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## The Dress Code for Lawyers: In Search of Change with Climatic Compatibility in Bangladesh

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# The Dress Code for Lawyers: In Search of Change with Climatic Compatibility in Bangladesh

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## I. INTRODUCTION

Undeniably, the close nexus between profession and dress (Rahman, 2010) is visible all around the globe from time immemorial. Lawyers, Judges, Doctors, Army Personnel, Police Forces and Convict Prisoners follow fixed dress code as directed by respective states. Wearing specific dress code, lawyers are to sweat to earn in many countries with sweltering climate. Question arises that should it be more according to the climate rather than protecting impressed legacy reflecting magnificence or pointing ridicule. Judicial costume preserves respect for authority and the status symbol of the court (Yablon, 1995) for judges and advocates providing a degree of anonymity, mark of dignity, strength, discipline, decency, legal fraternity and respect towards courts. Respect to the court should be reflected by knowledge, and not by dresses, anyways for disciplinary issues, dresses may be decided according to culture and compatibility with the climate of a particular country. Many countries have changed judicial costumes for lawyers to get rid of the British colonial legacy and adjusted the same keeping consistency with climatic compatibility paving the way

for Court's commitment to providing an appropriate and accessible environment (BBC, 2011). But the dress code of lawyers introduced by the British long ago is still in force in Bangladesh causing concerns among the lawyers because of unsuitability and uncomfotability in hot and humid weather in most parts of a year.

The dearth of Indebted legal literature and study materials about prevailing costume jurisprudence in Bangladesh leads the writer to undertake this initiative in a bid to depict the history, tradition and recent change in countries to reconstitute the judicial costumes in Bangladesh keeping pace with climate, heritage and culture, moral and social values. In this study Advocates, Attorneys, Counsel, Solicitor, Barrister, Judges are branded as lawyers.

## II. HISTORICAL CHRONICLES OF THE DRESS CODE FOR LAWYERS

Beyond any reasonable doubt in science and technology the domination of either of the British or of America is still sustained even ranging from parliament to the court premises in most parts of the world. Whether we prefer it or not we are to cite the British or America as the pioneer of all creativities, discoveries and inventions. The same fact is echoed while digging out the historical chronicles of dress code for lawyers. This reminds the quotation of Dan Brown, an American author of thriller fiction, the Da Vinci Code, saying history is always written by the winners. He further opines that when two cultures clash, the loser is obliterated, and the winner writes the history books which glorify their own cause and disparage the conquered foe. The English judicial costumes worn by the judges are the most distinctive working wardrobe in existence for more than six centuries (Baker, 1978). The costumes for judges were more or less established by the time of British King Edward III (1327-1377) for attending the Royal court. The material for ceremonial dress or robes was originally given to judges as a grant from the Crown. The division of legal profession in England dates back to 1340, paving the way for the evolution of professional advocacy (Waker, 1980). In 1340, in a public reaction general people opposed the length of the judicial attire but the lawyers obstinately decided to adhere to the

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long robes. The judges during medieval era wore violet robes in the winter and green robes in the summer. The green summer robes fell into disguise by 1534 and after 1534 only the black and violet robes were usually worn.

However, robes can be interpreted to mean wig and gown (Abdulraheem, 2006). Apart from clergy and the military, legal professionals used to wear gown. In Europe as far as forensic dress is concerned, a scholastic and ecclesiastical tradition goes back to the days when long mantles were worn by the avocati-consistorial of papal courts and the lawyers of the Roman Sapienza. Reverend advocates in ecclesiastical and secular courts used to wear toga which subsequently came to be the pleader's uniform. Long robes were imported into the courts first by the priest-original judges and later by those who patronized the courts since 13<sup>th</sup> century (Haque, 2012). In ancient Rome a judge used to wear a purple-trimmed toga when performing his duties as a judge to derive their authority from monarchies or feudal lords. In England, codification of rules for English judicial uniform occurred with the Judges' Rules, 1635. The Rules introduced no change rather set out what and when the existing costumes to be worn. After 1635 a black robe with a light colour fur or coat in winter and violet or scarlet robes with short-pink taffeta in summer were introduced. A black girdle or cincture was worn with all robes. By the end of 1680s two rectangles of linen tied at the throat. So, in England judges, barristers and solicitors in the 17<sup>th</sup> century were using black coats, gowns, bands and traditional wigs. Three stories are found in England regarding using of robes. Firstly, robes adopted in 1685 as the symbol of mourning for King Charles II. Secondly, in 1694 it is found that all of the nations judges attended the funeral of Queen Mary II dressed in black robes as a sign of mourning. Since the mourning period lasted a few more years after Mary's burial, the custom of wearing black robes became entrenched in the English judiciary. Thirdly, in memory of Queen Anne in 1714, the same mourning was followed. Italian judges resembling English judges in the 18<sup>th</sup> century wore black robes, white bands and white wigs. Thus from the tradition of three monarchs the black robes tradition spread around the Britain and then surrounded in the world and still persists today as part of the Britain's colonial adventures (Fred, 1978).

The Muslim countries were not lagging behind in using robes. The ancient Egyptians used to wear wigs to shield their shaved, hairless heads from the sun. After the fall of the Roman Empire, the use of wigs went into oblivion in the West for a thousand year until they were revived again in the 16<sup>th</sup> century as a means of compensating for hair loss or improving one's personal appearance or complexion. Royal patronage was crucial to the revival of the wig as Queen Elizabeth I of England

famously wore a red wig in a Roman style while French Kings Louis XIII and Louis XIV pioneered wig-wearing. In 1624 Louis XIII went prematurely bald and the fashion conscious king in absence of his natural curly hair used to wear a wig to disguise his baldheadedness in a planned way. His successive king Louis XIV also went prematurely bald and opted for wig as a style leader. Since then wigs were used as fashion which became almost universal for European upper & middle class men by the beginning of the 18<sup>th</sup> Century. Other rationales included ease of hairdressing, ease of cleaning of hair, comfort while sleeping, ability to change styles and colours and class considerations as wigs were expensive. Wigs were also used after shaving of natural hair to get relieve from head lice. Around 1715, lighter wigs were used as fashion too. It dribbled its custom out of fashion until the 1720's when it was only worn by professionals namely lawyers and doctors. After 1740, it was only worn by judges and had gone completely out of fashion and reversed for ceremonial dress. Bands are official neckwear accustomed to use by clergy and lawyers. Bands used by clergy often called preaching bands and worn by lawyers are usually called barrister's bands. Again the history of adoption of bands credited to England where bands were used for legal, official and ecclesiastical and academic use in the mid-seventeenth century. During mid-seventeenth century plain white bands came to be in variable neckwear of all judges, sergeants, barristers, students, clerical and academicians.

### III. SIGNIFICANCE OF DIFFERENT COLOURS IN THE JUDICIAL COSTUMES

The colours of judicial costumes have different significance varying from culture to culture. Lawyers in the courts of most countries of the world wear black, red and white ceremonial dress signifying different themes. Basically, black is supposed to be the colour of mourning, authority and power and also implies submission. Priests wear black to purport submission to God. So, in the case of lawyers their submissions are towards court and justice system. On the other hand, red is the second-most admired colour for judicial robes historically associated with royalty and judges were appointed as a servant of the Monarch. Red is also considered as the colour of courage and sacrifice. White symbolizes innocence and purity. Apart from these three colours blue and green are also popular in the judicial dress. Blue signifies justice, perseverance and vigilance while green is supposed to be the colour of justice in Islam. In fact, colour does not have similar theme and significance in all cultural representations. White dress is worn in marriage of the Christian couple while a deceased in the Muslim and Hindu culture is being worn a white dress for burial. To a frustrated lover, blue is a

colour of pain but in the US flag blue background reflects the colour of vigilance, perseverance and justice. So, colour paradox in the judicial costume is cloudy in cultural difference.

#### IV. BLIND LEGACY OF THE BRITISH JUDICIAL COSTUMES IN THE INDIAN SUBCONTINENT

The imposition of European and English ideas on legal system and judicial attire as well as address in their dominated colonies and exploited regions of the world are still in persistence. The Indian Subcontinent was not an exception to these rather the entire jurisprudence of the Indian Subcontinent has a blind legacy of the British legal system. The present legal and judicial system as well as judicial costumes of the region owes its origin mainly to two hundred years of British rule in the Indian Sub-Continent although some elements of it are remnants of Pre-British era tracing back to Hindu and Muslim administration. India, Pakistan, Bangladesh, Sri Lanka and Bhutan of the Indian Subcontinent were directly ruled by the British, but Nepal had a treaty relationship with the British and was not ruled by the British directly, the silent domination of the British is not denied in the country.

Justice V.R. Krishna Iyer, a former Judge of Indian Supreme Court and a Jurist says more than six decades ago India bid farewell to the British, but the die-hard imperial jurisprudence remains and Indian courts even today copy the British precedents as Indian law (Harsh, 2010). Indian Bar and Bench have borrowed even their costume, including gown, collar and bands, from the British. Indeed, a relic of the British Raj, the sooty robe is believed to have been adopted under a mourning ritual that followed English Monarch's demise. In India, the Advocates Act, 1961 adopted the black outfit and stipulates five layers for male lawyers with a slightly dressed down for female lawyers. The Act mandates male Advocates to wear a black buttoned up coat, chapkan, achkan, sherwani or a black open breast coat while female lawyers are required to wear a black full-sleeve jacket or blouse, paired with sari or long skirts, pants or salwar kameez. In addition, male Advocates are to wear long trousers (white, black striped or grey) or dhoti excluding jeans. Furthermore, in courts other than the Supreme Court, High Courts, District Courts, Sessions Courts or City Civil Courts, a black tie may be worn a male Advocate instead of bands. The senior Advocate in the High Courts and in the Supreme Court wear King's Council's gown. Wearing of Advocates gowns is optional except appearing before in the Supreme Court or in High Courts according to Part VI of Chapter IV of the Bar Council of India Rules under Section 49(1) (gg) of the Advocates Act, 1961. Except in Supreme Court and High Courts during summer, wearing of black coat is

relaxed recently. On the contrary, the Bombay High Court has imposed a mandatory dress code for litigants entering its premises wearing modest dresses and in sober colours (Dhananjay, 2011). As a reason a circular issued by the High Court also adds that these instructions were given so that there were no unsocial activities in the premises. A foreign couple had to pay a fine for entering the court remises for violating the dress code.

Following the British tradition in Pakistan, the courts have continued to uphold the same for lawyers wearing black and white in the courts. However, in 1980s, judges modified their dress to do away with wig and to allow the usage of a black traditional Pakistani Sherwani. Dress code for legal practitioners varies with the season in Pakistan. A formal black suit and tie are worn during the winter months. White trousers and a white neck band are worn during the winter months. In addition, judges wear a black robe over their other garments. Wigs are no longer worn. Dress codes are rigorously enforced within the Superior Courts. Both judges and counsels in Sri Lanka dress in black and white. Male lawyers wear white shirt, black coat, gown, tie and trousers but female lawyers wear sari. Wigs are worn by judges of the Supreme Court, Court of Appeal and President's counsel only on various ceremonial occasions. Like India, Pakistan and Sri Lanka, Bangladesh follows the British judicial attire in a similar fashion.

#### V. LAWYERS ROBES AND LAW IN BANGLADESH

Undoubtedly, lawyer's uniform in Bangladesh has its root in the British aristocracy. In line with the British tradition, the Supreme Court of Bangladesh has provided Civil Rules and Orders (CRO) containing dress code for judicial officers and Advocates. According to Rule 911 of the CRO, male judicial officer in Bangladesh when presiding over the Court wear a king counsel's gown of any black cloth other than silk, stand up, winged white color and bands, a full sleeve white shirt, a black coat of any pattern or black chapkan or achkan and if the coat left unbutton, a black waist coat is worn. They are also required to wear light colour trouser or pant. Judges of the Supreme Court wear almost same dress code but wear wigs in ceremonial occasions not during sessions in court. Lady judicial officers when presiding over the Court wear a king counsel's gown of any black cloth, stand up, winged white color and bands, white and light colored sari or salwar-kamiz, a black coat of any pattern. The wearing of the full robes is compulsory for all judicial officers (CRO, 1982) No deviation of the rule is allowed except in special circumstances to be submitted to the Supreme Court (High Court) for its orders. As per Rule 825 of the CRO, Advocate of Supreme Court shall when appearing in any

court of session, Tribunals or any court of judicial Magistrate wear the same gown as in the Supreme Court. All male advocates appearing before the subordinate courts shall wear a black or white chapkan, achkan or buttoned-up long coat with dark or white trousers to match and a black or dark coloured plain tie and the gown. chapkan, achkan, or serwani with black half sleeved gown and band or Black open breast coat, white shirt, stand up winged white color stiff or soft, with a black gown and band. In either case, long trouser (white, black or black striped or gray) shall be worn if European dress is worn, then a black coat with dark or white trousers and a black or dark colored plain tie and gown. And all lady Advocates– black full sleeved jacket or blouse stand up, winged white color, stiff or soft, with a black gown and band sari or salwar kamiz (white or black) shall be worn. The wearing of the prescribed dress is compulsory for all advocates. In accordance with the Rule 38 of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988, the dress prescribed for Supreme Court Advocates is a short coat or Sherwani of black material, white shirt with turned down collar and white bands in the summer, white trousers, and in the winter, trousers of materials in deeper shades of grey. The Advocate shall wear a short black gown in court, unless the court directs otherwise. The dress of Senior Advocates shall be similar with an additional requirement that they shall wear special gown as prescribed for Barristers appearing before the High Court in London. The dress for Advocates-on-Record shall be as that for Advocates of the Court (SCB, 1988). However, regarding dress code for Judges and Advocates there is no mention in the Bangladesh Legal Practitioners and Bar Council Order, 1972 but the professional conduct and etiquette are well mentioned. Moreover, addressing judge as “My Lord” or “Your Lordship” in the Supreme Court is practiced raising question as to many people God only can be addressed with this salutation. In the subordinate judiciary, the expression “Your Honour” to the judges seems reasonable to Advocates. However, the title used in the courtroom, such as “Learned Friend or Advocate or Counsel” for lawyer is a legal fiction used to show respect to opponent counsel.

## VI. RELATIONSHIP BETWEEN JUDICIAL ATTIRE AND ACCESS TO JUSTICE

To analyze whether there are interconnection between judicial attire and access to justice, this part will synthesize the intentions of those who impose formal judicial costume and assess the effects on citizens in seeking justice. The question is unanswered whether judicial attire is more related with subjective satisfaction or objective satisfaction in easy access to justice. Dress code as a part of decorum in the judiciary is an effort to

maintain the order, dignity of the court and canon of judicial ethics requires it. Complete banning can raise questions about race, religion and access to justice but it does not pose a problem. On the other hand, the consequences of the public being barred entry to the courthouse are particularly problematic since it operates as a chill on the public's access to justice. Access to the courthouse should be unfettered. Gerry Weber, an attorney with the Southern Center for Human Rights and former legal director of the American Civil Liberties Union of Georgia, said that courts have fairly broad discretion to ensure that dress complies with standards of decorum for the courtroom. After examining the history of judicial attire, it appears that those who impose changes generally intend to distinguish their judges, have their judges mimic others, or project an image to their citizens. After achieving independence from England, American judges abstain from wearing wigs and fur-lined scarlet robes they wore under English control, and instead wore simpler black robes or shed them altogether to make judges look more human. Some argue that English judges have kept their formal and distinctive attire to distinguish their legal system from other countries (Willy, 2011). From the very inception, robes are thought to project a respectful image to court users, in hopes that lay people like criminal defendants view the proceedings seriously, or that witnesses feel compelled to tell the truth. But, robes also have been used by powerful groups like robber-baron to project oppressive control over restless citizens. In these cases, the dignified look which robes provide can be viewed by lay users as elitist or intimidating – an effect which some leaders might desire.

## VII. HUMAN RIGHTS PERSPECTIVE OF THE DRESS CODE

Bangladesh is a pluralistic country in terms of religion, ethnicity, language and laws. In Bangladesh society, an outfit is said to be complete or proper when it respects or meets three values, viz. social, cultural and spiritual values. But the lawyer's costumes in the former British colonies including Bangladesh are against these three values rather these dresses are the symbol of legal enslavement and silent domination of the British. Lawyers without air condition facility and during load shedding hours in the subordinate courts seem to be in the oven but in the superior courts they enjoy air condition facility and electric back up during load shedding hours. Since the black dress code scientifically, absorbs more heat amounting to silent torture and oppression on mind and equivalent to violations of or instrumental to the violations of human rights in wider sense. But, human rights can only be limited to protect the rights of others and to meet just

needs morality, public order and public safety in a democratic society (UDHR, 1948). The climate in most of the European countries is cold and people are white. So, the black robes fit them both in weather and in colour of complexion. But in Bangladesh the weather is excessively hot and the robes are unsuitable for the lawyers in climatic difficulty and appearance of people. It is ironic to judges and Advocates who sometimes express views of change of dress code relaxing cultural imperialism and as an insult to right of choice and a denial of freedom to comply with the tenets of climate, culture and morality. Dressing should respect local culture even though it is regarded as professional dressing to resist the slavish imitation of the British which is not only demeaning to the sovereignty of the country but also culturally insensitive. In line with Bangladesh Constitution, the state shall adopt measures to conserve the cultural traditions, heritage, and arts aiming to enrichment of the national culture (Bangladesh Constitution, 1972). This constitutional provision is unrealized in the court premises. The objective of human rights is to uplift human dignity ensuring freedom, nondiscrimination and justice but the concept in true sense does reflect in case of judicial costumes for lawyers.

### VIII. THE WIND OF CHANGE OF THE DRESS CODE AROUND THE WORLD

Undeniably, the role of the British for the legal development in their former colonies is much acclaimed except in the USA and there is less scope to criticize their role in the subcontinent. But the wind of change is blowing all across the globe including the United Kingdom relating to the dress code. The English judiciary has long been regarded as a bastion of conservative mores and sartorial continuity (Independent, 2009). Nonetheless, it has revised its judicial costumes. In November 21, 2011 the President of the UK Supreme Court (UKSC) in a press notice revised the dress code at the UKSC. According to the new guidance lawyers appearing at the UK's highest court set up in October, 2009 will no longer have to wear the traditional wigs and gowns. The purpose of the new costume in line with the court's goal is to make the court as accessible as possible extending the court's commitment to providing an appropriate environment for considered discussion of legal issues. Even if all advocates in a case agree, they may dispense with part or all of court dresses. Supreme Court justices wear no legal costume. The relaxed dress code would also apply to advocates appearing before the Judicial Committee of the Privy Council (JCPC). Judges and lawyers appearing in criminal courts still wear traditional wigs and gowns but they can be dispensed in cases involving children. The Supreme Court move followed a

request by the UKSC/JCPC User Group, which represents professional users of the court, for an extension of the practice already adopted in family cases where advocates customarily appear unrobed. The official notice anticipated that some advocates will not wish to take advantage of this dispensation while others may prefer to reduce their legal dress to a simple gown, or to appear without legal dress at all. In 2008, Britain's Lord Chief Justice created a simpler style of court dress in which judges in civil and family cases in England and Wales were stopped wearing wigs (Guardian,2008).

During the early history of the United States, the court dress of judges and practicing lawyers closely mirrored British dress code of the 18th century. After the revolution many of the founders including Thomas Jefferson wanted to purge their nation of any symbols of the old English aristocratic order terming it as a rejected system (Glenn W. 1956). In the then time the judicial wigs were banned but the robes were retained as part of compromise. The practice fell out of favour and died out by the mid-nineteenth century when the states and feds began to increasingly harmonize and from then on almost every judge in America has started to wear a standardized black robe over a formal business suit. Today, generally judges of both state and federal courts are free to select their own courtroom attire. The most common choice is a plain black robe which covers the torso and legs, with sleeves. Female judges will sometimes add to the robe a plain white collar similar to that used in academic dress. Beneath the robes business attire is standard coupled with a shirt as well as tie for men and a woman's suit and stockings for women. The USA as a federal country further left regulation of judicial costume to the jurisdiction of the individual states. Many states especially in the South shared Jefferson's original mentality and had their judges wear no official costume for quite a long period of time. Despite the standardization there are still some quaint exceptions to the black robe hegemony.

Despite no fixed dress code in the court premises for Attorneys in USA, there are some peculiar dress codes in some states in the Federal country. In New Mexico, USA general public are not allowed in the court rooms dressed with shorts, tank or halter-tops, muscle shirts and T-shirts with indecent words or graphics. Lenore Nesbitt, the first female judge appointed to the U.S. Southern District of Florida, used to send women out of her courtroom for wearing open-toed shoes. Allegheny County Common Pleas Judge David R. Cashman orders attorneys out of his courtroom if he feels they're underdressed. Usually when an attorney who wore casual clothes to the office that day is summoned to court unexpectedly. All witnesses appearing in United States District Court in the Eastern District of Washington are asked to dress appropriately

avoiding wearing shorts, tank tops and sandals. An Alabama judge held a defendant in contempt of court for wearing saggy pants showing butt before the court. The judge also jailed the person for three days and instructed him to buy pants that fit or at least get a belt to hold up pants so that underwear doesn't show.

Like America, Canadian judges do not wear wigs and long robes. Canada used to wear British styled robes before 2008. Despite its British heritage Canadians have reconstructed a society based on their own aesthetics rather than copy blindly from the British. Similarly, justices of the Canadian province of Ontario's Superior Court of Justice are no longer addressed as "My Lord," or "My Lady," but are now addressed as "Your Honour."

In Australia court dress varies according to jurisdictions of courts from federal to state levels. Plain black robes have been worn over normal attire since 1988, when the High Court abandoned the previous court dress of black silk robes, bar jackets, jabots or bands and full-bottomed wigs and lace cuffs on formal occasions and bench wigs for ordinary business. Wigs were abolished in Western Australia for both judges and lawyers in all courts in 2010. Stipendiary Magistrates and justices of the peace do not robe, other than in New South Wells where they have worn a black robe over normal business attire since 2005. Prior to 2010, Barristers did not robe before the Federal Magistrates Court. Barristers are now expected to robe for most hearings, but not for interlocutory or interim matters. Wigs full-bottomed or otherwise are not worn on any occasion. Aside from these countries one or two countries have eliminated the tradition of wearing elaborate judicial robes altogether. In Greece and Scandinavia, for example, a suit is fine to wear during any legal proceeding.

In South Africa judges wear British-style robes, although Dutch influences can also be seen as a legacy of Dutch colonialism. High Court judges of South Africa wear black robes to hear civil cases and appeals but red and black robes are used during criminal cases. In the post apartheid South Africa special blue robes are designed for constitutional court judges. At the end of 2004, the Council of the Law Society of South Africa (LSSA) decided court attire for advocates with effect from April 1, 2005. As per the new dress code, an advocate whether appearing in the constitutional court, High court, Magistrate court or in other courts s/he will be dressed with a white shirt or a blouse with a bib, a black jacket, an attorney's gown and a dark trouser or skirt. Now in many African court dresses are lightweight simply because the full outfit would be too hot for most people to wear in that climate. In Kenya, a country of the East Africa in a judge's colloquium in 2011, it is decided that judges will no longer be referred to as "my Lord" rather to be referred as "Your Honour" and wigs will be

discarded with immediate effect (Nation, 2011). Terming the current dress code uncomfortable owing to unbearable heat the colloquium decided to a lighter robe for the judicial officers sensing the necessity of robes as a mark of dignity and respect to courts.

Like much of the former colonial countries the black outfit has stayed with the lawyers in India, although under section 49 of the Advocates Act of 1961, the judicial dress should be prescribed in keeping pace with the climatic conditions. But the practice is quite different showing the colonial hangover. But, in the wake of movement from lawyers' community, the Bar Council of India, in a circular in 2001, dispense with the coat from March 15 to June 15 to lower court lawyers. In spite of such relaxation, most lawyers still adhere to the dress code throughout the year, although subordinate courts are almost never air-conditioned. In another move the Bar Council of India by a resolution in 2006, throws out the phrase "My Lordship" or "My Lord" addressing the judges of the High Courts and Supreme Court in favour of "Your Honour", "Honourable Court" or just "Sir or Madam". This change followed the acceptance of the more socialistic political ideology prevalent in modern Indian society, which has dedicated itself to ending the hierarchies that the legal system reflects and reinforces. But still the new changes are not widely accepted and practiced because of embedded habit and partly out of fear of falling in disfavour with judges. Two writ petitions were filed with Delhi High Court in 2001 seeking change in the dress code of advocates and seeking restraint of senior advocates in India from wearing the Queens Council's gown of England but both of them dismissed by the court terming meritless and misconceived.

Most of the Muslim countries in the Middle East tend to follow anti-western dress code for lawyers. Judges in these countries wear very simplistic costumes denouncing fancy court room dress as western practice. In Afghanistan and in Iran chief justice wear white and black turbans apart from traditional robes. Judges in Libya and Egypt simply wear green sashes over the business suits terming green as the colour of justice in Islam.

## IX. RATIONALES OF CHANGE OF DRESS CODE WITH CLIMATIC COMPATIBILITY IN BANGLADESH

Many Lawyers and academicians debate whether the sanctity of the dress code should give way to practicality. The cumbersome compulsion, combined with the scorching heat is uncomfortable and unbearable during summer. They demand a pattern of change with climatic adjustability to restructure our colonial institutions to reflect our oriental culture and needs. Most lawyers in Bangladesh are short in size, brown or dark in screen and so with long robes they

look ridiculous and aliens to common people. Again the history, tradition, heritage, culture and social values of people do not match with the existing dress code for lawyers. Moreover, elite lawyers import judicial costume from Britain which is very expensive while average lawyers use second hand ones for years. Bangladesh is a tropical country in which from March 15 to November 15 a very hot and humid weather persists. Lawyers are to wear the dress code for professional compulsion despite their disinterest. Load shedding in Bangladesh is more acute than India and Pakistan. Weather condition in summer and in rainy season is almost like India and Pakistan and sometimes hotter comparatively. So, in line with many countries as said above Bangladesh needs to change the dress code for lawyers or a relaxation during the summer and rainy season. Government in Bangladesh in 2009 has ordered male government employees to stop wearing suits, jackets and ties to save electricity during hot months between March and November. In an Order the government told the Ministers and employees not to turn their air-conditions below 24C. The order is reiterated in 2012 as a directory to save power but there is no punishment for breach of such order. Like India there is no movement in Bangladesh by any lawyer's body to change the dress code here as lawyers are busy with practice, politics and position. Bar council is the regulatory body of the advocates in Bangladesh and Supreme Court is the guardian of the judiciary but no initiatives is visible by any of the bodies to make the dress code comfortable and suitable for all seasons. The fact is that 40 years of independence is a reasonable length of time for us to restructure our colonial institutions in order to give us a true sense of nationhood and to signal to our contemporary youth towards change we need. I am very optimistic that we have the capacity to design a judicial costume based on Bangladeshi aesthetics. What we need at the moment is a transformative leadership to lead a cultural revolution. Bangladesh has no cultural ties with Britain save through colonization. Commonsense suggests that we have a strong justification to cast away that cultural heritage compared to Canada, the US, Australia, India and other Muslim countries.

Bangladesh can take lesson from the British regarding relaxation of dress code. Prior to change of the dress code in the UK, the Lord Chancellor's consultation paper opines that there is no justification for retaining working court dress on the grounds of tradition alone. The paper said that courts are not a tourist attraction. Lord Chief Justice Taylor of England opined that their judges' formal attire made them look "antique and slightly ridiculous" – in 1990. As a result, progressive change is felt to be initiated or encouraged. Change is yet to take place in Bangladesh because of colonial mind set and attitude of policy-makers,

bureaucrats, politicians and even judges and Advocates. As regard change as a sociological issue requires absolute commitment, honesty, perseverance, and modeling from the top-echelon of society like political leaders as well as members of the civil society.

The change of dress code has taken places in many countries and the pattern of change is not revolutionary rather evolutionary. Keeping in touch with UK, Indian and Pakistani judiciary as these three have resemblances with Bangladesh let's dig out the possible reasons for the change of the dress code. In India the evolutionary movement of change for dress code started in the 1990s and still continuing creating debate on dignity vs. discomfort for the existing dress code of lawyers. In India those who favour the colonial dress code believed that the dress code gave a degree of anonymity to judges and lawyers. The dress code is not merely believed to be a status symbol but an integral part of the profession bringing out distinction, discipline, decorum and dignity among lawyers and give them confidence to fight for justice. It is also termed as a mark of dignity, legal fraternity and respect towards courts differentiating the lawyers from other professionals (Menezes, 1996).

On the other hand, the opponent of the British-style costume find valid grounds to change the dress code or a relaxation of the dress code in summer and rainy seasons for removing physical discomfort and the subsequent health hazards. Probably, change of dress code and redesign of the same according to suitability of climate will not hinder administration of justice. The creation of a new dress code staying away from the legacy of the British attire may boost sub continental cultural entity and heritage in the legal arena. As moral values and legal ethics have already been well added into the legal profession the change in costume will not deteriorate the standard of this profession. Sometimes, neck bands get touch with curry and tea stains, gowns are not dry-cleaned for long days, coats are not dry-cleaned and ironed detracting the dignity that befits the profession. In the rainy season the long robes get soaked with dirty water. Frequent power cuts and lack of power back ups in the courts demand change of such dress code which stipulates five layers for male lawyers and with a slightly dressed down version for female lawyers. In the subordinate judiciary the situation is even worse for the lawyers and judges owing to dearth of facilities but superior courts are spacious with more facilities comparably. Medical opinion too finds the dress code for lawyers in India unreasonable. Pune-based Dr. Avinash Bhutkar opines increase in body heat beyond a point lowers the appetite, slows down digestion as well as stimulates dehydration risk. Dr. Rajon TD, a Mumbai based consultant specialist in skin and sexually transmitted diseases says even low temperatures clubbed with high humidity levels cause

severe discomfort. Nalini Karunakaran, an ayurvedic physician in India points black is a very unhealthy colour and being speedy absorber of heat could lead to a breakdown of health in the long run and also may results skin problems and orthopedic complications. Bangladesh should share experience from India for the modification of dress code in the country. It is notable that, in a survey in the UK in 1992, 85% of the public felt that robes lent dignity to court proceedings, 71% felt the emphasized the witness to tell the truth and ultimately 79% were in favour of retaining robes. In another study was initiated in 2003 to measure how court dress impacts public confidence. The study stressed negative effects of formal attire for victims and witnesses recommending change with the demand of time. Eventually, the UK changed the judicial dress code in a evolutionary way. Similarly, in a study in India in 1990s, around 55.6% felt the black coat was completely unsuitable for the tropical Indian climate while 86% said dress code for lawyers was necessary and around 65.2 percent felt their dress code had merely become a status symbol. The result of the study reflected when Indian Bar Council relaxed dress code for lawyers, although to a little extent.

## X. CONCLUSION

Dress code expresses sanctity and commitment of the lawyers toward judicial institutions and enhances their responsibility for the profession. But if the dress code is compatible with season, customs and cultural spirit and principles then the commitment, integrity and respect concerning the noble profession may be expedited. Trend of change of the costume jurisprudence both in the western and oriental countries is a beckon of hope in the direction of liberalism shifting from conservatism. Interestingly, in recent years, English reforms sought to project modernization and simplicity, to ensure that their own citizens maintained respect for their legal system. It is also important to not overlook simple logistical reasons for changing attire. Perhaps most importantly, the distinctive black robes can serve as a reminder to judges of the importance of their responsibility to administer justice and not perpetuate bias. On the other hand, judges who become less formal by removing robes or simplifying them might appear less pompous and more human. The negative consequences of wearing formal attire seem to weigh heavier today. In Europe or in America power cuts is not a problem and climate is not hot whereas frequent power cuts is an acute problem in India, Pakistan and Bangladesh. Most of the lawyers in Bangladesh have adapted with the dress code against their intention while some of them feel embarrassed terming it unsuitable and disgusting but yet to raise any concern. Most of the colonial countries have changed their dress code but Bangladesh is the glaring exception to this. Even UK, Canada, Australia, South Africa, India have shown the

pattern as well as way towards change of the judicial costume recently and USA changed it long ago. So, the change of dress code is inevitable in Bangladesh keeping pace with its climate, heritage and cultural, social and moral values.

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