the Proclamation of Independence' by Barrister M. Amir-Ul Islam would keep him alive for generations. He concluded his address with a promise to fight as long as it takes to attain the values for which the freedom fighters have shed blood: the principles of equality, social justice, and human dignity. He thinks it is the ultimate goal that our legal system and South Asian legal systems should pursue. He concluded by saying that this event would be left in our minds with innumerable learning and memories that we will surely cherish for a long time.

CONCLUSION

The closing ceremony of the international conference on Law and legal education during and post-pandemic started and concluded in an emotional, heartwarming, and organized manner due to the hard work and determination of the members of BILLIA and the humble cooperation of the international community who joined the conference. On the occasion of the celebration of 50 years of establishment of BILLIA, this conference was organized to better understand the impact of the pandemic on Law and legal education. The research paper presented by the honorable legal scholars shed light on important yet very vital issues. These papers will help scholars, professionals, students, law teachers, as well as policy makers better understand the COVID-19 situation and take effective and informed steps towards achieving their goals.

PARTICIPATION

ON THE FIRST DAY, AROUND 120 PEOPLE, AND ON THE SECOND DAY, AROUND 80 PEOPLE ATTENDED THE CONFERENCE IN PERSON. ONLINE PARTICIPATION WAS ENSURED VIA THE ZOOM PLATFORM. AROUND 40 PEOPLE JOINED THE CONFERENCE ONLINE.



ACKNOWLEDGEMENT

This conference report was prepared on the basis of the International Conference on Law and Legal Education During and Post-Pandemic that took place at BILIA premises from January 14-15, 2022. The conference was organized by the Bangladesh Institute of Law and International Affairs (BILIA), in collaboration with the Asian Association of Law Professors (AALP).

The conference's purpose was to address the multifaceted and prolonged impact of the ongoing COVID-19 pandemic on the law and legal education sectors throughout the different continents of the world, with a special focus on the Asian countries.

Despite the sudden rise of the omicron variant of COVID, BILIA was able to bring together judges, lawyers, jurists, academicians, scholars, researchers, activists, diplomats, media persons, students, and many professionals in law and other relevant disciplines to discuss and disseminate knowledge on the matters addressed under the conference theme. Without a doubt, the ideas shared on this platform will bring a new perspective to legal research, findings, and policy recommendations aimed at mitigating the devastating impact of the COVID-19 pandemic.

In view of the overall praise and positive responses that this conference has received so far, both from Bangladesh and outside, the conference can be considered a success. While preparing this conference report, references and assistance were taken from the individual reports that had been primarily prepared by the student rapporteurs assigned to cover different sessions of the conference. Therefore, special gratitude is conveyed to those who worked hard to facilitate the drafting of this report.

