

Annual Report 2016



Supreme Court of Bangladesh



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SUPREME COURT OF BANGLADESH

Annual Report 2016



National Flag of Bangladesh



Logo of the Supreme Court of Bangladesh



Flag of the Hon'ble Chief Justice of Bangladesh



Flag of the Hon'ble Judges of the Supreme Court of Bangladesh



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Bangladesh Supreme Court at a Glance

Established	: On 16.12.1972 A.D. under article 94 of the Constitution of the People's Republic of Bangladesh.
Authorized by	: Part VI, Chapter I of the Constitution of Bangladesh.
Territorial Jurisdiction	: Whole of Bangladesh.
Location/Permanent Seat	: Dhaka, the capital of the Republic.
Area	: 55.05 Acres of Land. Floor Area: (i) Main Building 1,65,026.54 Sft. (ii) Annex Building 83,684.00 Sft. (iii) Old Building 78,81.83 Sft. (iv) Three Administrative Buildings 1,57,000.00 Sft. (v) Annex Building-2 (Proposed) 2,19,536.00 Sft (vi) Administrative Building (Proposed) 4,14,327.00 Sft.
Composition of Court	: As per article 94(2) of the Constitution the Supreme Court, comprising the Appellate Division and the High Court Division, consists of the Chief Justice and such number of other Judges as the President may deem it necessary for each Division.
Appointment of Judges	: (i) The Chief Justice and Judges of both the Divisions of the Supreme Court are appointed as per article 95 of the Constitution; (ii) Additional Judges of the High Court Division and ad hoc Judges of the Appellate Division of the Supreme Court are appointed as per article 98 of the Constitution.
Maximum Number of Judges in each Division in 2016	: (i) Appellate Division: 9 (Nine) Judges including the Chief Justice. (ii) High Court Division: 95 (Ninety Five) Judges.
Tenure of Office of the Judges	: Until he attains the age of 67 years; unless (i) removed by the President of the Republic on the basis of the report of the Supreme Judicial Council*; or (ii) resigns his office by writing under his hand addressed to the Hon'ble President of the Republic, (article 96 of the Constitution)
Jurisdiction	: (A) The Appellate Division shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the (i) High Court Division, (ii) Administrative Appellate Tribunal, (iii) International Crimes Tribunals. An appeal to the Appellate Division from a judgment, decree, order or sentence of the High Court Division shall lie; (a) as of right where the High Court Division- (i) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or (ii) has sentenced a person to death or to imprisonment for life; or (iii) has imposed punishment on a person for contempt of that division; and in such other cases as may be provided for by Act of Parliament. [article 103(1) and (2) of the Constitution]; and (b) by leave of the Appellate Division. (B) The High Court Division shall have such original, appellate and other jurisdictions, powers and functions as are or may be conferred on it by the Constitution or any other law. (Article 101 of the Constitution)
Court Rooms	: The Appellate Division : 03 (in the Main Building) The High Court Division : 22 (in the Main Building) : 33 (in the Annex Building) : 04 (in the Old Building) Total = 62
Contact	: The Registrar General, Supreme Court of Bangladesh, Shahbagh, Dhaka-1000 Phone : (+88 02) 9562941-5, 9567307 Fax : (+88 02) 9565058 Website : www.supremecourt.gov.bd Email : rg@supremecourt.gov.bd

* The Constitution (Sixteen Amendment) Act, 2014 (Act No. 13 of 2014) being declared *ultra vires* to the Constitution by the High Court Division of the Supreme Court of Bangladesh in Writ Petition No. 9989 of 2014, and there being no stay order against the judgment by the Appellate Division, the provision of Supreme Judicial Council remains in force.



Side view of the Court Room of the Hon'ble Chief Justice of Bangladesh



Court Room of the Hon'ble Chief Justice of Bangladesh



Mr. Justice Surendra Kumar Sinha
Chief Justice of Bangladesh

From the Desk of the Chief Justice of Bangladesh

Justice Surendra Kumar Sinha



Supreme Court
Dhaka-1000.

Annual Report is the resonance in which our accounts of past activities intensely reflect. It provides us an occasion to evaluate and assess our achievements and let us ponder over our future course of actions for achieving long cherished dream to deliver quality and speedy justice for all. I deem it a great privilege and pleasure to present the Annual Report 2016 of the Supreme Court of Bangladesh before the nation to show how successful we were in keeping our commitment to protect and safeguard the constitution and uphold rule of law despite enormous challenges and constraints.

All modern societies throughout the world, imbued with ideals of democracy, human rights and economic development aspirations, strive to achieve the goal of enforcing rule of law. In fact in a democratic set up people take it for granted. Rule of law has many facets. The attainment of social, cultural and human rights and also rapid sustainable development would not be possible in a country where the law does not rule; instead, it is ruled by the authorities in power. The prevalence of rule of law checks any arbitrary exercise of power by the government. If rule of law does not exist, whims and caprice of the authorities would prevail leading to serious violation of peoples' rights and government's obligations and human dignity would be trampled under. The term is often used as a short expression to explain the values which strengthen law rather than the meaning of the concept. The most important pillar of the constitutional edifice in Bangladesh is rule of law. Everyone, whether individually or collectively is unquestionably under the rule of law. In our democratic polity under the constitution based on the concept of 'rule of law' which we have adopted and given to ourselves and which serves as an aorta in the anatomy of our democratic system, The Law is Supreme.

A strong foundation for the rule of law, a key pillar of democracy rests on a court system that is independent, transparent, and effective. Bangladesh has a strong and competent judiciary but backlogs and outdated administrative systems impede justice delivery system and more work is needed to making justice services more accessible, acceptable and affordable. A State comprises of three organs- the legislature, the executive and the judiciary. It has been said, the judiciary is the weakest of the three organs. It has neither the power of the purse, not that of the sword, neither money nor patronage. Notwithstanding that the courts have, by and large, enjoyed high prestige and commanded great respect of the people. This is because of the moral authority of the courts and the confidence the people have in the role of the courts to dispense justice between the rich and the poor, the mighty and the weak, the State and the citizen, without fear or favour.

Echoing the words of Justice R.M. Lodha, I must say that Judges should not forget that they hold public office. Their function is one of the essential functions of the State. In discharging their functions and duties, the Judges represent the State. The office that a Judge holds is an office of public trust. A Judge must be a person of impeccable integrity and unimpeachable independence. He must be honest to the core with high moral values. When a litigant enters the courtroom, he must feel secured that the Judge, before whom his matter has come, would deliver justice impartially and uninfluenced by any consideration. The standard of conduct expected of a Judge is much higher than an ordinary man. This is no excuse that since the standards in the society have fallen, the Judges who are drawn from the society cannot be expected to have high standards and ethical firmness required of a Judge. The credibility of the judicial system is dependent upon the Judges who man it. For a democracy to thrive and the rule of law to survive, justice system and the judicial process have to be strong and every Judge must discharge his judicial functions with integrity, impartiality and intellectual honesty.

The backlog of cases is a great challenge for the judiciary. As far back as in the sixteenth century, William Shakespeare's Hamlet cited "law's delay" as a reason for preferring suicide to continuing life. Then, in the nineteenth century William E. Gladstone said that "Justice delayed is justice denied". In 1958, Chief Justice Earl Warren of the United States observed that "Interminable and unjustifiable delays in our Courts are today



compromising the basic legal rights of countless thousands of Americans and, imperceptibly, corroding the very foundations of constitutional Government in the United States.” In his most exhaustive study of the sluggishness of case-flow, Professor H. Zeisel of the University of Chicago observed that delay in the courts is unqualifiedly bad. It is bad because it deprives citizens of a basic public service, it is bad because the lapse of time frequently causes deterioration of evidence and makes it less likely that justice be done when the case is finally tried; it is bad because delay may cause severe hardship to some parties and may in general affect litigants differentially; and it is bad because it brings to the entire court system a loss of public confidence, respect and pride.

Since the date of my assumption in the exalted office of the Chief Justice of Bangladesh, I have taken some pragmatic and practical steps to reduce the huge log jam of cases. From statistics it reveals that in 2015 and 2016 the courts of Bangladesh including Supreme Court disposed of 27,60,240 cases and in the same period that is from 2013 to 2014 the total disposal of the cases stood 24,23,838 cases. In the last two years the disposal cases increased 336402 cases. As a result the rate of disposal is increased about 14%. Magistracy was separated from Executive on 1st November, 2007. In two months of 2007, the Judicial Magistrates disposed of 83,091 criminal cases. From 2008 to 2016 the Judicial Magistrates disposed of 60,35,807 criminal cases notwithstanding huge challenges. Still I am not happy. My endeavour will not be stopped unless we yield our deserved goal of maximizing clearing rate of disposal than that of filling cases in every courts.

In the Supreme Court, I took initiatives to digitize some of the proceedings so that service process is simplified and public harassment reduced to the minimum. I introduced digital “Bail Confirmation” system; “Online Cause List” for both Divisions and an online law reporter namely, “Supreme Court Online Bulletin (SCOB)”. For looking at online cause list from android mobile phone we have designed application software. If hands of cooperation are extended to me from all concerned, I dare dreaming a judiciary in near future when because of digitization evidence will be recorded through videoconferencing and papers in the court proceedings will be considered redundant. Despite its budget constraint Supreme Court supplied computers and printers to the sub-ordinate courts of the country. I hope that we will be able to provide digitally signed certified copies to the litigants-parallel to the signing of daily orders of the hard copies, if judges sign digitally on electronic copies using digital signatures. The digitally signed orders would be made available on the court web site. Litigants can download the electronic copies, with self-contained proof of authenticity of the document. By lapse of time, every judge will be provided with his/her digital signature.

In the last two years, I extensively inspected the courts of the subordinate judiciary to find out the problems they are facing and the areas needed to be intervened. I found, alongside shortage of Judges, dismal logistic support and inadequate infrastructures contribute to case backlog. How a modern society can conceive that a Judge is waiting for his turn to come to use court room for hearing and deciding cases! I strongly believe that the government will take positive step in constructing adequate infrastructure so that litigant may have friendly environment.

I can give the nation assurance that even with all these constraints, Judges are working assiduously to serve the people under the mandate of the constitution. Supreme Court time to time issued practice directions and circulars to Judges to utilize best of their court hours and following my directions Judges in the subordinate judiciary are now doing judicial business in two shifts and thereby the rate of disposal is increasing. I always urge the lawyers as officers of the courts to extend their all out assistance in disposal of long pending cases.

Apart from achieving excellence in judicial work, we have done a lot of conspicuous changes in the Supreme Court. The environment has been made welcoming by taking various beautification measures. Registry regularly conducts cleanliness drive so that the people who visit Supreme Court can also feel a holy place. A medical and a ‘Day Care’ center with necessary logistic support have been established in the Supreme Court premises to cater to the needs of the Judges and employees of the Court. In the Supreme Court, Legal Aid Committee has been formed to provide legal aid to the poor and indigent litigants. Poor litigants, who don’t have means to avail service of a lawyer, can contact the said Legal Aid Office. These changes are ongoing and we will tune ourselves whenever we feel that we should stand and act together to



facilitate any positive change. After visiting the present premises of the Supreme Court, the foreign Judges and delegates applauded and remarked to the effect that the atmosphere of the Supreme Court of Bangladesh may be compared to those of developed countries.

The second National Judicial Conference, 2016 was held in December 24-25th, 2016. It was an extraordinary congregation of the Judges of the Supreme Court and Sub-ordinate Courts of the country who sat together to share their experiences to overcome the challenges the judiciary usually faces in respect of court administration and case management. Among others, the conference was adorned by kind presence of the former Chief Justice of Bangladesh, Justice Mahmudul Amin Choudhury. He was a Judge of great competence. His inspirational speech shade light upon the Judges of all tiers and they are motivated to dispense justice with courage and confidence. The conference concluded reiterating with a vision that every Judge will be a role model to make justice easier to the poor, vulnerable and indigent people of the country.

Supreme Court has been entrusted to interpret any law and to declare unconstitutional anything conflicting with the spirit of the constitution. In the Case of Government of Bangladesh v. BLAST, in 8 ALR [Special Issue] 2016, the Appellate Division in its path making judgment on 24th May, 2016 traced out the background of criminal jurisprudence of this sub-continent and elaborately discussed arrest, detention and remand of the accused and set out the responsibilities for law enforcing agencies and provided some guidelines for them. Apart from the saying, it also prescribed some guidelines to the Magistrate, Judges and Tribunals having power to take cognizance of an offence. In Bangladesh v. Sontosh Kumar Saha, BLC 2016 (AD) 94, the apex court by its landmark judgment clearly held that despite the absence of any provision empowering the Tribunal to pass any interim order, the Administrative Tribunal is not powerless since it has all the powers of a civil court and in proper cases, it may invoke its inherent power and pass interim order with a view to preventing abuse of the process of the court. In another case (CA 145 of 2005 with CP Nos. 405 of 2005) Supreme Court unanimously decided that after retirement, a Judge cannot legally sign a precious public document like judgment i.e. a Judge should dispose of promptly the business of the court including avoiding inordinate delay in delivering judgments/orders. In no case a judgment shall be signed after retirement.

I express my sincere appreciation to my esteemed brothers and sister Judges for their indefatigable hard work to keep up judicial brilliance and serve the nation with the highest dedication. I also encourage the performance and service of the officers and staff of the Supreme Court Registry. I candidly acknowledge the assistance and cooperation extended by the learned members of the Bar in doing day-to-day judicial business efficiently and to maintain the dignity and prestige of the Supreme Court of Bangladesh in the year 2016.

It is my firm belief and conviction, those days are not far away when our concerted efforts will bring a comprehensive change in the justice delivery system of Bangladesh. I conclude with the words of Earl Warren-

“Our judges are not monks or scientists, but participants in the living stream of our national life, steering the law between the dangers of rigidity on the one hand and of formlessness on the other. Our system faces no theoretical dilemma but a single continuous problem: how to apply to ever changing conditions the never-changing principles of freedom.”


(Justice Surendra Kumar Sinha)
Chief Justice of Bangladesh



Hon'ble Judges of the Appellate Division of the Supreme Court of Bangladesh

(Left to Right) Mr. Justice Md. Nizamul Huq, Mr. Justice Hasan Foez Siddique, Mr. Justice Syed Mahmud Hossain, Mr. Justice Md. Abdul Wahhab Miah, Mr. Justice Surendra Kumar Sinha, Hon'ble Chief Justice, Madam Justice Nazmun Ara Sultana, Mr. Justice Muhammad Imman Ali and Mr. Justice Mirza Hussain Haider



Members of the Editorial Committee for Bangladesh Supreme Court Annual Report, 2016

(Left to Right) Mr. Justice Md. Nuruzzaman, Madam Justice Salma Masud Chowdhury, Mr. Justice Mirza Hussain Haider, Mr. Justice Syed Mahmud Hossain, Madam Justice Nazmun Ara Sultana, Mr. Justice Hasan Foez Siddique, Mr. Justice Tariq ul Hakim and Madam Justice Naima Haider



Mr. Justice Mirza Hussain Haider, Mr. Justice Md. Nizamul Huq and Mr. Justice Mohammad Bazlur Rahman are being sworn in as the Judge of the Appellate Division by the Honorable Chief Justice of Bangladesh Mr. Justice Surendra Kumar Sinha on 08.02.2016



***Profile of
the Hon'ble Chief Justice of Bangladesh and
Hon'ble Judges of the Appellate Division of the
Supreme Court of Bangladesh, 2016***





Mr. Justice Surendra Kumar Sinha

Chief Justice of Bangladesh

Father's name : Late Lalit Mohan Sinha

Mother's name : Dhanabati Sinha

Date of birth : 01.02.1951

Hon'ble Justice Surendra Kumar Sinha was born on February 01, 1951 in the Village- Tilakpur under Kamalganj police station belonging to Moulvibazar district which geographically situated in the north-eastern part of Bangladesh.

He studied law with the Chittagong University and obtained Bachelor of Laws (LL.B.). After completion of law degree he was enrolled as an Advocate in 1974 and started practicing in Sylhet District Court. For four years he practiced there in both civil and criminal side under the mentorship of two eminent Civil and Criminal Lawyers Mr. Dewan Golam Kibria Chowdhury and Mr.Soleman Raja Choudhury of the Sylhet district Bar.

Later he came to Dhaka to pursue a legal career in the Supreme Court of Bangladesh. He obtained the permission to practice before the High Court Division of the Supreme Court in 1978 and practiced there for more than twelve years under the mentorship of one of the iconic senior lawyers Mr. S.R Pal. In 1990, Mr. Justice Surendra Kumar Sinha was enrolled as lawyer with the Appellate Division of the Supreme Court of Bangladesh, the highest court of the country. Before elevation to the bench, he had a roaring practicing career spanning over more than twenty two years as lawyer in the Supreme Court of Bangladesh. For his sincerity, honesty and commitment as an Advocate, he became a very highly trusted name in the lawyers' community. More particularly, his extraordinary command over law and jurisprudence, his forensic ability in analyzing and formulating legal argument and very highly persuasive and unique way of presenting case before the court had established him as a commendable personality in legal circle.

Mr. Justice Surendra Kumar Sinha was sworn in as a Judge of the High Court Division of the Supreme Court of Bangladesh on October 24, 1999. There as Judge and sitting in various jurisdictions he played very important role in protecting and preserving the rights of the citizen. After the successful career as Judge of the High Court Division, he was elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on July 16, 2009. Having experienced a very colorful career as lawyer and Judge for more than three and half decades, Mr. Justice Surendra Kumar Sinha was sworn in as the Chief Justice of Bangladesh on January 17, 2015. As Chief Justice, he delivered a number of landmark judgments including a few historical cases involving the trial of the persons accused of crime against humanity. In addition to that, in last two years, the judiciary under his leadership has witnessed a paradigm shift in judicial administrative reformation and development.

Besides working as a Judge of the Supreme Court, he was also the Chairman of the Bangladesh Judicial Service Commission. He also attended many international judicial event and delivered speeches, such as:

In 2002 as representative of the Chief Justice of Bangladesh he attended the "3rd International Conference of the Chief Justices of the World" held at Lucknow, India, and presented there a paper on "Fostering respect for International Law".



In 2006 he participated in the "Judicial Training Programme for the Senior Judges of Bangladesh" held at Seoul, Korea.

In 2010 in response to the invitation from Korea International Cooperation Agency (KOICA), he participated in different Seminars on "Judicial Development Programme (Bangladesh)" from August 30 to September 14, 2010 held in Seoul, Korea and presented a Keynote paper on "Judicial Development of Bangladesh".

In 2012 he led a Bangladeshi delegation to Singapore and Indonesia and took part at different meetings with the Chief Justices of Singapore and Indonesia.

In 2013 he led a Bangladeshi delegation to India and United Kingdom and participated at different sessions with the Chief Justice of India, Chief Justice of Delhi High Court, Supreme Court of UK, Royal Courts of Justice, Judicial Appointments Commission in London, Judicial Appointments Board for Scotland, Lord President of Scottish High Court of Justiciary and Judicial Institute for Scotland. Through an invitation from the National Centre for State Courts, he participated at the "6th International Conference on the Training of the Judiciary" organized by the International Organization for Judicial Training in USA.

In 2014 he led a delegation to Hong Kong and China and participated in different sessions with the Vice-President of the Court of Appeal of the High Court of Hong Kong, Vice-President of the Supreme People's Court of China, National Judges College China and High Court of Beijing.

In 2015 he attended the "International Conference of Jurists" held in Mumbai, India, from March 27 to March 29, 2015. There he was also awarded with a prestigious "International Jurists Award" for his extra-ordinary contribution in the field of 'Administration of Justice'. He participated in "Regional Consultative Meeting on Judicial Service Commissions Model Law" in Kuala Lumpur, Malaysia from 9 to 11 June 2015. He delivered a lecture on "Contribution of the Judiciary of Bangladesh in Strengthening Rule of Law and Democracy" on 5 October, 2015 at the Gujarat National Law University, Gujarat, India. He also attended the "16th Conference of Chief Justices' of Asia and the Pacific" held in Sydney, Australia from November 6 to November 9, 2015.

He attended 13th SAARCLAW and 10th Chief Justices Conference from March 04 to March 07, 2016 in Nepal. He also attended the "Effective Adjudication of Terrorism Cases Conference" held in United Nations Security Council, New York, USA and placed a remarkable contribution in the discussion concerning counter-terrorism. He attended 19th Annual International Judicial Conference from May 18 to May 21, 2016 in USA. He also attended 29th LAWASIA Conference and Golden Jubilee Celebration in Sri Lanka and made a very significant speech. He also attended 3rd Asian Judges Symposium on Environment from 26 to 28 September, 2016 in Philippines. He joined Bangladesh Law Society In the USA. Inc's program in USA and National Initiative towards strengthening Arbitration and Enforcement in India in October, 2016. He also attended the Conference "The 2nd China South Asia Legal Forum" arranged by China Law Society from 13 to 17 December, 2016 in China.

He has visited India, Nepal, Qatar, South Korea, Singapore, Thailand, Indonesia, Malaysia, Hong Kong, China, Australia, United Arab Emirates, United States, United Kingdom, Canada, Belarus and Russia.



Mr. Justice Md. Abdul Wahhab Miah

Father's name : Late Md. Abdus Satter Miah

Mother's name : Late Syeda Tahera Begum

Date of birth : 11.11.1951

Obtained LL.B. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in 1974, 1976 and 1982 respectively. Also enrolled as a Senior Advocate in the Appellate Division in 1999.

Elevated as Additional Judge of the High Court Division on 24.10.1999 and appointed Judge of the same Division on 24.10.2001.

Elevated to the Appellate Division of the Supreme Court on 23.02.2011.



Madam Justice Nazmun Ara Sultana

Father's name : Late Chowdhury Abul Kashem Moinuddin

Mother's name : Late Begum Rashida Sultana Deen

Date of birth : 08.07.1950

Obtained B.Sc., LL.B. Enrolled as an Advocate of the Mymensingh District Court in July 1972.

Joined the Judicial Service as Munsif on 20.12.1975 and promoted as District and Sessions Judge on 20.12.1990.

Elevated as Additional Judge of the High Court Division on 28.05.2000 and appointed as Judge of the same Division on 28.05.2002. Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 23.02.2011.

Founding president of Bangladesh Women Judges Association (BWJA). Active member of International Association of Women Judges (IAWJ) since its formation. Selected as Secretary of this international association (IAWJ) for 2 consecutive terms of 4 years.

Visited U.S.A, Italy, UK, China, Hong Kong, Argentina, Australia, New Zealand, Panama, India, Nepal, Thailand and Netherlands and participated in various International Seminars there.



Mr. Justice Syed Mahmud Hossain

Father's name : Syed Mustafa Ali

Mother's name: Begum Kawsar Jahan

Date of birth : 31.12.1954

Obtained B.Sc., LL.B. and completed six months long "Commonwealth Young Lawyers Course" from the School of Oriental African Studies and the Institute of Advanced Legal Studies, both part of London University.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in the year 1981 and 1983 respectively. Acted as Deputy Attorney General from December, 1999 till elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 22.02.2001 and Judge of the same Division on 22.02.2003.

Elevated to the Appellate Division of the Supreme Court of Bangladesh on 23.02.2011.

Participated in the International Seminars and Study Tours held in Penang- Malaysia, Norway, Denmark, Sweden, India, South Korea and Hong Kong.

Visited Courts of Canada and the USA in 2012 under the Judicial Strengthening (JUST) Project supported by UNDP to share experience and exchange views with Judges of those countries for improving justice delivery system.



Mr. Justice Muhammad Imman Ali

Father's name : Israil Ali

Mother's name : Alifjan Bibi

Date of birth : 01.01.1956

Obtained B.A. (Hons) Law, LL.M. and Barrister-at-Law.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 21.06.1979, 11.05.1982 and 21.08.1995 respectively.

Elevated as Additional Judge of the High Court Division on 22.02.2001 and appointed Judge of the same Division on 22.02.2003.

Elevated to the Appellate Division of the Supreme Court of Bangladesh on 23.02.2011.

Published book "Towards a Justice Delivery System for Children in Bangladesh."

Authored chapter on Children Act 2013 in book titled "Justice for Children in Bangladesh" by Najrana Imaan.

Received "Juvenile Justice Without Borders International Award" from IJJO, Brussels in December 2014.

Participated in the International Workshops, Conferences and Training Programmes held in South Korea, Austria, Indonesia and Czech Republic in 1997, 1998, 1999, 2000, India in 2003, Malaysia and New Zealand in 2008, United Kingdom and Malawi in 2009, Turks and Caicos Islands in 2009, Australia in 2010, New Delhi in 2011, Bangkok, USA, Scotland, Bulgaria and Kyrgyzstan in 2012, Conference on Global Constitutionalism at Yale University in September 2013, IJJO International Conference in Brussels-December 2014. Conference on Detention of Children, Geneva, January 2015; attended policy meeting as member of the IJJO network of professionals and experts in May 2015; Conference on Child Abuse in Kuala Lumpur, Malaysia in October 2015.

Took part in training of judges, lawyers and prosecutors of Armenia on Juvenile Justice in December 2012.

Delivered lecture at Cornell University on Child Marriage in Bangladesh in 2013.

Visited France, Germany, Belgium, Holland, Luxemburg, UAE, Saudi Arabia, Jordan, Kenya, Singapore, Thailand, USA, Canada, UK, Qatar, Austria, Malawi, Malaysia, Indonesia, Australia, New Zealand, Italy and India.

Resource person for training of Judicial Officers (JATI), Lawyers, Police Personnel and Social Welfare Officers (LETI).





Mr. Justice Hasan Foez Siddique

Father's Name : Late Abdul Gofur Mollah

Mother's Name : Noorjahan Begom

Date of Birth : 26.09.1956

Obtained M.A., LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 21.08.1981, 04.09.1983 and 27.05.1999 respectively.

Acted as Legal Adviser to Khulna City Corporation, Kushtia Municipality, Jalalabad Gas Transmission Company and Chief Law Adviser of the Ministry of Home Affairs. Besides he worked as Additional Attorney General for Bangladesh.

Elevated as Judge of the High Court Division on 25.03.2009 and as a Judge of the Appellate Division of the Supreme Court of Bangladesh on 31.03.2013.

He has been acting as the Chairman of Bangladesh Judicial Service Commission since 30.04.2015.

Participated in the conference of South Asian Judges Regional Forum on Economic and Financial Crime held in Sri Lanka in 2011; South Asian Conference on Environmental Justice in Pakistan in 2012; International Conference on Environment held in New Delhi, India in 2015 and 17th International Conference of Chief Justices of the World held in Lucknow, India in 2016.

Visited India, Saudi Arabia, Sri Lanka and Pakistan.



Mr. Justice Mirza Hussain Haider

Father's name : Late Mirza Ashrafuddin Haider

Mother's name : Late Amina Khatoon

Date of birth : 01.03.1954

Obtained LL.B. (Hons) and LL.M from the University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in the Year 1979, 1981 and 1999 respectively.

Elevated as Additional Judge of the High Court Division on 03.07.2001 and appointed, Judge of the same Division under Article 95 of the Constitution on 03.07.2003. Elevated to the Appellate Division of the Supreme Court of Bangladesh on 08.02.2016.

Participated in International Conferences, Symposium, Training Programmes held in Lucknow, India (2003), South Korea (2006), Kolkata, India (2007) and Manila, Philippines (2010).

Visited Australia, Bahrain, Bhutan, China, France, India, Malaysia, Nepal, the Philippines, Saudi Arabia, Singapore, South Korea, Thailand, United Kingdom, United States of America and Uzbekistan.



Mr. Justice Md. Nizamul Huq

Father's Name : Late Nurul Huq

Mother's Name : Late Asia Khatun

Date of Birth : 15.03.1950

Obtained B.Sc. (Hons), M.Sc. and LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 11.01.1977, 13.01.1979 and in 1999 respectively.

Elevated as Additional Judge of the High Court Division on 03.07.2001 and appointed Judge of the same Division on 25.03.2009. Elevated to the Appellate Division of the Supreme Court of Bangladesh on 08.02.2016.

Appointed Chairman of the International Crimes Tribunal, Bangladesh, Dhaka on 25.03.2010.

Participated in the training programmes held in IALS, London University on preventive detention law in 1993; the Hague, Netherlands on higher studies of International Laws in 1994.

Attended Malaysia trial court as an International observer 8 (eight) times.

Attended seminar and workshop in India, Sri Lanka, Thailand, Nepal in different forums on refugee law, minority rights, preventive detention law, human rights including family, child and labour rights.

Visited Singapore, France, Belgium, Luxemburg, Germany.

Visited Cambodia to meet Judges, Prosecutors of Extra Ordinary Criminal Court of Cambodia (ECCC) in 2011.

Visited the Hague, Netherlands to meet Judges and Prosecutors of International Criminal Tribunal of Yugoslavia (ICTY), International Criminal Court (ICC) and Lebanon Tribunal in 2011.

Was elected General Secretary of Salimullah Muslim Hall Chatra Sangshad, University of Dhaka in 1971-1972 session.



Mr. Justice Mohammad Bazlur Rahman

Father's name : Late Md. Alhaj Younus Biswas

Mother's name : Late Badenur Nesa

Date of birth : 12.04.1955

Obtained B.Jur. (Hons), M.Jur. and M.A. from Rajshahi University.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 26.09.1984 and 08.07.1987 respectively.

Elevated as Additional Judge of the High Court Division on 03.07.2001 and appointed Judge of the same Division on 10.05.2009. Elevated to the Appellate Division of the Supreme Court of Bangladesh on 08.02.2016.





Judges of the Supreme Court are taking part in “*Provati fer*” being led by the Honorable Chief Justice of Bangladesh Mr. Justice Surendra Kumar Sinha to the Shaheed Minar on 21st February 2016 to place floral wreath at its altar



A blood donation programme was organised in the Supreme Court premises on the National Mourning Day 2016 (15.08.2016)



***Profile of
the Hon'ble Judges of the High Court Division
of the Supreme Court of Bangladesh, 2016***





Court No. Main-8 of the High Court Division



Mr. Justice Syed Muhammad Dastagir Husain

Father's name : Late Justice Syed A.B. Mahmud Husain

Former Chief Justice of Bangladesh

Mother's name : Late Sufia Begum

Date of birth : 18.09.1951

Obtained B.Jur. (Hons), M. Jur.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 10.03.1977, 10.03.1979 and 02.08.1984 respectively.

Elevated as Additional Judge of the High Court Division on 03.07.2001 and appointed Judge of the same Division on 03.07.2003.

Attended UN General Assembly for establishment of International Criminal Court and the International Conference held in Lucknow, India (2004) and visited UK for discussion of Judicial Reform.

Visited U.S.A., Switzerland, Saudi Arabia, UAE, Nepal, Taiwan, Thailand, India and South Africa.



Mr. Justice Sharif Uddin Chaklader

Father's name : Late Shamsuddin Chaklader

Mother's name : Late Begum Saleha Chaklader

Date of birth : 20.01.1949

Obtained B.Sc., LL.B.

Enrolled as an Advocate of the District Court and the High Court Division Bangladesh Supreme Court on 01.11.1974 and 06.11.1976 respectively. Became Advocate-on-record in the Appellate Division of Supreme Court of Bangladesh on 09.06.1982.

Elevated as Additional Judge of the High Court Division on 29.07.2002 and appointed Judge of the same Division on 29.07.2004.

Participated in the International Conferences, Workshops and Training Programmes held in Nepal (2005), South Korea (2007).



Mr. Justice Md. Mizanur Rahman Bhuiyan

Father's name : Late Muzibur Rahman Bhuiyan

Mother's name : Late Altafunnessa Begum

Date of birth : 07.09.1950

Obtained B.A. (Hons), M.A. and LL.B. Enrolled as an Advocate of the High Court Division of Bangladesh Supreme Court on 07.07.1984.

Elevated as Additional Judge of the High Court Division on 29.07.2002 and appointed Judge of the same Division on 29.07.2004.



Mr. Justice Syed A.B. Mahmudul Huq

Father's name : Late Syed A.M Mustafizul Huq

Mother's name : Late Begum Syeda Mahmuda

Date of birth : 31.12.1950

Obtained B.A. and LL.B. Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in the year 1974 and 1978 respectively.

Elevated as Additional Judge of the High Court Division on 29.07.2002 and appointed Judge of the same Division on 29.07.2004.

Visited Saudi Arabia, India and Singapore.





Mr. Justice Tariq ul Hakim

Father's name : Late Justice Maksum-ul-Hakim

Mother's name : Nessima Hakim

Date of birth : 20.09.1953

Obtained M.Sc. from London University. Called to the Bar of England and Wales from the Hon'ble Society of Gray's Inn London.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 09.03.1987 and 09.03.1989 respectively.

Elevated as Additional Judge of the High Court Division on 29.07.2002 and appointed Judge of the same Division on 29.07.2004.

Participated in International Seminars, Workshops and Law Conferences held at Jaipur, India, Geneva, Switzerland (2002) and Kathmandu, Nepal.



Madam Justice Salma Masud Chowdhury

Father's name : Mr. Justice Chowdhury A.T.M. Masud

Mother's name : Mrs. Aminun Nesa Khatun

Date of birth : 13.12.1957

Obtained LL.B (Hons) and LL.M.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 22.08.1981, 21.09.1983 and 14.05.1996 respectively.

Elevated as Additional Judge of the High Court Division on 29.07.2002 and appointed Judge of the same Division on 29.07.2004.

Participated in the "Trial Advocacy Program" held in Kuala Lumpur, Malaysia. Completed Legislative Drafting Course, conducted by the Commonwealth Secretariat. Presented papers on "Muslim Family Laws relating to Women in Bangladesh" at an International Women Lawyers' Conference held at Lahore, Pakistan and on "Drug abuse and remedial measures in Bangladesh-a national report" at 23rd FIDA convention held at Brussels, Belgium. Attended the conference on Women, at the end of the Women decade, held in Nairobi, Kenya, as a Government delegate. After becoming a Judge, participated in several international conferences including workshops on Women and Islam, held in Kuala Lumpur, in Malaysia and at Jakarta, Cerabon and Yogyakarta, in Indonesia, along with the Islamic jurists of South East Asia. Participated at a regional conference on "Environmental Justice" held at Kathmandu, Nepal. Participated in International Association of Women Judges (IAWJ) Conference held in London, U.K.

Participated in the workshop for SAARC Judges held in National Judicial Academy, Bhopal, India in February 2016.

Member of the Board of Trustees and Executive Council of the National Heart Foundation of Bangladesh.





Mr. Justice Farid Ahmed

Father's name : Late Sultan Ahmed

Mother's name : Late Sabera Begum

Date of birth : 03.01.1950

Obtained B.Com, LL.B. Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in the year 1980 and 1982 respectively.

Elevated as Additional Judge of the High Court Division on 27.04.2003 and appointed Judge of the same Division on 27.04.2005.



Mr. Justice Shamim Hasnain

Father's name : M. A. Basir

Mother's name : Zeenat Ara

Date of birth : 24.04.1950

Obtained B.A. (Hons), M.A., LL.B., MCL, Attorney-at-Law

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 30.05.1980 and 30.12.1987 respectively.

Elevated as Additional Judge of the High Court Division on 27.04.2003 and appointed Judge of the same Division on 27.04.2005.





Mr. Justice A.F.M Abdur Rahman

Father's name : Late Dr. Abdul Gaffer Khan. M.B (Cal)

Mother's name : Late Mosammat Mohsena Begum

Date of birth : 05.07.1951

Obtained LL.B. (Dhaka), LL.B. (Hons) London, LL.M. (California) USA and Barrister-at-Law of Lincoln's Inn., UK.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 03.02.1979, 16.09.1982 and 14.01.2000 respectively.

Elevated as Additional Judge of the High Court Division on 27.04.2003 and appointed Judge of the same Division on 27.04.2005.

Participated in the International Seminar and Workshop held in UK, on "European Laws on Human Rights" organised by Inns of Court School of Law, London, UK, in the year 2001.

Author of a Handbook on the Privileges & daily life of the judges of the Bangladesh Supreme Court under the title "The Judge".

Author of few books on Practicing Islam, on Muslim Marriage & Divorce, on Law and Proceeding of recovering money of dishonored cheque, on mass education, Novel on Freedom Fighting and Poetry.

Visited India, Nepal, Malaysia, Singapore, Indonesia, Saudi Arabia (Makkah, Medina & Jeddah)



Mr. Justice Md. Abu Tariq

Father's name : Late Mr. M. A. Matin

Mother's name : Late Mrs. Anwara Begum

Date of birth : 11.09.1952

Obtained LL.B from Dhaka University and Ph.D. from World University, Benson, ARIZONA, U.S.A.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 11.01.1977, 13.01.1979 and 02.01.1985 respectively.

Elevated as Additional Judge of the High Court Division on 27.04.2003 and appointed Judge of the same Division on 27.04.2005.

Visited Saudi Arabia, United Kingdom, United States of America, France, UAE, Malaysia, Singapore, Thailand and India.

Participated in the War of Liberation as "Freedom Fighter".



Madam Justice Zinat Ara

Father's name : Late H.M.R. Siddiqui

Mother's name : Late Begum Ayesha Siddiqui

Date of birth : 15.03.1953

Obtained B.Sc. and LL.B. Joined the Judicial Service as Munsif on 03.11.1978 and promoted as District and Sessions Judge on 15.09.1995.

Elevated as Additional Judge of the High Court Division on 27.04.2003 and appointed Judge of the same Division on 27.04.2005.

Publications: Lead author of the monograph Bangladesh, which is an integral part of Labour Law and Industrial Relations in the International Encyclopedia of law series published by Kluwer Law International, the Hague, Netherlands. A good number of articles written relating to labour laws have been published in various Bangladesh periodicals.

Participated in the International Seminars, Training Programmes, Certificate Course held at Harvard Law School, Cambridge, USA (1990), in Beijing and Shanghai, China (2001), Argentina, Australia, Germany, India, Nepal, Pakistan, Panama, the Philippines, Taiwan, Sri Lanka, Thailand and the Netherlands.

Visited Belgium, Iraq, Kuwait, Malaysia, Jordan, Syria, Singapore, U.K, South Africa, Botswana and France.



Mr. Justice Muhammad Abdul Hafiz

Father's name : Al-haj Muhammad Abdul Jabbar

Mother's name : Rabeya Khanam

Date of birth : 01.06.1957

Obtained LL.B. (Hons) and LL.M. from University of Dhaka.

Enrolled as an Advocate of the Dhaka District Court and the High Court Division of Bangladesh Supreme Court in the year 1982 and 1985 respectively.

Elevated as Additional Judge of the High Court Division on 27.04.2003 and appointed Judge of the same Division on 27.04.2005.

Participated in a Judicial Training Program in Korea.





Mr. Justice Syed Refaat Ahmed

Father's name : Late Barrister Syed Ishtiaq Ahmed

Mother's name : Dr. Sufia Ahmed

Date of birth : 28.12.1958

Obtained LL.B. (Hons), University of Dhaka, B.A. and M.A., Wadham College, University of Oxford, UK, M.A. in Law and Diplomacy and Ph.D. from Fletcher School of Law and Diplomacy, Tufts University, USA.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in 1984, 1986 and 2002 respectively.

Elevated as Additional Judge of the High Court Division on 27.04.2003 and appointed Judge of the same Division on 27.04.2005.

Has a number of publications to his credit and lectures as invited speaker extensively at home and abroad.

Has previously worked as a Lawyer in the City of London and with the UNHCR in Hong Kong and Washington, D.C.

Participated in International Roundtables, Workshops, Conventions, Study Tours and Courses held in UK, Germany, Malaysia, the Philippines, India, Nepal, Italy, Singapore, Thailand and USA.

Visited USA, UK, Ireland, the Netherlands, France, Monaco, Spain, Portugal, Germany, Switzerland, Italy, the Vatican, Turkey, Qatar, UAE, Pakistan, India, Nepal, Thailand, Malaysia, Singapore, Macau, Hong Kong and the Philippines.



Mr. Justice Md. Miftah Uddin Choudhury

Father's name : Md. Abdul Ahad Choudhury

Mother's name : Rigia Begum Choudhury

Date of birth : 26.07.1955

Obtained LL.B. (Hons) and LL.M.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 21.08.1981, 24.01.1984 and 30.10.2001 respectively.

Elevated as Additional Judge of the High Court Division on 27.08.2003 and appointed Judge of the same Division on 27.08.2005.

Participated in a Judicial Training Program in Korea (2006).

Visited U.K., India, Thailand, United Arab Emirates, South Korea.



Mr. Justice A.K.M. Asaduzzaman

Father's name : Late M. A. Samad

Mother's name : Majeda Khatun

Date of birth : 01.03.1959

Obtained LL.B. (Hons) and LL.M. from Rajshahi University.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 05.09.1983, 05.09.1985 and 25.10.2001 respectively.

Elevated as Additional Judge of the High Court Division on 27.08.2003 and appointed Judge of the same Division on 27.08.2005.

Attended in the Commonwealth Secretariat South Asian Judges Regional Forum on "Economic and Financial Crime" in Sri Lanka at Kolombo from 13-15th May, 2011.

Visited India, Nepal, Bhutan, Sri Lanka, Singapore, China, Hong Kong, Macao, Malaysia and Saudi Arabia.



Mr. Justice Md. Ashfaqul Islam

Father's name : Late Justice A.K.M. Nurul Islam

Former Vice-President, Peoples Republic of Bangladesh

Mother's name : Begum Jahanara Arjoo

A prolific poet of Bengali language and literature

Date of birth : 15.07.1959

Obtained LL.B. (Hons), LL.M. from University of Dhaka and F.I.C.P.S.(India).

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in 1983 and 1985 respectively.

Elevated as Additional Judge of the High Court Division on 27.08.2003 and appointed Judge of the same Division on 27.08.2005.

Participated in Judicial Development Programme held in South Korea in 2011 and 3rd South Asia Chief Justices' Roundtable on Environmental Justice held in Colombo, Sri Lanka in August, 2014.

Visited USA, Canada, UK, China, France, Italy, India, Turkey, Switzerland, Austria, Belgium, Netherlands, Czech Republic, Indonesia, Malaysia, Singapore, Thailand, Pakistan, Nepal, Bhutan, UAE and Kingdom of Saudi Arabia.





Mr. Justice Zubayer Rahman Chowdhury

Father's name : Late Justice A.F.M. Abdur Rahman Chowdhury

Mother's name : Begum Sitara Chowdhury

Date of birth : 18.05.1961

Obtained LL.B. (Hons), LL.M. (DU), LL.M. in International Law (UK).

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 03.03.1985 and 17.05.1987 respectively.

Elevated as Additional Judge of the High Court Division on 27.08.2003 and appointed Judge of the same Division on 27.08.2005.

Participated in the International Conferences, Seminars, Training Programmes and Courses held in Brussels, Belgium (1988), at Prince Edward University, Canada, (1990), Kuala Lumpur, Malaysia in the years 2000, 2002, 2006, Quebec, Canada, (2001), Singapore, (2007) and Nepal (2012).



Mr. Justice Md. Abdul Hye

Father's name : Omar Ali Khan

Mother's name : Hazera Khatun

Date of birth : 01.02.1949

Obtained B.A., LL.B.

Joined the Judicial Service as Munsif on 29.12.1975 and promoted as District and Sessions Judge on 17.04.1993.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.



Mr. Justice Quamrul Islam Siddique

Father's name : Late Moulvi Abdul Wahhab Siddiqui

Mother's name : Late Mrs. Badrunessa Siddiqui

Date of birth : 30.05.1950

Obtained B.A. (Hons), M.A. (Economics), LL.B.

Joined the Judicial Service as Munsif on 26.12.1975 and promoted to the post of District and Sessions Judge on 22.04.1992.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Participated in the International Seminars, Symposiums, Training Programmes, Workshops, Conferences and Courses held in the Hague, Netherlands, at UNO Head Quarters, New York (1982), the Royal Institute of Public Administration, London, U.K. (1996), Islamabad, Pakistan (1996), Geneva, Switzerland, Denmark and Sweden (2000), the University of Florida, USA (1997), the National Judicial College, University of Nevada, Reno, USA (2001), in ST. Petersburg, Russia (2001), Karachi, Pakistan (2004) and India (2010)

Visited Netherlands, Thailand, India, Pakistan, UK, Switzerland, USA, former USSR, Denmark, Sweden, France, Singapore, Australia etc.



Mr. Justice Md. Fazlur Rahman

Father's name : Late Mr. Rahim Baksha

Mother's name : Late Most. Fatema Begam

Date of birth : 01.02.1951

Obtained B.A. (Hons), M.A. (Eco.), LL.B. from University of Rajshahi and Diploma in Human Rights from Lund University, Sweden.

Joined the Judicial Service as Munsif on 18.11.1978 and promoted as District and Sessions Judge on 11.10.1995.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Participated in the International Training Courses, Workshops, Study Tours and Seminars held in Zimbabwe, UK, USA, Denmark and Finland.





Mr. Justice Moyeenul Islam Chowdhury

Father's name : Late Mr. Abdul Fattah Chowdhury

Mother's name : Mrs. Rownak-Ara-Begum

Date of birth : 09.01.1953

Obtained B.A. (Hons), MA., LL.B. under Dhaka University. Joined the Judicial Service as Assistant Judge on 17.03.1982 and was promoted as District and Session Judge on 01.03.1998.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed as Judge of the same Division on 23.08.2006

Participated in International Seminars, Symposia, Workshops in Australia and Thailand and also participated in sharing of views and experiences with Canadian Judges in Ottawa, American Judges in New York, Malaysian Judges in Kuala Lumpur and Philipino Judges in Manila.

Visited India, Saudi Arabia and United Kingdom.



Mr. Justice Md. Emdadul Huq

Father's name : Late Sajjad Ahmed

Mother's name : Late Mst. Monwara Begum

Date of birth : 01.10.1953

Obtained B.Jur. (Hons), M.Jur. from Rajshahi University. Joined the Judicial Service as Munsif on 20.11.1978 and promoted as District and Sessions Judge in November, 1995.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Participated in the International Training Courses, Workshops and Seminars held in Zimbabwe, Canberra and Sydney, Australia etc.

Visited India, Malaysia, Thailand, the Philippines, Singapore and various countries of Europe.



Mr. Justice Md. Rais Uddin

Father's name : Late Md. Afsar Uddin

Mother's name: Mrs. Jobeda Khatun

Date of birth : 30.06.1956

Obtained B.Sc. and LL.B.

Enrolled as an Advocate in the District Court and the High Court Division of Bangladesh Supreme Court on 22.08.1981 and 03.11.1983 respectively.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Visited India, Saudi Arabia, Singapore, Malaysia and Thailand.



Mr. Justice Md. Emdadul Haque Azad

Father's name : Late Advocate Abul Kalam Azad

Mother's name : Late Jainab Azad

Date of birth : 16.10.1956

Obtained LL.B. (Hons) from Rajshahi University.

Enrolled as an Advocate of the Rajshahi District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 11.03.1985, 13.04.1987 and 27.02.2001 respectively.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.





Mr. Justice Md. Ataur Rahman Khan

Father's name : Late Mr. Abdul Gaffar Khan

Mother's name : Mrs. Amena Khanam

Date of birth : 01.12.1957

Obtained M.A., LL.B. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 05.03.1984, 27.12.1989 and 06.06.1999 respectively.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Participated in the SAARC Law Conference, Delhi, India, 1994.

Visited India, Saudi Arabia, Yemen, U.K and Thailand.



Mr. Justice Syed Md. Ziaul Karim

Father's name : Late Syed Abdul Malek

Mother's name : Late Anowara Begum

Date of birth : 12.12.1957

Obtained B.Sc. (Hons) Chemistry, LL.B., LL.M. and Ph.D.

Enrolled as an Advocate in the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 18.03.1986, 18.04.1988 and 28.11.1996 respectively.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Participated in the SAARC Lawyer's Conference held in Sri Lanka in the year 1998.

Participated in South Asian Judges Regional Forum on Economic and Financial Crime held at Colombo, Sri Lanka, 13-15 May, 2011.

Visited Bhutan, India, Nepal, Sri Lanka, Thailand, Indonesia, Hong Kong, China, Macao, Singapore, Saudi Arabia, Malaysia, Myanmar and Canada.



Mr. Justice Md. Rezaul Haque

Father's name : Late Md. Tazimul Hossain

Mother's name : Mrs. Umme Kulsum Hossain

Date of birth : 24.04.1960

Obtained M.A, LL.B. Enrolled as an Advocate of the District Court and High Court Division of Bangladesh Supreme Court on 08.04.1988 and 21.06.1990 respectively.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Visited India, Nepal and Thailand.



Mr. Justice Sheikh Abdul Awal

Father's name : Late Sheikh Yousuff Ali

Mother's name : Late Saleha Begum

Date of birth : 04.06.1960

Obtained M.A., M.S.S., LL.B. from University of Dhaka

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 30.10.1986 and 26.02.1989 respectively.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Visited India, Pakistan, Singapore, Thailand, Malaysia and Indonesia.





Mr. Justice S.M. Emdadul Hoque

Father's name : Late Alhaj Mohammad Moslem Uddin Sarder

Mother's name: Late Zobayda Akter

Date of birth : 07.11.1963

Obtained LL.B. (Hons), LL.M. from Rajshahi University.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 07.10.1990 and 26.11.1992 respectively.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Visited India, K.S.A. and USA.



Mr. Justice Mamnoon Rahman

Father's name : Late Advocate Rezaur Rahman

Mother's name : Late Afsari Rahman

Date of birth : 09.12.1965

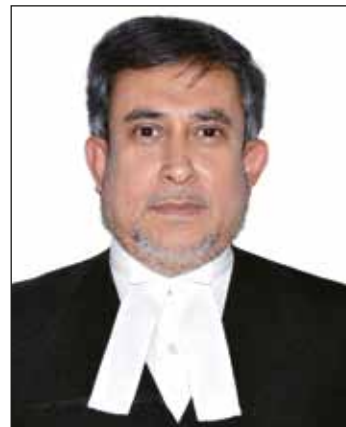
Obtained LL.B. (Hons) and LL.M. from the University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 26.11.1989, 29.05.1990 and 25.10.2001 respectively.

Elevated as an Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Participated in the International Conferences, Seminars and Study Session held in Strasbourg, France (1990), New Delhi, India (1997), Kolkata, India (2007), and London, UK (2009).

Visited Nepal, Pakistan, Malaysia, Singapore, Germany, Thailand, Indonesia, USA, UK, India, France and Canada.



Madam Justice Farah Mahbub

Father's name : Mahbubur Rahman

Mother's name : Mrs. Feroja Mahbub

Date of birth : 27.05.1966

Obtained LL.B. (Hons) and LL.M. from the University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 15.09.1992, 09.04.1994 and 15.05.2002 respectively.

Elevated as Additional Judge of the High Court Division on 23.08.2004 and appointed Judge of the same Division on 23.08.2006.

Visited India, Pakistan, Thailand, Malaysia, Dubai, Germany, Saudi Arabia, South Korea and the Philippines.



Mr. Justice A.K.M. Abdul Hakim

Father's name : Late Al-Haj Abdul Hamid

Mother's name : Late Roushan-Ara-Begum

Date of birth : 19.12.1954

Obtained LL.B. (Hons) and LL.M. from University of Dhaka.

Enrolled as an Advocate in the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 05.04.1979, 27.08.1981 and 06.06.1999 respectively.

Elevated as Additional Judge of the High Court Division on 16.11.2008 and appointed Judge of the same Division on 11.11.2010.





Mr. Justice Borhanuddin

Father's name : Late Advocate Abdus Sabur

Mother's name : Late Momtaz Sabur

Date of birth : 28.02.1957

Obtained LL.B. from the University of Chittagong.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 03.03.1985, 16.06.1988 and 27.11.2002 respectively.

Elevated as Additional Judge of the High Court Division on 16.11.2008 and appointed Judge of the same Division on 11.11.2010.



Visited India, China, Kingdom of Thailand, Singapore, Malaysia, Saudi Arabia, Bhutan and Myanmar.

Mr. Justice M. Moazzam Husain

Father's name : Late Mohammad Afzal Husain

Mother's name : Late Begum Assia Afzal Shelley

Date of birth : 01.02.1951

Obtained M.A. and LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in the year 1977, 1982 and 2001 respectively.

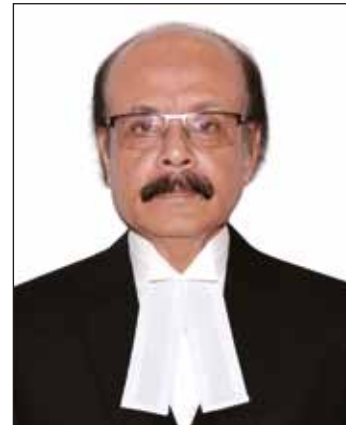
Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

Participated in the International Training Programme held in the Institute of Advanced Legal Studies (IALS), University of London, UK (1994).

Regularly contributed articles on Law and legal issues to The Daily Star, an English daily.

Worked as a Resource Person in the Bar Vocational Course conducted by the Bangladesh Bar Council.

Visited India, UK, France, Netherlands and Belgium.



Mr. Justice Soumendra Sarker

Father's name : Late Mr. Sitanath Sarker

Mother's name : Late Mrs. Parimal Sarker

Date of birth : 31.10.1953

Obtained Bachelor of Jurisprudence (Honours) and Master of Jurisprudence.

Joined the Judicial Service as Munsif on 06.11.1978 and promoted as District and Sessions Judge on 20.11.1995.

Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

Visited India, Bhutan, Thailand and United Kingdom.



Mr. Justice Abu Bakar Siddiquee

Father's name : Late Abdul Gofur Mollah

Mother's name : Late Noor Zahan Begum

Date of birth : 29.07.1954

Obtained B.Sc. and LL.B. from Rajshahi University.

Enrolled as an Advocate of the Kushtia Bar Association in the year 1979.

Joined the Judicial Service as Munsif on 23.04.1980 and promoted as District and Sessions Judge on 07.05.1997.

Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

Participated in a course titled "Intellectual Property Right" organized by Japan International Co-operation Agency, in Tokyo, Japan. Participated in a seminar titled as "Access to Justice" organized by Judicial Studies Board in Warwick University, England. Participated in a Study Tour in respect of "Alternative Dispute Resolution" (ADR) organized by the legal and Judicial capacity Building Project in California, Washington and England. Participated in a roundtable conference titled as Asia-Pacific Judicial Reform Forum-2009, in Singapore.

Visited Macca and Madina for performing Hajj.





Mr. Justice Md. Nuruzzaman

Father's name : Late Hazi Md. Bazlur Rahman

Mother's name : Late Alhaj Amena Begum

Date of birth : 01.07.1956

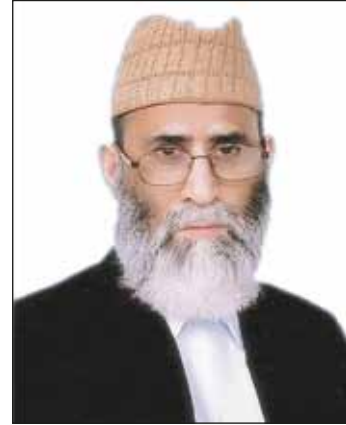
Obtained M.S.S. and LL.B. Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 04.09.1983 and 07.01.1987 respectively.

Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

Participated in the Liberation War of Bangladesh 1971 as freedom fighter and liberated many places of the then Sunamgonj, Netrokona and Kishoregonj Sub Division from the occupation of the Pakistan army.

Participated in Anti corruption Laws seminar held in Hong Kong, 2011.

Visited India, Saudi Arabia, Hong Kong, Malaysia and Thailand.



Mr. Justice Md. Moinul Islam Chowdhury

Father's name : Late Alhaj Nurul Islam Chowdhury

Mother's name : Late Alhaj Jahanara Chowdhury

Date of birth : 07.04.1957

Obtained B.A. (Hons), M.A. (Philosophy), LL.B. from the University of Dhaka and LL.B. (Hons) from Essex, UK, and Barrister-at-Law from the Hon'ble Society of Lincoln's Inn, London, UK.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in the year 1984, 1986 and 2002 respectively.

Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

Appointed as the Member of the Bangladesh Judicial Service Commission on 04.09.2013 by the Right Honorable President of the People's Republic of Bangladesh.

Visited India, France and United Kingdom and Middle East Countries.



Mr. Justice Obaidul Hassan

Father's name : Dr. Akhlaqul Hossain Ahmed

Mother's name : Begum Hosneara Hossain

Date of birth : 11.01.1959

Obtained B.S.S. (Hons), M.S.S. (Economics) and LL.B. from University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 18.03.1986, 18.10.1988 and 15.08.2005 respectively.

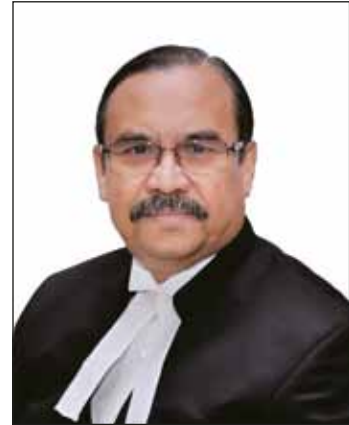
Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011. During 23.03.2012 to 12.12.2012 and 13.12.2012 to 15.09.2015 worked as member and Chairman respectively of International Crimes Tribunal-2.

Participated in an international conference held in Hong Kong (1991).

Participated in a training programme namely "Judicial Governance Programme" held in Singapore in July, 2015. Attended an International Conference on "International Crimes/State Crimes" held in Buenos Aires, Argentina in August, 2015.

Also attended in a view exchange programme with the Judges of International Criminal Court (ICC) and International Crimes Tribunal for former Yugoslavia (ICTY) in the Hague, Netherlands in August, 2015.

Visited China, India, Pakistan, Nepal, Malaysia, Singapore, Thailand, Saudi Arabia, France, Netherlands, Belgium and UK.



Mr. Justice M. Enayetur Rahim

Father's name : M. Abdur Rahim

Mother's name : Mrs. Nazma Rahim

Date of birth : 11.08.1960

Obtained M. A. (Mass Communication and Journalism) and LL.B. from Dhaka University.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 30.10.1986, 02.01.1989 and 15.05.2002 respectively.

Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

Worked as the Chairman of International Crimes Tribunal-1 [Since 24.02.2014].

Appointed as Additional Attorney General for Bangladesh [January, 2009].

Elected as the Secretary of Bangladesh Supreme Court Bar Association [2005-2006] and Member of Bangladesh Bar Council from General Seat [2008]. Served as a Member of Board of Governors and Managing Committee of Bangladesh Open University and Dhaka Shishu [Child] Hospital respectively.

Participated in the International Seminars held in Hong Kong [2006] Cairo, Egypt [2009] and Manila, Philippines [2013].

Visited India, Nepal, Malaysia, Singapore, Egypt and Saudi Arabia.





Madam Justice Naima Haider

Father's name : Late Justice Badrul Haider Chowdhury,
Former Chief Justice of Bangladesh

Mother's name : Mrs. Anwara Haider

Date of birth : 19.03.1962

Obtained LL.B. (Hons), LL.M. from University of Dhaka, LL.M. from Columbia University, New York, USA.

Obtained diplomas in International Cooperation in Criminal Matters, from Christ Church College, Oxford University, in Alternative Dispute Resolution from the University of Berkeley, California, USA and attended Commonwealth Lawyer's course under the Institute of Advanced Legal Studies, University of London.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in the year 1989, 1993 and 2004 respectively.

Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same division on 06.06.2011.

Participated in the International Seminars, Workshops and law conferences held in Bangkok, Thailand, San Remo, Italy (2000), Kuala Lumpur, Malaysia (2005) & (2006), Islamabad, Pakistan (2004), Bangalore, India (1996), Harvard University, USA (1992), Queens University Belfast, Ireland (2000). Attended the International Women Judges' Conference held in Seoul, Korea (2010) and Judicial Development Programme, Korea (2010) and Women and Justice Conference, New Delhi (2011).

Visited USA, UK, France, Germany, Italy, Switzerland, Saudi Arabia, The Netherlands, Belgium, Portugal, Austria, Poland, Turkey, China, Singapore, Thailand, South Korea, Malaysia, India, Pakistan, Nepal and Sri Lanka.



Mr. Justice Md. Rezaul Hasan

Father's name : Late Abul Kalam Azad (Advocate)

Mother's name : Hosneara Begum

Date of birth : 17.12.1962

Obtained LL.B. (Hons) and LL.M. from the University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 03.03.1985, 17.06.1989 and 21.07.2004 respectively.

Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

Author of the "Index of Bangladesh Laws"; 1st edition 1992 and 2nd edition in 2004, with a foreword written by Hon'ble Mr. Justice Mustafa Kamal, the former Hon'ble Chief Justice of Bangladesh and the 3rd edition published in 2014. Copies of these books are preserved in the Libraries of Congress of the US Supreme Court, and in the Libraries of Columbia University Law School, Harvard Law School, Cornell University, University of Chicago, University of Iowa, University of Pennsylvania, Yale University and Alibris, Emeryville, USA. (Source-Google search)

Visited Washington DC and the U.S. Supreme Court (twice), State of New York, State of New Jersey, State of Pennsylvania, Turkey, UK and India (visited Supreme Court of India and the High Courts at Mumbai and Calcutta).

He has also acted as a resource person for the World Bank Group (2009) by contributing to a treatise "Investing Across Borders 2010," published by World Bank Group, from Austria, and was a short term Consultant of World Bank, Dhaka Office (2003).

Contributed many articles (on legal matters) in the journal section of the law reporters etc, from 1990 onward.



Mr. Justice Md. Faruque (M. Faruque)

Father's name : Late Mafiz Uddin

Mother's name : Late Urchander Nessa

Date of birth : 01.01.1953

Obtained B.A.(Hons), M.A. and LL.B. from University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 03.02.1979, 04.06.1982 and 27.11.2002 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed as Judge of the same Division on 15.04.2012.

Participated in the Liberation War of Bangladesh in 1971 as Freedom Fighter.

Participated in the International Seminars held in Germany, France, China and Sri Lanka.

Visited Saudi Arabia and performed the "Haj, 2011".



Mr. Justice Md. Shawkat Hossain

Father's name : Late Abdus Subhan

Mother's name : Late Sahida Begum

Date of birth : 10.01.1953

Obtained B.A. (Hons), M.A. and LL.B.

Joined the Judicial Service as Munsif on 04.12.1981 and promoted as District and Sessions Judge in 1998.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Visited London, Scotland, Indonesia and Australia.





Mr. Justice F.R.M. Nazmul Ahasan

Father's name : Late Md. Anwar Hossain

Mother's name : Mrs. Jahanara Begum

Date of birth : 15.02.1955

Obtained B.A. (Hons), M.A. and LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 18.03.1986, 22.01.1994 and 13.12.2009 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Participated in the International Seminars held in India (2007) and Vietnam (2009).

Visited Russia, Vietnam, India, Nepal and Thailand.



Madam Justice Krishna Debnath

Father's name : Late Sree Dinesh Chandra Debnath

Mother's name : Sreemoti Benu Debnath

Date of birth : 10.10.1955

Obtained B.Jur (Hons) and M.Jur from the University of Rajshahi.

Joined the Judicial Service as Munsif on 08.12.1981 and promoted as District and Sessions Judge on 01.11.1998.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Attended a certificate course at Harvard Law School, USA in 1990. Participated in the conference of the International Women Judges Association, Canada in 1996. Participated in the conference of the National Women Judges Association of U.S.A. in 2012.



Mr. Justice A.N.M. Bashir Ullah

Father's name : Late Al-haj Md. A. Majid Howlader

Mother's name : Most. Jamila Khatun

Date of birth : 31.03.1956

Obtained LL.B. (Hons) and LL.M. from University of Dhaka.

Joined the Judicial Service as Munsif on 01.12.1981 and promoted as District and Sessions Judge on 21.10.1997.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.



Mr. Justice Abdur Rob

Father's name : Late Din Mohammad Mia

Mother's name : Mst. Safia Khatun

Date of birth : 10.09.1958

Obtained B.A. (Hons), M.A. in Political Science and LL.B. from University of Chittagong.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in 1987, 1990 and 2002 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.





Mr. Justice Quazi Reza-ul Hoque

Father's name : Late Quazi Azizul Haque
Mother's name : Late Fazilatnunesa Chowdhury
Date of birth : 28.11.1958

Obtained LL.B. (Hons), LL.M. from the University of Dhaka, LL.M. in International Human Rights Law from Essex University, UK, MBA from American International University, USA and Ph.D. from Nottingham Trent University.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 06.10.1985 and 06.04.1989 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Has a number of publications to his credit.



Mr. Justice Md. Abu Zafor Siddique

Father's name : Late Dr. Kawsher Uddin Ahamed
Mother's name : Late Mrs. Majida Khatun
Date of birth : 02.01.1959

Obtained LL.B. (Hon's) and LL.M (R.U)

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in 1985 and 1998 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Participated in the Judicial Development Programme in Seoul, South Korea, (2010).

Visited India, South Korea, Malaysia, Thailand, Singapore, Sri Lanka, Maldives, Nepal and Bhutan.



Mr. Justice A.K.M. Zahirul Hoque

Father's name : Late Alhaj Abdur Rashid Howlader

Mother's name : Late Mrs. Safura Khatun

Date of birth : 31.01.1959

Obtained B.Sc. and LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 07.10.1984, 11.07.1990 and 27.12.2002 respectively.

Elevated as an Additional Judge of the High Court Division on 18.04.2010 and confirmed as a Judge of the same Division on 15.04.2012.

Participated in performing the Holy Hajj held in 2013 at Mecca and Medina of Saudi Arabia. Participated in the International Criminal Justice Conference at Sydney on 7-9 September, 2011, organized by Australian Institute of Judicial Administration (AIJA); and also in the International Criminal Justice Conference held on 23-25 August, 2012 at Brisbane, Australia organized by AIJA.

Visited India (five times) and Sydney, Rockhampton, Brisbane of Australia.



Mr. Justice Jahangir Hossain

Father's name : Late Md. Abdul Latif

Mother's name : Late Ms. Masuda Khatun

Date of birth : 31.12.1959

Obtained M. Com. and LL.B.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 31.10.1986 and 31.12.1991 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Participated in SAARC Law Conference in Delhi (1995).

Visited Australia, UK, Singapore, Nepal, Thailand, Sri Lanka, India, Malaysia, Bhutan, Maldives, Saudi Arabia, France, Belgium, Netherlands, Argentina and Myanmar.





Mr. Justice Sheikh Md. Zakir Hossain

Father's name : Late Kanchan Sheikh
Mother's name : Most. Noorjahan Begum
Date of birth : 02.03.1962

Obtained LL.B. from University of Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 05.10.1988 and 17.07.1993 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Visited India.



Mr. Justice Md. Habibul Gani

Father's name : Alhaj Jahurul Huq Chowdhury
Mother's name : Late Julekha Begum
Date of birth : 31.05.1962

Obtained M.S.S. and LL.B. from University of Chittagong.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 03.04.1989 and 11.04.1992 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Participated in the International Seminars, Symposiums and Workshops on Law and Justice organized by World Peace Forum.

Visited Canada, Japan, Korea, China, Hong Kong, India, Malaysia, Singapore, Nepal, Bhutan, U.A.E. and Saudi Arabia.



Mr. Justice Gobinda Chandra Tagore

Father's name : Late Gurubar Tagore

Mother's name : Madhumala Tagore

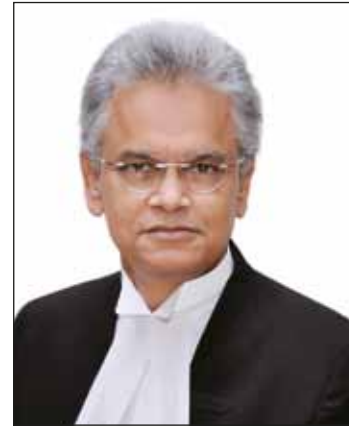
Date of birth : 15.05.1963

Obtained M.A. in Mass Communication & Journalism and LL.B. from University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 30.04.1994, 29.09.1996 and 13.12.2009 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Visited the then Union of Soviet Socialist Republic (USSR) in 1989, participated in 'Proclamation Ceremony of the Declaration on the Cessation of War and Achievement of World Peace' held on March 14, 2016 in Seoul, South Korea and also visited India and Singapore.



Mr. Justice Sheikh Hassan Arif

Father's name : Faizur Rahman

Mother's name : Hosne Ara Begum

Date of birth : 20.04.1967

Justice Sheikh Hassan Arif was elevated as the Judge of the Supreme Court of Bangladesh, High Court Division in 2010. He has delivered various constitutionally important judgments and orders touching human rights, child rights, environmental issues and fiscal laws.

Justice Arif participated in various international conferences including the SAARC Law Conference, Dhaka in 1996, Bangladesh Human Rights Convention of 2005 held in London, UK, AIJA 'Child Protection Conference, Brisbane, Australia in 2011, Second International Summit of the High Courts at Istanbul, Turkey in 2013 and the South Asia Judicial Conference on Environment and Climate Change, Dhaka in 2016, and made remarkable contributions through his research, deliberations and speeches. He takes special interest in child rights, human rights and climate change issues and, accordingly, delivers speeches on those issues in national and international seminars, symposium and conferences on a regular basis. He is now serving as a member of the Special Committee of the Supreme Court of Bangladesh on Child Rights and has been contributing in implementation of the UN Child Rights Convention (CRC) in Bangladesh. He is the co-editor of 'Supreme Court Online Bulletin (SCOB)', the only online law journal/report published by the Supreme Court of Bangladesh.

Justice Arif did his LL.B. and M.S.S from the University of Chittagong, LL.B. (Honors) from the University of Wolverhampton, UK and Postgraduate Diploma in Professional and Legal Skills from the then ICCL, City University, London, UK before being called to the Hon'ble Society of Lincoln's Inn, London, UK as a Barrister-At-Law.





Mr. Justice J.B.M. Hassan

Father's name : Late A.F.M. Shamsuddin

Mother's name : Late Nur Mohal Begum

Date of birth : 10.01.1968

Obtained LL.B. (Hons) and LL.M. from University of Rajshahi.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 10.05.1992, 22.01.1994 and 21.07.2004 respectively.

Elevated as Additional Judge of the High Court Division on 18.04.2010 and appointed Judge of the same Division on 15.04.2012.

Participated in the International Workshop held in Bangkok, Thailand and workshop for SAARC High Court Judges held in the National Judicial Academy, Bhopal, India.



Mr. Justice Md. Ruhul Quddus

Father's name : Late A.F.M. Azizur Rahman

Mother's name : Late Rahela Khatun

Date of birth : 07.12.1962

Obtained LL.B. and M.S.S. from University of Rajshahi.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 19.04.1993, 29.09.1994 and 15.01.2009 respectively.

Elevated as Additional Judge of the High Court Division on 04.11.2010 and appointed Judge of the same Division on 15.10.2012.

Participated in international conference, training and various programs on Human Rights, Public Interest Litigation and Police reform held in India, Nepal and USA.

Visited India, Nepal, Ukraine and USA.



Mr. Justice Md. Khasruzzaman

Father's name : Md. Shamsul Haque

Mother's name : Saria Begum

Date of birth : 28.10.1968

Obtained LL.B. (Hons) and LL.M.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 16.08.1994 and 29.09.1996 respectively.

Elevated as Additional Judge of the High Court Division on 04.11.2010 and appointed Judge of the same Division on 15.10.2012.

Participated in the Training Programme on "Mutual Legal Assistance" Conducted by US Department of Justice.

Visited India and Malaysia.



Mr. Justice Farid Ahmed

Father's name : Late Md. Mahar Ali

Mother's name : Late Bana Bibi

Date of birth : 01.01.1960

Obtained B.A. and LL.B. from the University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and Appellate Division of Bangladesh Supreme Court on 17.10.1985, 06.10.1988 and 08.11.2006 respectively.

Elevated as Additional Judge of the High Court Division on 04.11.2010 and appointed Judge of the same Division on 15.10.2012.

Participated Common Wealth Young Lawyers Course (1993) held in UK and Regional Consultation held in Pakistan (2008).





Mr. Justice Md. Nazrul Islam Talukder

Father's name : Late Sajibuddin Talukder

Mother's name : Late Sahidan Bibi

Date of birth : 01.12.1964

Obtained LL.B. (Hons) and LL.M. from University of Rajshahi.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 16.10.1991, 21.08.1993 and 12.05.2008 respectively.

Elevated as Additional Judge of the High Court Division on 04.11.2010 and appointed Judge of the same Division on 15.10.2012.

Participated in the International Training on Trans-border Money Laundering held in University of Wollongong, Australia (2009).

Travelled in India, Egypt, Libya, Qatar, Australia and Thailand.



Mr. Justice Bhabani Prasad Singha

Father's name : Late Sudhir Chandra Singha

Mother's name: Late Brishabhenu Rajkumari

Date of birth : 08.08.1953

Obtained M.A. in English and LL.B.

Enrolled as an Advocate of the District Court on 01.03.1979 and High Court Division on 12.12.2010.

Joined the Judicial Service as Munsif on 20.04.1983 and promoted as District and Sessions Judge on 24.02.2000.

Elevated as Additional Judge of the High Court Division on 12.12.2010 and appointed Judge of the same Division on 10.12.2012.

Was a Lecturer in the Department of Law, Prime University, Kishoreganj Centre.

Before elevation as an Additional Judge of the High Court Division was the Dean, Faculty of law, Premier University, Chittagong.

Visited India.



Mr. Justice Anwarul Haque

Father's name : Late A.K.M. Zahirul Haq

Mother's name : Late Razia Khatoon

Date of birth : 01.08.1956

Obtained LL.B. (Hons) and LL.M. from the University of Dhaka. Also obtained Graduation (Advance Diploma) and Diploma in drafting of legislation from the University of the West Indies.

Enrolled as an Advocate of the District Court on 15.11.1980.

Joined the Judicial Service as Munsif (now Assistant Judge) on 01.12.1981 and promoted as District and Sessions Judge on 13.07.1997.

Elevated as Additional Judge of the High Court Division on 12.12.2010 and appointed Judge of the same Division on 10.12.2012.

Presently working as Chairman of the International Crimes Tribunal-1 since 15.09.2015 and before that worked as a Member of the same Tribunal since 25.03.2012.

Sitting Member of the Commonwealth Association of Legislative Counsel since 1988.

Former (1) Chairperson of the Governing Board of the SAARC Arbitration Council. (2) Secretary (C.C), Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs (3) Chairman, National Minimum Wages Board (4) Member, Bangladesh Judicial Service Commission (5) Member Bangladesh Film Censor Board (6) Member National Pay Commission, 2008 (7) Chairman Labour Court, and (8) Project Director., Legal and Judicial Capacity Building Project.

Participated in the international Seminars, Workshops, Conferences, Symposiums, Trainings, Study Tours etc. in the U.S.A., U.K., Australia, Netherlands, Argentina, West Indies, Sri Lanka, Morocco, Kenya, India, South Korea, Hong Kong, Malaysia and Nepal.

Visited France, Belgium, China, Singapore, Saudi Arabia, United Arab Emirate and Thailand.



Mr. Justice Md. Akram Hossain Chowdhury

Father's name : Md. Belayet Hossain Chowdhury

Mother's name : Begum Shamsunnahar

Date of birth : 25.04.1959

Obtained LL.B. from Dhaka University.

Enrolled as an Advocate of Dhaka District Court and the High Court Division of Bangladesh Supreme Court on 26.10.1987 and 30.10.1989 respectively. Acted as Deputy Attorney General since 21.02.2009 until elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 12.12.2010 and appointed Judge of the same Division on 10.12.2012.

Successfully completed the "Mutual Legal Assistance Training" conducted by the US Department of Justice, held in May-2009.

Visited India, Bhutan and Saudi Arabia.





Mr. Justice Md. Ashraful Kamal

Father's name : Abdul Gofran

Mother's name : Ashraf Jahan Begum

Date of birth : 30.11.1964

Obtained M. Com. in Management and LL.B. from University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 30.04.1994, 26.09.1996 and 24.08.2010 respectively.

Elevated as Additional Judge of the High Court Division on 12.12.2010 and appointed Judge of the same Division on 10.12.2012.

Participated in an International Conference held in France in 2005 and in a three-day Second Asian Judges Symposium on Environment, with the theme of Natural Capital and the Rule of Law held at ADB headquarters Manila, the Philippines in 2013

Visited India, Pakistan, Nepal, Bhutan, Malaysia, Singapore, England, Scotland, Netherlands, Italy, France, Belgium, USA and the Philippines.



Mr. Justice S.H. Md. Nurul Huda Jaigirdar

Father's name : Late Abdun Noor Jaigirdar

Mother's name : Saleha Khatun

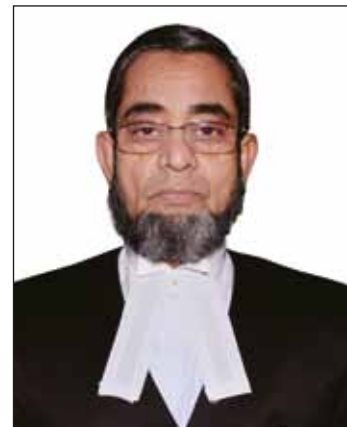
Date of birth : 30.11.1951

Obtained M.S.S. (Political Science) and LL.B. from University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 22.08.1981, 04.10.1983 and 27.11.2002 respectively.

Elevated as Additional Judge of the High Court Division on 20.10.2011 and appointed Judge of the same Division on 07.10.2013.

Visited India, Pakistan, France, UK, Australia the Philippines and Kingdom of Saudi Arabia.



Mr. Justice K.M. Kamrul Kader

Father's name : Late Advocate K.M. Fazlul Kader

Mother's name : Bagum Aysha Kader

Date of birth : 09.06.1964

Obtained LL.B. (Hons.), LL.M. from University of Rajshahi, LL.B. (Hons.) from University of Wolverhampton, U.K., Barrister-at-law, Lincoln's Inn, London, U.K.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 26.10.1987 and 09.10.1990 respectively.

Elevated as Additional Judge of the High Court Division on 20.10.2011 and appointed as Judge of the same Division on 07.10.2013.

Visited India, Nepal, Kingdom of Saudi Arabia, United Kingdom and United Arab Emirate.



Mr. Justice Md. Mozibur Rahman Miah

Father's name : Late Md. Yusuf Ali Miah

Mother's name : Late Most. Sharifa Khatun

Date of birth : 04.07.1965

Obtained LL.B. (Hons.) and LL.M. from Rajshahi University.

Enrolled as an Advocate at Dhaka Judge Court and the High Court Division of Supreme Court of Bangladesh on 09.02.1992 and 24.04.1993 respectively.

Performed as Deputy Attorney General from 09.02.2009 till elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 20.10.2011 and appointed Judge of the same Division on 07.10.2013.

Appointed Member of the International Crimes Tribunal-2 (ICT-2) on 13.12.2012 and discharged function therein till 15.09.2015.

Participated in SAARC Law Conference held in Bangladesh in 1996 and in the Mutual Legal Assistance Training conducted by the U.S. Department of Justice as Deputy Attorney General held in Bangladesh in 2009. Participated in South Asia Judicial Conference on Environment and Climate Change held in Dhaka, Bangladesh on 25-26 November, 2016.

Visited India, Singapore, Malaysia and Thailand.





Mr. Justice Mustafa Zaman Islam

Father's name : Late Muzaharul Islam

Mother's name : Rokeya Khaton

Date of birth : 10.02.1968

Obtained LL.B. (Hons) and LL.M. (DU)

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 19.05.1991, 13.03.1993 and 28.12.2010 respectively.

Elevated as Additional Judge of the High Court Division on 20.10.2011 and appointed as Judge of the same Division on 07.10.2013.

Participated in SARRC Law conference, 1996, held in Bangladesh and in the Mutual Legal Assistance Training as Deputy Attorney General conducted by the U.S Department of Justice held in Bangladesh in 2009.

Participated in the Working procedure of Customs, VAT, and Income Tax under the National Board of Revenue in 2015.

Participated in the Bangladesh-United States Judicial education exchange program in Washington D.C-2016.

Participated in the South Asia Judicial conference on Environment and Climate Change, held in Bangladesh-2016.



Mr. Justice Mohammad Ullah

Father's name : Late Shakhawat Ullah

Mother's name: Mst. Afrazunnessa

Date of birth : 18.03.1970

Obtained LL.B. (Hon's) and LL.M. from University of Rajshahi.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 30.04.1994, 12.08.1995 and 13.01.2011 respectively.

Elevated as Additional Judge of the High Court Division on 20.10.2011 and appointed Judge of the same Division on 07.10.2013.

Participated in an international seminar "Bangladesh-US Legal Seminar-2003" on Operational Law held in Dhaka, Bangladesh 25-29 May, 2003.

Visited India, Malaysia, England and the USA.



Mr. Justice Muhammad Khurshid Alam Sarkar

Father's name : Late Alhaj M.A. Sattar Sarkar

Mother's name : Begum Asma Sattar

Date of birth : 01.03.1972

Obtained LL.B. (Hons), LL.M. from the University of Dhaka and also further LL.B. (Hons) from the United Kingdom. Achieved the professional qualification of Barrister-at-Law from Gray's Inn.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 01.04.1995, 07.03.1996 and 24.08.2010 respectively.

Elevated as an Additional Judge of the High Court Division on 20.10.2011 and appointed Judge of the same Division on 07.10.2013.

Visited USA, UK, Switzerland, France, Germany, Italy, India, Pakistan, Thailand and Nepal.



Mr. Justice A.K.M. Shahidul Huq

Father's name : Late Alhaj Mohammad Nurul Huq

Senior Advocate, Supreme Court of Bangladesh

Mother's name : Late Alhaj Jahan Ara Begum

Date of birth : 29.12.1955

Obtained LL.B. (Hons) and LL.M, (DU), Ex BCS (Judicial).

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 22.08.1981, 04.09.1983 and 04.07.1993 respectively.

Elevated as Additional Judge of the High Court Division on 20.10.2011 and appointed Judge of the same Division on 07.10.2013.

Visited India, UK, Thailand and Singapore.





Mr. Justice Shahidul Karim

Father's name : A.K.M. Rezaul Karim

Mother's name : Mst. Saleha Begum

Date of birth : 11.03.1958

Obtained LL.B. (Hons), LL.M. from University of Dhaka.

Joined the Judicial Service as Munsif on 20.04.1983 and promoted as District and Sessions Judge on 24.02.2000.

Elevated as Additional Judge of the High Court Division on 20.10.2011 and appointed Judge of the same Division on 07.10.2013.

Participated in international level workshops on Human Rights held in the Philippines and Sri Lanka, 1999. Obtained Diploma on Human Rights and Environment Law from the American University in Washington D.C in 2000. Also participated in a number of International Seminars on law and justice in India, UK and the Netherlands and visited Canada and England to get acquainted with their legal aid activities.



Mr. Justice Md. Jahangir Hossain

Father's name : Dr. Md. Helal Uddin Hossain

Mother's name : Sakhina Begum

Date of birth : 01.02.1959

Obtained LL.B. (Hons), LL.M from Dhaka University.

Joined the Judicial Service as Munsif (Assistant Judge) on 22.02.1984. Worked as Joint District Judge, Additional District Judge and Judge of Artha-Rin Adalat, Judge of Nari-O-Shishu Nirjatan Daman Adalat, Registrar of Taxes Appellate Tribunal and Director General of Anti-Corruption Commission. Worked as District and Sessions Judge of Dhaka.

Foreign Employment: Worked as an Administrator and as the Legal and Judicial Affairs Officer and as Judge in the Court of (UNTAET) under United Nations. While working as the Regional Administrator of East Timor, ran general administration of the region and supervised the function of GO'S and NGO'S working in the areas of development, law and order and dispensation of justice. Maintained liaison between relevant GO'S (Police, Army, Civil Administrator) of United Nations Transitional Administration in East Timor (UNTAET) and UN on the one hand, the International Agencies (WFP, UNIO, FAO, UNICEF) and National NGO'S on the other.

Elevated as Additional Judge of the High Court Division, Supreme Court of Bangladesh on 20.10.2011 and appointed Judge of the same Division on 07.10.2013.

Foreign Training under (UNTAET) UN: Case Management and Court Administration, Juvenile Justice & UN Convention on the Rights of the Child, Gender Issue and Human Rights and Rule of Law, Settlement of Minor Crimes thorough Diversion Process, Domestic Violence & Family Dispute; Fast Track Justice.

Participated in the international seminar: Bhutan, Nepal, Qatar, UN (East Timor).

Visited England, France, Italy, Vatican, America, Canada, Australia, Indonesia, Malaysia, Singapore, Thailand, East Timor, Dubai, Saudi Arabia, Qatar, Bhutan, Nepal and India.



Mr. Justice Abu Taher Md. Saifur Rahman

Father's name : Md. Abdul Jabber Sarker

Mother's name : Mrs. Umme Salma Khatun

Date of birth : 31.12.1966

Obtained LL.B. (Hons), LL.M from University of Dhaka and LL.B. (Hons) from University of Wolverhampton, UK & Barrister-at-law (Hon'ble Society of Lincoln's Inn, London, UK.)

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 19.05.1991 and 12.12.1992 respectively.

Elevated as Additional Judge of the High Court Division on 20.10.2011 and appointed Judge of the same Division on 07.10.2013.

Visited UK and India.



Mr. Justice Ashish Ranjan Das

Father's Name : Late Jogesh Chandra Das

Mother's Name : Gayatri Das

Date of Birth : 29.01.1958

Obtained LL.B. (Hons) and LL.M. (D.U.)

Joined Judicial Service as Munsif on 20.04.1983 and promoted as District and Sessions Judge on 24.02.2000.

Promoted and worked as Secretary (In charge), Law and Justice Division, Ministry of Law, Justice and Parliamentary Affairs.

Elevated as Additional Judge of the High Court Division on 14.06.2012 and appointed Judge of the same Division on 12.06.2014.





Mr. Justice Mahmudul Hoque

Father's Name : Late Noor Hossain

Mother's Name : Late Mabiya Khatun

Date of Birth : 13.12.1958

Obtained M.A. and LL.B. from Chittagong University.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 26.09.1984 and 08.01.1987 respectively.

Elevated as Additional Judge of the High Court Division on 14.06.2012 and appointed Judge of the same Division on 12.06.2014.

Visited India, Malaysia, Saudi Arabia and Indonesia.



Mr. Justice Md. Badruzzaman

Father's Name : Late Md. Sadar Uddin Mondal

Mother's Name : Mrs. Sahar Banu

Date of Birth : 06.09.1969

Obtained LL.B. (Hons) and LL.M. Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 30.04.1994 and 29.09.1996 respectively.

Elevated as Additional Judge of the High Court Division on 14.06.2012 and appointed Judge of the same Division on 12.06.2014.

Visited India, Nepal, UK, USA and UAE.



Mr. Justice Zafar Ahmed

Father's Name : Nazir Ahmed Bhuiyan

Mother's Name : Rokey Begum

Date of Birth : 04.01.1970

Obtained LL.B. (Hons), LL.M from University of Dhaka and LL.B. (Hons) from London Metropolitan University, UK & Bar Vocational Course (BVC), BPP Professional School, London, UK.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in 1994 and 1995 respectively.

Elevated as Additional Judge of the High Court Division on 14.06.2012 and appointed Judge of the same Division on 12.06.2014.

Participated in Continuing Legal Education Programme (CELP) organized and conducted by the Bangladesh Bar Council and achieved "Excellent" grade.

Visited United Kingdom and United Arab Emirates.



Mr. Justice Kazi Md. Ejarul Haque Akondo

Father's Name : Late Md. Ismail Hossain Akondo

Mother's Name : Most. Hasina Begum

Date of Birth : 24.05.1971

Obtained LL.B. (Hons) and LL.M. from University of Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 01.04.1995 and 30.10.1997 respectively. Acted as Deputy Attorney General from February 2009 till elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 14.06.2012 and appointed Judge of the same Division on 12.06.2014.

Attended in the prosecution training workshop, organized by the Commonwealth Secretariat on "Investigation and Prosecution of Hi Tech Crime-Technological Challenges and Practical Solutions", held in Male, Maldives, in 2010.

Visited United Arab Emirates (UAE), The Republic of Maldives and India.





Mr. Justice Md. Shahinur Islam

Father's Name : Late Md. Serajul Islam
Mother's Name : Late Shamsun Nahar Islam
Date of Birth : 07.04.1958

Obtained LL.B (Hons) from Rajshahi University. Joined the Judicial Service as Munsif on 20.04.1983 and promoted as District and Sessions Judge on 13.01.2001 and worked in that capacity in Narail and Habiganj. Also worked as Member of Administrative Tribunal, Dhaka. After serving as the Registrar of International Crimes Tribunal [ICT-BD] since April 2010 he was appointed Member of the second Tribunal (ICT-2) on 22nd March 2012.

Elevated as Additional Judge of the High Court Division on 05.08.2013 and later on re-appointed as a Member of International Crimes Tribunal-2. He was appointed Judge of the High Court Division on 05.08.2015. Since 15.09.2015 he has been serving as a Member of International Crimes Tribunal-1 [ICT-BD-1].

Participated in a training course on 'Economic development and regional development strategies' held in Seoul, South Korea [April 2001], '2nd biennial conference on war crimes' organized by IALS (Institute of Advanced Legal Studies), University of London, UK and SOLON [March, 2011]. He also participated in a regional expert symposium organized by the ICTJ, Asia Division on 'The challenges to prosecute war crimes' held in Jakarta, Indonesia [November 2011].

Visited the ICTY, ICC, STL in the Hague, Netherlands and had discussion with some distinguished Judges and experts of ICTJ [October 2011]. He also visited India.



Madam Justice Kashefa Hussain

Father's Name : Late Justice Syed Muhammad Hussain
Mother's Name : Mrs. Suraiya Hussain
Date of Birth : 01.07.1958

Obtained B.A. (Honors) and M. A. in English Literature from Department of English, University of Dhaka; LL.B. from University of Dhaka, LL.M. from University of London; Diploma in French Language from Alliance Francaise, Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 12.10.1995 and on 27.04.2003 respectively.

Elevated as Additional Judge of the High Court Division on 05.08.13 and appointed Judge of the same Division on 05.08.2015.

Visited USA, UK, France, Switzerland, Italy, Greece, Spain, Sweden, Finland, Turkey, Bahrain, Japan, Thailand, Singapore, China, Hong Kong, Malaysia, Indonesia, the Vatican, India and Nepal.





Mr. Justice S.M. Mozibur Rahman

Father's Name : Late Fazlur Rahman

Mother's Name : Late Foyezun Nesa Begum

Date of Birth : 12.07.1955

Obtained B.A. (Hon's) and LL.B. Joined the Judicial service as Munsif (Assistant Judge) on 22.02.1984 and promoted as District and Sessions Judge on 09.05.2007.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Served as Senior Research Officer, Law Commission, Dhaka and Deputy Solicitor/Deputy Secretary, Ministry of Law, Justice and Parliamentary Affairs, Dhaka. Former Judge, Nari-O-Shishu Nirjatan Damon Tribunal, Jamalpur; Judge, Jono Nirapatta Bighnakari Aporadh Damon Tribunal, Chittagong; District and Sessions Judge, Potuakhali and Metropolitan Sessions Judge, Chittagong.



Mr. Justice Farid Ahmed Shibli

Father's Name : Late Modoris Khan

Mother's Name : Mrs. Saleha Khanom

Date of Birth : 07.12.1956

Obtained Bachelor of Science (B.Sc.) and Bachelor of Law (LL.B.). Joined the Judicial service as Munsif (Assistant Judge) on 17.07.1983 and promoted as District and Sessions Judge on 02.09.2004.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Participated in the Intensive Study Programme for Judicial Educators held in Dalhousie University Law School in Halifax, Novascotia, Canada. Attended the Judicial Training Programme for the Senior Judges of Bangladesh held in Seoul, Korea organized by the Supreme Court of Korea. Participated in Study Tours and International Judicial Conferences held in India, China, Australia, UK, USA, Hong Kong, Singapore, Indonesia, Malaysia and the Philippines.





Mr. Justice Amir Hossain

Father's Name : Alhaj Abdus Samad

Mother's Name : Alhaj Syedunnesa

Date of Birth : 30.11.1957

Obtained LL.B. (Hon's), LL.M. from University of Dhaka. Joined the Judicial Service as Munsif (Assistant Judge) on 22.02.1984 and promoted as District and Sessions Judge on 06.05.2009.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Participated in many seminars, workshops, law conferences and visited Australia, Switzerland, China, Indonesia, Singapore, South Korea, India, Dubai, Holy Mecca (Saudi Arabia), Turkey, Germany, Luxemburg, Belgium, France, United Kingdom, Canada and Netherlands.



Mr. Justice Khizir Ahmed Choudhury

Father's Name : Aklakul Ambia Choudhury

Mother's Name : Jahanara Khanom Choudhury

Date of Birth : 24.11.1959

Obtained BA. and LL.B. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 18.03.1986, 30.04.1989 and 13.12.2009 respectively.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Visited England, France, Belgium, Germany, Turkey, Netherlands, Malaysia, Indonesia, Thailand, India, Nepal, Bhutan, Singapore, Vietnam, UAE, U.S.A. and Canada.





Mr. Justice Razik-Al-Jalil

Father's Name : Late Justice Md. Abdul Jalil

Mother's Name : Late Syeda Hazera Jalil

Date of Birth : 22.11.1962

Obtained BSS (Hon's), MSS (Political Science) and LL.B. Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 15.09.1992 and 28.01.1995 respectively.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Visited India.



Mr. Justice J.N. Deb Choudhury

Father's Name : Late Jitendra Narayan Deb Choudhury, Advocate

Mother's Name : Mrs. Khushi Rani Choudhury

Date of Birth : 15.03.1965

Obtained LL.B. under Chittagong University. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 16.04.1990, 11.05.1992 and 04.11.2001 respectively.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Attended in the Conference of the International Association of Democratic Lawyers (IADL) held in 2005 at Paris, France; Conference of World Peace Forum held in 2006 at Vancouver, Canada; Conference of Lawyer's of the Asia Pacific held in 2010 at Manila, Philippines.

Author of "Labour and Industrial Law" Student's Edition (in Bangla).

Visited India, Nepal, Singapore, Malaysia, Indonesia, Philippines, France, England, Canada, USA and Vietnam.





Mr. Justice Bishmadev Chakraborty

Father's Name : Keshab Chakraborty

Mother's Name : Suniti Chakraborty

Date of Birth : 02.07.1967

Obtained LL.B. (Hon's) and LL.M. from University of Dhaka. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 11.10.1993, 28.01.1995 and 24.08.2010 respectively.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Participated in "ADB-CITES Conference: Innovative Enforcement Strategies to Combat Wildlife Crime and Uphold the Rule of Law" held in Thailand in 2013; "Mutual Legal Assistance Training" conducted by the US Department of Justice at the Office of the Attorney General for Bangladesh in May, 2009.

Visited Thailand.



Mr. Justice Md. Iqbal Kabir

Father's Name : Dr. Md. Tojammal Hoque

Mother's Name : Most. Ayasha Khaton

Date of Birth : 10.11.1967

Obtained LL.M. from University of Dhaka. Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 10.05.1992 and 24.01.1995 respectively.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Acted as Vice Principal of Dhanmondi Law College.

Visited India, Pakistan, Nepal, Sri Lanka, Bhutan, Iran, Dubai, Kenya, Tanzania, Korea, Philippines, Mexico, USA, Germany, Swaziland, Australia, Canada, Hong Kong, Finland, Sweden, Switzerland, Turkey, Maldives.





Mr. Justice Md. Salim

Father's Name : Late Md. Jamal Uddin

Mother's Name : Late Asiyeh Khanum

Date of Birth : 11.09.1969

Obtained LL.B. (Hons) and LL.M. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 31.08.1996, 01.02.1997 and 24.08.2010 respectively.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Participated in International Conference of "Hi-Tech Crime Technological Challenges and Practical Solution" conducted by Commonwealth Secretariat held in Maldives, 2010.

Participated in the International Conferences of BIMSTEC, held in 2013.

Participated in Workshops on "Labour Law" conducted by (I.L.O) Department of justice.

Participated in Mutual Legal Assistance conducted by U.S Department of justice. He also participated in Investigation and Prosecution of Financial Crimes Seminar conducted by U.S. Department of justice.

He participated in South Asia Judicial Conference on "Environment and Climate Change", held in Dhaka, 2016.

Visited Canada, India, Maldives, Nepal, Singapore and U.A.E.



Mr. Justice Md. Shohrwardi

Father's Name : Late Md. Edrish Ali

Mother's Name : Late Jumela Khaton

Date of Birth : 05.12.1970

Obtained LL.B. (Hon's) and LL.M. from University of Dhaka. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 16.08.1994, 29.09.1996 and 23.10.2014 respectively.

Acted as Deputy Attorney General for Bangladesh from 09.02.2009 till elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 12.02.2015.

Participated in training programme on Mutual Legal Assistance conducted by U.S. Department of Justice and completed the 'Investigating Terrorist Incidents Course' organized by Bureau of Diplomatic Security, U.S. Department of State. He also participated in 'Investigation and Prosecution of Financial Crimes' seminar organized by United States Department of Justice.

Presently working as Member of International Crimes Tribunal-1, Bangladesh since 16.9.2015.





Judges who retired in 2016



Mr. Justice Sharif Uddin Chaklader is being greeted by the Honorable Chief Justice at his farewell on 19.01.2016



Mr. Justice Md. Abdul Hye is being greeted by the Honorable Chief Justice at his farewell on 31.01.2016



We Mourn



Mr. Justice Mohammad Bazlur Rahman
Appellate Division, Supreme Court of Bangladesh
Died on 01.01.2017



Mr. Justice J.N. Deb Choudhury
High Court Division, Supreme Court of Bangladesh
Died on 15.12.2016

We deeply mourn the sad, untimely demise of Mr. Justice Mohammad Bazlur Rahman and Mr. Justice J. N Deb Choudhury and pray to the Almighty for peace of their departed souls.



The Supreme Court of Bangladesh

The Supreme Court established under the constitution of Bangladesh is the highest Court of the Republic. It has two Divisions, namely, Appellate Division and the High Court Division. High Court Division has original, appellate and other jurisdictions, powers and functions conferred on it by the Constitution or by any other law. On the other hand, Appellate Division hears and disposes of appeals from judgments, decrees, orders or sentences of the High Court Division. The Appellate Division has power to issue such directions, orders, decrees or writs as may be necessary for doing complete justice in any cause or matter pending before it, including orders for the purpose of securing the attendance of any person or the discovery or production of any document.

The Supreme Court is headed by the honorable Chief Justice of Bangladesh.

History of Higher Judiciary in the Territory of Bangladesh:

The territorial area of Bangladesh originally being a part and parcel of the then Indian Sub-continent, the history of its legal system may be traced back to 1726, when King George-I issued a Charter changing the judicial administration of the Presidency towns of Calcutta, Bombay and Madras, through which the Civil and Criminal Courts, as established, started deriving their authority from the King. During the Mughal Empire the East India Company by taking settlement from the Emperor created the three presidency towns namely Madras, Bombay and Calcutta and introduced the English legal system for administration of the presidency towns and thus the English Judicial system got entry into the Sub-continent. The filing of the appeals from the then India to the Privy-Council in England was introduced by the Charter of 1726 and thereafter to bring about change in the management of the then East India Company, the East India Company Regulating Act, 1773 was introduced to place the East India Company under the control of the British Government and provision was made for establishment of a Supreme Court of Judicature at Fort William, Calcutta, through Charter or Letters Patent. The Supreme Court of Judicature at Fort William in Bengal was established by Letters Patent issued on March 26, 1774, which as a Court of Record had power and authority to dispose of all complaints against the Majesty's subjects in respect of any crime, suit or action within the territory of Bengal, Bihar and Orissa. By an Act passed in 1833 the Privy-Council was transformed into an Imperial Court of unimpeachable authority, which played a great role as a unifying force for establishment of rule of law in the Indian Sub-continent. The judicial system of the then India was re-organized by introducing the Indian High Court's Act 1861 by which High Courts were established, abolishing the Supreme Courts at Fort William Calcutta, Madras and Bombay, and the High Courts established were conferred with Civil, Criminal, Admiralty, Testamentary, Matrimonial Jurisdictions with Original and Appellate Jurisdiction. With the transfer of power from the British Parliament to the people on division of the then India, the High Court of Bengal (Order) 1947 was promulgated under the Indian Independence Act, 1947, and the High Court of Judicature for East Bengal at Dhaka was established as a separate High Court for the then East Pakistan and the said High Court was commonly known as the Dhaka High Court vested with all Appellate, Civil and original jurisdictions. With the enforcement of the Constitution of Islamic Republic of Pakistan in 1956, the Supreme Court of Pakistan was established as the apex Court of the country, consisting of East Pakistan and West Pakistan, in place of Federal Court, with the appellate jurisdiction to hear the decisions of the High Courts established in the provinces of Pakistan. The Dhaka High Court had the jurisdiction to issue writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo-warranto and Certiorari, with further authority to declare any law promulgated violating the provisions of the Constitution as void.

Use of Distinctive Flag by Judges:

The Judges of the then High Court of Judicature East Pakistan in Dhaka had been using flag in their cars pursuant to a letter dated August 1, 1957 issued by the then Central Government in the Ministry of Interior vide memo no. 6/4/56 Public.

No Sooner had we achieved independence than the judges of the Supreme Court started using flag in the cars inscribing the official emblem of the Supreme Court with an additional word "Justice". "Scale", the official emblem of the Supreme Court, signifies "Rule of Law" which the judges are oath bound to establish. The flag used by the judges in their cars, with the efflux of time, has become a great heritage. The judges carry this heritage till they are in office. This heritage will continue from generation to generation.

Supreme Court under the Constitution of Bangladesh:

Initially after liberation the apex Court was named as High Court of Bangladesh set up under the President's Order No.5 of 1972 (High Court of Bangladesh Order, 1972) and after the framing of the Constitution and adoption thereof by the Constituent Assembly on 4.11.1972 with effect from 16.12.1972, the "Supreme Court



LR-23/57

No. 6/4/56 public.
GOVERNMENT OF PAKISTAN
MINISTRY OF THE INTERIOR
* * * * *

From
Abdullah Akhund, Esquire,
Under Secretary to the Government of Pakistan.

The Register,
Supreme Court of Pakistan,
L A H O R E.

The Register,
High Court of Judicature,
East Pakistan, Dacca.
West Pakistan, Lahore.

Karachi, the 31st August, 1957.

Subject :- Flying of distinctive flags on the cars of
Judicial authorities.

Sir,
With reference to the correspondence resting with your letter No. 15/52-F.C.A., dated the 2nd April 1957, on the Subject noted above, I am directed that the Chief Justice and Judges of the Supreme Court and Chief Justices and Judges of the High Courts are allowed to fly the flags of the Supreme Court or the High Courts as the case may be, on their cars.

Your obedient servant,
Sd/- Illegible

(ABDULLAH AKHUND)
UNDER SECRETARY TO THE
GOVERNMENT OF PAKISTAN.

Letter dated August 1, 1957 issued by the then Central Government in the Ministry of Interior vide memo no. 6/4/56 Public, regarding the use of flag by the Judges of the Supreme Court. (Courtesy by: Honorable Justice Quamrul Islam Siddique)

the President on the basis of the report of the Supreme Judicial Council.* Article 97 provides for temporary appointment for performing the functions of the Chief Justice, as and when necessary, if his office becomes vacant on account of his absence, illness or any other cause, to the next most senior judge of the Appellate Division. Article 98 provides for appointment of Additional Judge(s) in the Supreme Court for any period not exceeding two years and a judge of the High Court Division may be required to sit in the Appellate Division for a temporary period as an ad-hoc judge. Normally, a judge is appointed on regular basis under article 95 of the Constitution. Article 100 of the Constitution provides that the permanent seat of the Supreme Court shall be in the Capital. However, judges of the High Court Division may be required to sit at such other place or places as the Chief Justice may, with the approval of the President, from time to time appoint.

Functions of the Supreme Court:

Articles 101 and 102 provide for the jurisdiction and power of the High Court Division in exercising its judicial functions and articles 103, 104 and 105 provide for the jurisdiction and power of the Appellate Division in exercising its judicial functions. The Appellate Division is also given the advisory jurisdiction to give opinion to any question of law relating to such national and public importance as may appear to the President, which may be referred to by him under Article 106. Article 107 provides for the rule making power of the Supreme Court and the authority of the Chief Justice in constituting Benches of any Division. Article

* The Constitution (Sixteen Amendment) Act, 2014 (Act No. 13 of 2014) being declared ultra vires to the Constitution by the High Court Division of the Supreme Court of Bangladesh in Writ Petition No. 9989 of 2014, and there being no stay order against the judgment by the Appellate Division, the provision of Supreme Judicial Council remains in force.

of Bangladesh” has been established under Chapter-I Part-VI of the Constitution of the People’s Republic of Bangladesh.

The Supreme Court of Bangladesh, with the judges and the Chief Justice, is the repository of all judicial power and final interpreter of the Constitution of the People’s Republic of Bangladesh as well as the defender of the Constitution and rule of law in the country. Part-VI of the Constitution relates to jurisdiction of the Courts. It contains 3 chapters of which Chapter-I provides for power and authority of the Supreme Court, Chapter-2 for Sub-ordinate Courts and Chapter-3 for Administrative Tribunal.

Appointment and Removal of Judges:

Chapter-I contains articles 94 to 113. Article 94 relates to the setting up of the Supreme Court of Bangladesh comprising the Appellate Division and the High Court Division. The Supreme Court consists of the Chief Justice and such number of other judges, as the President may deem it necessary to appoint in each of the Divisions. The Constitution provides for one Chief Justice for both the Divisions. The Chief Justice and the judges of the Appellate Division sit in the Appellate Division, whereas the judges of the High Court Division sit in the High Court Division. The Chief Justice is known as the Chief Justice of Bangladesh. Article 95 of the Constitution provides that the Chief Justice and other judges shall be appointed by the President and a person shall not be qualified for appointment as a judge unless he is a citizen of Bangladesh and has acquired the required qualifications as enumerated in Article 95. As per article 96, a judge shall not be removed from office except by an order of



108 empowers the Supreme Court to order investigation and award punishment for any contempt. Article 111 declares the binding effect of law declared by the Appellate Division on all authority of the Republic and the Courts including the High Court Division and the binding effect of the law declared by the High Court Division upon all authority of the Republic and the Subordinate Courts. Article 112 requires all authority, executive and judicial, in the Republic to act in aid of the Supreme Court. Article 107 provides for the Supreme Court to make rules for regulating, practice and procedure of both the Divisions of the Supreme Court or any Sub-ordinate Court, subject to the approval of the President, and article 113 gives the authority to the Chief Justice or such other judge or officer, as he may direct, for appointment of staff of Supreme Court in accordance with the rules framed with previous approval of the President, and such appointment and service condition of the Supreme Court staff are guided by the rules framed by the Division concerned. The power to issue writs to redress the violation of fundamental rights detailed in Part-III of the Constitution and the authority to declare any law promulgated inconsistent with the rights guaranteed under Part-III of the Constitution, as void have been exclusively vested with the High Court Division under the provisions of articles 44 and 102 of the Constitution. Article 109 has given the High Court Division the power and authority of superintendence and control over all Courts and Tribunals, subordinate to it. Article 110 authorizes the High Court Division to withdraw any case from any Court subordinate to it which involves a substantial question of law as to the interpretation of the constitution, or a point of general public importance, the determination of which is necessary for disposal of the case and to determine the question of law and return the case to the Court from which it has been withdrawn and to transfer it to any other subordinate court. Article 114 provides for establishment of Courts sub-ordinate to the Supreme Court and normally the sub-ordinate Courts under civil jurisdiction are set up under the provisions of the Civil Courts Act, 1887 and those of criminal jurisdiction are set up under the Code of Criminal Procedure, 1898. Persons employed in judicial service and Magistracy are independent in exercising their respective judicial functions.

The Appellate Division of the Supreme Court of Bangladesh has 9 (Nine) judges including the Chief Justice and the High Court Division has 95 (Ninety Five) judges.



The Editorial Committee hands over Annual Report 2015 to the Honorable Chief Justice of Bangladesh

Hon'ble Chief Justice Mr. Justice Surendra Kumar Sinha and Hon'ble Judges of the High Court Division of the Supreme Court of Bangladesh, 2016







Jurisdiction of the Supreme Court

The jurisdiction of the Supreme Court of Bangladesh has been provided for in the Constitution of the People's Republic of Bangladesh. Article 94(1) of the Constitution provides that there shall be Supreme Court for Bangladesh comprising the Appellate Division and the High Court Division. These two Divisions of the Supreme Court have separate jurisdictions. The sources of this jurisdiction, apart from the Constitution, are general laws (Acts of Parliament) of the country.

Jurisdiction of the Appellate Division

The Constitution has conferred on the Appellate Division the following jurisdictions:

- a. **Appellate Jurisdiction:** Article 103 of the Constitution provides that the Appellate Division shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the High Court Division. An appeal to the Appellate Division shall lie as of right where the High Court Division- (a) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or (b) has sentenced or confirmed the sentence of a person to death or to imprisonment for life; or (c) has imposed punishment on a person for contempt of that division; and in other cases if the Appellate Division grants leave to appeal and also pursuant to Acts of Parliament.
- b. **Issue and execution of processes of Appellate Division:** Under article 104, the Appellate Division shall have power to issue such directions, orders, decrees or writs as may be necessary for doing complete justice in any cause or matter pending before it, including orders for the purpose of securing the attendance of any person or the discovery or production of any document.
- c. **Power of Review:** Article 105 provides that the Appellate Division shall have power, subject to the provisions of any Act of Parliament and of any rules made by the Division, to review any judgment pronounced or any order made by it. Part IV, Order XXVI of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 deals with the power and procedural matters of review of the Appellate Division.
- d. **Advisory Jurisdiction:** Article 106 of the Constitution provides that if at any time it appears to the President that question of law has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to the Appellate Division for consideration and the Division may, after such hearing as it thinks fit, report its opinion thereon to the President.
- e. **Rule making power of the Supreme Court:** Subject to any law made by Parliament, the Supreme Court may with the approval of the President, make rules for regulating the practice and procedure of each Division of the Supreme Court and of any Court subordinate to it.

Jurisdiction of the High Court Division

Article 101 of the Constitution provides that the High Court Division shall have such original, appellate and other jurisdictions, powers and functions as are or may be conferred on it by the Constitution or any other law.

- a. **Original Jurisdiction:** Original jurisdiction of the High Court Division means that jurisdiction whereby it can hear a case or suit as Court of first instance. The Constitution has conferred on the High Court Division special Original Jurisdiction under Article 102 of the Constitution, under which the High Court Division can enforce fundamental rights guaranteed in Part III of the Constitution and can also exercise its power of judicial review. There are some other ordinary laws (Acts of Parliament) namely, The Companies Act, 1994; The Admiralty Court Act, 2000; The Bank Companies Act, 1991; Will and Probate under Succession Act, 1925; The Divorce Act, 1869; The Representation of the People Order, 1972; Bangladesh Merchant Shipping Ordinance, 1983; The Contempt of Courts Act, 1926 etc.) which fall under the ordinary/original jurisdiction of the High Court Division. Further jurisdiction of the High Court Division is guided by the Code of Civil Procedure, 1908 and The Supreme Court (High Court Division) Rules, 1973.
- b. **Appellate Jurisdiction:** Any law may confer on the High Court Division appellate jurisdiction on any matter. The Code of Criminal Procedure, 1898; The Code of Civil Procedure, 1908; Section 42 of Value Added Tax Act, 1991; Section 196D of the Customs Act, 1969 etc and the High Court Division Rules, 1973 have conferred on the High Court Division appellate jurisdiction.
- c. **Revisional Jurisdiction:** (a) Section 115 of The Code of Civil Procedure, 1908 has conferred on the High Court Division the revisional jurisdiction. The High Court Division may examine the decisions of the courts subordinate to it.



- (b) Section 439 of The Code of Criminal Procedure, 1898 has conferred on the High Court Division the revisional jurisdiction as to criminal matters of the courts subordinate to it. Furthermore, the High Court Division has inherent power under section 561A of the Code of Criminal Procedure, to make such orders as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any court or otherwise to secure the ends of justice.
- d. **Review Jurisdiction:** Section 114 of The Code of Civil Procedure, 1908 has conferred on the High Court Division the review jurisdiction. The High Court Division Rules, 1973 Part II, Chapter X and Order XLVII of the Code of Civil Procedure, 1908 deal with the procedural matters of review.
- e. **Jurisdiction as to Superintendence and Control over Courts Subordinate to it:** Article 109 of the Constitution provides that the High Court Division shall have superintendence and control over all Courts and Tribunals subordinate to it. As part of its supervisory power over the subordinate judiciary, the Hon'ble Chief Justice Mr. Justice Surendra Kumar Sinha visited several courts of subordinate judiciary in the year 2016. Twelve Honorable Judges, appointed by the Hon'ble Chief Justice Mr. Justice Surendra Kumar Sinha inspected all Courts and Tribunals of subordinate judiciary in 19 Districts in 2016.

The table below shows the names of the Districts in which District and Sessions Judge Court and Courts subordinate to it (including Chief Judicial Magistrate Court), and various Tribunals were inspected by the Hon'ble Judges of the High Court Division in 2016:

SL.	Name of the Honorable Judges	Name of the Districts
1.	Mr. Justice Syed Muhammad Dastagir Husain	Cox's Bazar and Bandarban
2.	Mr. Justice Syed A. B. Mahmudul Huq	Mymensingh and Jamalpur
3.	Mr. Justice Syed Refaat Ahmed	Dinajpur and Panchagarh
4.	Mr. Justice A. K. M. Asaduzzaman	Faridpur and Gopalganj
5.	Mr. Justice Md. Ashfaquul Islam	Dhaka
6.	Mr. Justice Farah Mahbub	Rangamati and Khagrachhari
7.	Mr. Justice Soumendra Sarker	Kishoreganj and Narsingdi
8.	Mr. Justice Abu Bakar Siddiquee	Natore
9.	Mr. Justice Obaidul Hassan	Chittagong
10.	Mr. Justice Krishna Debnath	Narayanganj
11.	Mr. Justice Quazi Reza-Ul Hoque	Jessore and Magura
12.	Mr. Justice J. B. M. Hassan	Satkhira

- g. **Transfer of cases from subordinate Courts to the High Court Division:** Under Article 110 of the Constitution if the High Court Division is satisfied that a case pending in a Court subordinate to it involves a substantial question of law as to the interpretation of the Constitution, or on a point of general public importance, the determination of which is necessary for the disposal of the case, it shall withdraw the case from that Court and may- (a) either dispose of the case itself; or (b) determine the question of law and return the case to the Court from which it has been so withdrawn (or transfer it to another subordinate Court) together with a copy of the judgment of the Division on such question, and the court to which the case is so returned or transferred shall, on receipt thereof, proceed to dispose of the case in conformity with such judgment.

Apart from the above, section 113 of The Code of Civil Procedure 1908 gives jurisdiction to the High Court Division to give opinion and order on a case referred to it by any subordinate Court by way of reference. Under section 160 of the Income Tax Ordinance, 1984 the High Court Division is empowered to hear income tax references. Section 24 of The Code of Civil Procedure provides for transfer of cases of the civil Courts and section 526 of the Code of Criminal Procedure provides for transfer of cases under criminal jurisdiction of the subordinate Courts.

Lawazima Court:

The Lawazima Court is presided over by the Registrar General. This court deals with the procedural matters for making the cases ready for hearing.



Functions of the Full Court and Committees of the Supreme Court:

Full Court Meeting:

Three Full Court Meetings of the Supreme Court were held in the year 2016 on 10.08.2016, 08.09.2016 and on 12.12.2016 wherein decisions were taken in various issues including consideration of recommendations of the General Administration Committee (G.A. Committee) in respect of promotion, degradation and suspension of the Judges of the subordinate Judiciary. As many as eight G.A Committee meetings were held on 10 February; 15 March; 09 May; 21 and 28 June; 03 and 10 November and on 05 December 2016. Full Court Meetings and G.A Committee meetings were presided over by the Honorable Chief Justice of Bangladesh.

Different Committees of the Supreme Court: Different Committees of the Supreme Court comprised of Honorable Judges of the both Divisions and of the Officers of the Supreme Court have been formed, reconstituted and convened to accomplish different functions necessary for smooth running of the Courts and administration in the year 2016. Some of the Committees and their composition along with the task assigned with them have been discussed below:

- **The Supreme Court of Bangladesh (Appellate Division) Rules 1988 Amendment Committee:** The Committee is entrusted with the responsibility of revising the existing Appellate Division Rules. The members of the Committee are:
 - (1) Mr. Justice Md. Abdul Wahhab Miah
 - (2) (4) Madam Justice Nazmun Ara Sultana
 - (3) Mr. Justice Syed Mahmud Hossain
- **General Administration Committee (G.A. Committee):** The G.A Committee consists of the Chief Justice and not more than three Judges as the Chief Justice may appoint from time to time. The Committee for 2016 is as follows:
 1. Mr. Justice Surendra Kumar Sinha, Honorable Chief Justice
 2. Mr. Justice Syed Muhammad Dastagir Husain
 3. Madam Justice Zinat Ara
 4. Mr. Justice Obaidul Hassan

The committee looks after the administration of Subordinate Judiciary as provided in the Supreme Court (High Court Division) Rules. As per Chapter IA, rule 2 of the Supreme Court (High Court Division) Rules, 1973, general powers of G.A Committee are as follows:

- (1) The G.A Committee shall be in charge of the superintendence and control over the affairs of all Courts and Tribunals subordinate to the High Court Division, so far as such superintendence and control are exercised otherwise than judicially.
- (2) The G.A Committee shall have power, without reference to the Full Court:
 - (a) to dispose of all correspondence relating to its business, urgent in its nature and not of general importance;
 - (b) to make recommendations for posting, disciplinary action including imposition of penalty upon, grant of leave to, and suspension and promotion of judicial officers; but recommendations of the G.A Committee with regard to promotion of and imposition of penalty on, a judicial officer shall be placed before the Full Court for approval;
 - (c) to formulate general guidelines for the purpose of exercising its power under clause (b).
- (3) The Chief Justice may at any time direct that the powers conferred on the G.A Committee under sub-rule (2) above shall be exercised by one or more Judge(s) of that Committee and



such Judge(s) may apportion the duties of the Committee among them, subject to the approval of the Chief Justice.

- **Committee for preparing Judicial Policy for Court Management System for Subordinate Judiciary:** The Committee has drafted a Judicial Policy for Court Management System for Subordinate Judiciary. The members of the Committee are:
 - (1) Mr. Justice Md. Abdul Wahhab Miah
 - (2) Madam Justice Nazmun Ara Sultana
 - (3) Mr. Justice Mirza Hussain Haider
 - (4) Madam Justice Zinat Ara
 - (5) Mr. Justice Moeenul Islam Chowdhury
 - (6) Mr. Justice M. Enayetur Rahim
 - (7) Mr. Justice Md. Ashraful Kamal

- **Committee for preparing Conduct Rules for the members of the Bangladesh Judicial Service:** The Committee has drafted a Conduct Rules for the members of the Bangladesh Judicial Service which is awaiting approval of the Honorable President of the Republic. Members of the Committee are as follow:
 - (1) Madam Justice Nazmun Ara Sultana
 - (2) Madam Justice Zinat Ara
 - (3) Mr. Justice Moeenul Islam Chowdhury
 - (4) Mr. Justice Md. Emdadul Huq
 - (5) Mr. Justice Md. Farid Ahmed Shibli

- **Supreme Court Judges' Library Committee (High Court Division):** The Committee in its meeting discusses improvement of the Libraries and procurement of books. The members of the Committee are:
 - (6) Mr. Justice Syed Muhammad Dastagir Husain
 - (7) Madam Justice Zinat Ara
 - (8) Madam Justice Naima Haider
 - (9) Mr. Justice Quazi Reza-ul Hoque

- **Performance of the Judges of the Subordinate Judiciary Evaluation Committee:** Members of this committee evaluate the performance of the Judges of the Subordinate Judiciary and recommend necessary measures:
 - (1) Madam Justice Zinat Ara
 - (2) Mr. Justice Quamrul Islam Siddique

- **Bangladesh Supreme Court Museum Committee:** This Committee recommends measures for increasing the collection of the museum of the Supreme Court of Bangladesh. The members of the Committee are:
 - (1) Madam Justice Nazmun Ara Sultana
 - (2) Mr. Justice Syed Refaat Ahmed
 - (3) Mr. Justice Obaidul Hassan
 - (4) Madam Justice Naima Haider



- **Bangladesh Supreme Court Judges' Corner Committee:** This Committee recommends measures for increasing facilities at the Supreme Court Judges' corner. The members of the Committee are:
 - (1) Mr. Justice Surendra Kumar Sinha, HCJ - Chairman
 - (2) Mr. Justice Syed Mahmud Hossain - Executive Chairman
 - (3) Mr. Justice Mirza Hussain Haider - Vice Chairman
 - (4) Mr. Justice Tariq ul Hakim - Member
 - (5) Madam Justice Salma Masud Chowdhury - Vice Chairman
 - (6) Mr. Justice A.F.M. Abdur Rahman - Member
 - (7) Mr. Justice Syed Refaat Ahmed - Member
 - (8) Mr. Justice A.K.M. Abdul Hakim - Secretary
 - (9) Mr. Justice Obaidul Hassan - Joint Secretary
 - (10) Mr. Justice M. Enayetur Rahim - Member
 - (11) Mr. Justice Jahangir Hossain - Member
 - (12) Mr. Justice Sheikh Hassan Arif - Member
 - (13) Mr. Justice Md. Ashraful Kamal - Member
 - (14) Mr. Justice Md. Jahangir Hossain - Member
 - (15) Mr. Justice Ashish Ranjan Das - Member

- **Bangladesh Supreme Court High Court Division (Employee) Recruitment Rules, 1987 Amendment Committee:** The Committee prepared a report for recommending revision and re-fixation of Gradation of the Officers and Staff of the Supreme Court in light with the amendment made in 2014 in the Rules of 1987. The members of the Committee are:
 - (1) Mr. Justice Nozrul Islam Chowdhury (up to 12/12/2015)
 - (2) Mr. Justice Quamrul Islam Siddique
 - (3) Mr. Justice M. Enayetur Rahim
 - (4) Mr. Justice Md. Shawkat Hossain

- **Committee for taking measures in relation to ensuring security of the Supreme Court of Bangladesh:** The Committee reviews security measures taken in the Supreme Court and recommends new measures for the same. The members of the Committee are:
 - (1) Mr. Justice Syed Mahmud Hossain
 - (2) Mr. Justice Mirza Hussain Haider
 - (3) Mr. Justice A.F.M. Abdur Rahman
 - (4) Mr. Justice Quamrul Islam Siddique
 - (5) Mr. Justice Obaidul Hassan
 - (6) Mr. Justice M. Enayetur Rahim
 - (7) Mr. Justice Gobinda Chandra Tagore



- **Committee for establishing a CNG re-fueling station, a vehicle pool and a modern printing press in the Supreme Court premises:** The Committee is responsible for taking measures to a CNG re-fueling station, a vehicle pool and a modern printing press in the Supreme Court premises. The members of the Committee are:
 - (1) Mr. Justice Md. Abdul Wahhab Miah
 - (2) Mr. Justice A.K.M. Asaduzzaman
 - (3) Mr. Justice Moyeenul Islam Chowdhury

- **Vehicles Purchase Consultative Committee:** The Committee supervise the purchase of all vehicles for the Supreme Court of Bangladesh. The members of the Committee are:
 - (1) Mr. Justice Syed Mahmud Hossain
 - (2) Madam Justice Salma Masud Chowdhury
 - (3) Mr. Justice Md. Ashfaqu Islam
 - (4) Mr. Justice Abu Bakar Siddique
 - (5) Mr. Justice Md. Nuruzzaman

- **Advisory Board on Preventive Detention:** The Advisory Board constituted under section 9 of the Special Powers Act, 1974. consisting of the members including the following Judges gives opinion as to the extension of the period of detention more than six months of the person detained.
 1. Madam Justice Zinat Ara
 2. Mr. Justice M. Moazzam Husain

- **Civil Rules and Orders (Volume I and II) necessary amendment Committee:** The Committee is revising the provisions of the Civil Rules and Orders (Volume I and II) for its necessary amendments. The members of the Committee are:
 - (1) Mr. Justice Quamrul Islam Siddique
 - (2) Mr. Justice Moyeenul Islam Chowdhury
 - (3) Mr. Justice Md. Emdadul Huq
 - (4) Mr. Justice Bhabani Prasad Singha

- **Criminal Rules and Orders amendment Committee:** The Committee is working for amending Criminal Rules and Orders 2009. The members of the Committee are:
 - (1) Mr. Justice Quamrul Islam Siddique
 - (2) Mr. Justice Moyeenul Islam Chowdhury
 - (3) Mr. Justice Md. Emdadul Huq
 - (4) Mr. Justice Bhabani Prasad Singha



- **Bangladesh Supreme Court Annual Report, 2016 Editorial Committee:** The Committee prepared the Annual Report 2016 in 2017 which is published by the Supreme Court. The members of the Committee are:

(1) Madam Justice Nazmun Ara Sultana	-	Chairman
(2) Mr. Justice Syed Mahmud Hossain	-	Member
(3) Mr. Justice Hasan Foez Siddique	-	Member
(4) Mr. Justice Mirza Hussain Haider	-	Member
(5) Mr. Justice Tariq ul Hakim	-	Member
(6) Madam Justice Salma Masud Chowdhury	-	Member
(7) Mr. Justice Md. Nuruzzaman	-	Member
(8) Madam Justice Naima Haider	-	Member

- **Bangladesh Supreme Court Online Bulletin (Online Law Report) Committee:** The committee is responsible for publishing online law reports of the Supreme Court of Bangladesh comprising of judgments from both Divisions. The members of the Committee are:

- (1) Mr. Justice Moyeenul Islam Chowdhury
- (2) Mr. Justice Sheikh Hassan Arif

- **Committee for taking measures in relation to ensuring best usage of collected resources in admiralty cases:** The Committee gives direction to use the collected resources in admiralty cases in an appropriate way. The members of the Committee are:

- (1) Mr. Justice Mirza Hussain Haider
- (2) Mr. Justice Syed Refaat Ahmed
- (3) Mr. Justice Md. Abu Zafor Siddique
- (4) Mr. Justice Md. Emdadul Huq
- (5) Mr. Justice Sheikh Hassan Arif


- **Backlog of pending cases Monitoring Committee (High Court Division):** The Committee monitors the backlog of cases in the High Court Division and recommends measures to overcome it. Members of the Committee are as follow:

- (1) Mr. Justice Syed Muhammad Dastagir Husain
- (2) Mr. Justice Mirza Hussain Haider
- (3) Madam Justice Zinat Ara
- (4) Mr. Justice Syed Refaat Ahmed

- **Backlog of pending cases Monitoring Committee (Subordinate Courts and Tribunals):** The Committee monitors the backlog of cases in the subordinate Courts and Tribunals and recommends measures to overcome it. Members of the Committee are as follow:



- (1) Madam Justice Salma Masud Chowdhury
 - (2) Mr. Justice Moeenul Islam Chowdhury
 - (3) Mr. Justice Md. Nuruzzaman
 - (4) Mr. M. Enayetur Rahim
 - (5) Mr. Justice Md. Shawkat Hossain
- **Special Committee for Judicial Reforms:** The Committee looks after the proposed Judicial Reforms in the Judiciary, development of information technology (IT) and other related matters. Members of the Committee are as follow:
 - (1) Mr. Justice Muhammad Imman Ali
 - (2) Madam Justice Zinat Ara
 - (3) Mr. Justice Syed Refaat Ahmed
 - (4) Mr. Justice Quamrul Islam Siddique
 - (5) Mr. Justice Moeenul Islam Chowdhury
 - (6) Mr. Justice Md. Rezaul Hasan
 - (7) Mr. Justice Md. Abu Zafor Siddique
 - **Supreme Court Special Committee for Child Rights:** The Committee looks after the implementation of Children Act, 2013. Members of the Committee are as follow:
 - (1) Mr. Justice Muhammad Imman Ali
 - (2) Mr. Justice Sheikh Hassan Arif
 - **Preparatory Committee for South Asia Judicial Conference on Environment & Climate Change :** The Committee took all essential measures to successfully organise the conference. Members of the Committee are as follow:
 - (1) Mr. Justice Md. Abdul Wahhab Miah
 - (2) Mr. Justice Syed Muhammad Dastagir Husain
 - (3) Mr. Justice A.F.M. Abdur Rahman
 - (4) Mr. Justice Syed Refaat Ahmed
 - (5) Mr. Justice Sheikh Hassan Arif



Steps taken to strengthening the role of Supreme Court in establishing rule of law and reducing case backlog in two years under the leadership of Honorable Chief Justice

Mr. Justice Surendra Kumar Sinha

1. Increasing disposal rate:

After assuming office, Honorable Chief Justice has taken many steps to reduce case backlog in both Divisions of the Supreme Court. His lordship decided to increase daily Court hours of the Appellate Division to facilitate disposing of more cases. He issued an order cutting short interim recess and expanding hearing time of the Appellate Division 45 minutes more. It facilitates the litigants to get 25% extra Court hours for their cases to be heard. His lordship's earnest endeavor and dynamic leadership has made it possible to increase disposal rate.

2. Organizing National Judicial Conference, 2015 and 2016:

First time in the history of the Judiciary on the 26th December of 2015 with the participation from the Judges of the both Divisions of the Supreme Court and Judicial Officers of all tiers from across the country a National Judicial Conference was held at the Bangabandhu International Conference Center, Dhaka. The main focus of the conference was reducing case backlog through digitization and effective court administration and case management. The conference also aimed at to find out ways to solve existing problems of the Judiciary. The Honorable President of the Republic was the Chief Guest of the Conference, whose presence inspired every soul taking part in the event.

The 2nd National Judicial Conference was held in 2016. This time it was a two days theme based conference organized on 24th and 25th December, 2016. It aimed at creating awareness among the Judges on different crucial issues concerning smooth and timely adjudication of disputes. The Honorable Chief Justice addressed the Judges giving valuable directions and guidelines. He urged Judges to dispose of cases in accordance with law and good conscience with maximum effort and without fearing or favoring anyone.

3. Organizing South Asia Judicial Conference on Environment and Climate Change:

South Asia Judicial Conference on Environment and Climate Change was organized on 25-26 November, 2016 at Dhaka in collaboration with Asian Development Bank (ADB). Judges of the Supreme Court of Bangladesh took part in the conference and discussed different legal issues relating to environment and climate change that concern Bangladesh. Among others, Chief Justices of Afghanistan, Bhutan, Nepal, Sri Lanka and Malaysia and Judges of Supreme Courts



(From left to right) Chief Justices of Bhutan, Nepal & Sri Lanka are seen attending South Asia Judicial Conference on Environment and Climate Change held in Dhaka.



and High Courts of Bhutan, India, Nepal, Pakistan, Sri Lanka and United Kingdom took part in the conference.

4. Amending Civil Rules and Orders:

‘Civil Rules and Orders’, a very important document containing guidelines to conduct the Civil suits in the subordinate Judiciary, has become obsolete on many points due to keeping them untouched though a long time has elapsed since its promulgation. With the advent of information technology in the last part of the previous century, it has become obligatory to introduce provisions relating to ICT in the said Orders to tune them with the time. In a view to do that, initiatives have been taken to bring amendments in the ‘Civil Rules and Orders’. A Judges’ committee has been formed. The committee is working full swing to bring necessary amendments in ‘Civil Rules and Orders’.

5. Amending Criminal Rules and Orders:

‘Criminal Rules and Orders’, containing guidelines to conduct criminal cases in the subordinate Judiciary, though enacted not much before, needs review to introduce provisions relating to ICT. In a view to incorporating ICT provisions in the said Rules, initiatives have been taken to bring amendments in the ‘Criminal Rules and Orders’. A Judges’ committee is working to bring necessary amendments in ‘Criminal Rules and Orders’.



Workshop on Reviewing CrRO held at the Supreme Court on 27th & 28th May 2016

6. Issuance of orders relating to delegation of administrative and financial power:

Most of the administrative work is done in the Supreme Court in accordance with Supreme Court of Bangladesh (High Court Division) Rules, 1973. With the passage of time nature and ambit of administrative work has been changed and its volume has increased manifold. But in some cases no clear rules are found in the above mentioned rules based on which a decision can be taken. Therefore, to bring dynamism in administrative work and to manage the budget allocated against the Supreme Court effectively and efficiently on 04.08.2015 two orders namely, ‘The Delegation of Administrative Power’ and ‘The Delegation of Financial Power’ have been issued by the Supreme Court under the guidance of the Honorable Chief Justice.

7. Issuance of circulars in relation to administrative file management of the High Court Division:

On 02.08.2015 direction towards management of administrative file was issued in the Supreme Court following the practice adopted in the Secretariat. Due to this direction work flow in different sections of the High Court Division has increased considerably and administrative file management has become more speedy and clear.

8. Creation of posts:

The posts of the Registrar General and Registrar of the High Court Division have been created. Initiatives have been taken to create posts for cooks and guards for the Honorable Judges of the Supreme Court and many other posts in different tiers totaling 414.

9. Organizing training for the Staff and Officers of the Supreme Court:

For smooth functioning of the administrative matter of the court and to give transparency a priority, staff and officers of different tiers of the Supreme Court have been given training on various matters including file management system, IT application etc.

10. Introduction of Online Cause List:

Many measures have been taken for digitization of different procedures of the Supreme Court aiming at total digitization of the Judiciary. Among them, introduction of online cause list is the most important initiative. Under this system cause list of both Divisions of the Supreme Court are published online. To make this system sustainable an "Operational Manual" has been drafted by the Research Unit of the Supreme Court which has been approved by the Honorable Chief Justice. The Bench Officers, Staff of the Bench section and the IT Department give input of cases and co-ordinate the publishing of the same online following the said Manual. To make the online cause list more user friendly IT Department converts it in PDF format and upload in the web. Through this online cause list litigant people can be informed about the result of his case even from a remote place. It is expected that online cause list system would reduce the harassment of the parties of the case drastically.

11. Preserving information relating to cases:

Everyday cases are filed in different Benches of the High Court Division. Different information relating to these cases are given entry to online and preserved in the server. In which dates a particular case appeared in the cause list, information relating to this is also preserved in the server. A person who wants to know about his case can go to the website of the Supreme Court and can search for and know about the present status of his case.

12. Introduction of 'Online Bail Confirmation' system:

Previously for confirming the authenticity of a bail order sent to the district courts, the district courts authority would have resorted to making phone calls to the concerned section of the Supreme Court. Unless the concerned section confirmed that the order was genuine, the person who got bail from the Supreme Court had to languish in jail. The whole system has now been digitized and every bail order has been made available online through a software made by the IT Department of the Supreme Court in collaboration with the Research Unit and installed in the website of the Supreme Court. The district courts now can verify online the authenticity of bail orders very quickly and can make arrangements for release of the prisoner. Therefore, the harassment of the persons who got bail from the Supreme Court has been reduced to a



minimum. To make the whole process systematic, an “Operational Manual” has been drafted by the Research Unit of the Supreme Court and approved by the Honorable Chief Justice.

13. Introduction of online Law Report (SCOB):

From August 2015 Supreme Court publishes an online Law Reports namely, ‘Supreme Court Online Bulletin (SCOB)’. It contains important judgments from both Divisions of the Supreme Court with their ratio decidendi as head notes.



Honorable Chief Justice inaugurated PDS Software at the 2nd National Judicial Conference 2016

14. Introduction of PDS software for the Judges of the subordinate Judiciary:

At the direction of the Honorable Chief Justice of Bangladesh and with the active collaboration of the Research Unit, IT Department has designed a PDS software for preserving personal and service related data of the Judges of the subordinate Judiciary online. The PDS software was inaugurated by the Honorable Chief Justice at the National Judicial Conference 2016.

15. Introduction of e-Application software for the Judges of the subordinate Judiciary:

For digitally managing leave applications of the Judges of the subordinate Judiciary a software named e-Application software has been introduced. This software was inaugurated by the Honorable Chief Justice at the National Judicial Conference 2016.

16. Issuing circulars to the subordinate Judiciary:

After the Hon’ble Chief Justice has assumed his office, with a view to filling in the vacant post of the Judges in the subordinate Judiciary for speedy and quick disposal of cases, a letter has been sent to the Ministry of Law, Justice and Parliamentary Affairs on 26th January 2015.

At present about 30 lac cases are pending in the Subordinate Judiciary and the number of pending cases is on increase. Since the number of pending cases has increased exponentially, it is of utmost importance that the court hours are utilized effectively. In this regard, the following directions have been given to the judges of the Subordinate Judiciary on 4th May 2015:-

1. The judges will compulsorily hear miscellaneous cases particularly Criminal Miscellaneous Cases and contesting temporary injunction petitions in the second half (from 2.00 p.m to 4.30 p.m) and if time is left after such hearing, the court shall take up hearing of Appeal and Revision matter.
2. Courts where miscellaneous cases are not pending, Judges of such courts will ensure effective use of the entire court hours by hearing Trial Cases/Appeal Cases/Revision Cases during the entire 1st



and 2nd half of the court hours.

3. With a view to reduce the number of pending cases, to avoid long and lengthy time duration in disposing cases and most importantly for speedy disposal of cases in the subordinate Judiciary, a circular has been issued on 2nd June 2015 directing the Judges of all tiers over the country to not leave their work station on weekends without informing the Registrar General of the Supreme Court of Bangladesh.
4. On 23rd July 2015, a circular has been issued directing that no one outside the court (e.g. umedar) other than the concerned officer/staff shall be entering or documenting any orders in the record of the cases. As a result, the Bench Assistants often have to work from 9.00 a.m to 10 p.m which is inhumane. Therefore, it is imperative to create posts for additional Bench Assistants for every court.
5. On 29 July 2015, a circular was issued regarding adjournment of cases and fixing the date of hearing. The summary of the circular is given below:
 - a. Once recording of evidence stage commences (unless adjournment is essential on reasonable ground) the hearing of the cases shall continue from day to day till the evidence is not closed upon examining all the witness.
 - b. When the cases are pending for over 3 years, during recording of evidence if the case is adjourned on reasonable ground the next date of hearing shall be fixed within a minimum timeframe (under no circumstances it can be more than one month).
 - c. The old cases shall be taken up for hearing and be disposed of on a priority basis.
6. On 30 July 2015, a letter was sent to the Secretary, Ministry of Law, Justice and Parliamentary Affairs requesting to issue a Gazette Notification for taking necessary action to declare every Speedy Trial Tribunal except in Dhaka as Sessions Court with a view to fulfill the purpose of the Code of Criminal Procedure, 1898 following the provisions of Section 4 (b) of the Special Court (Additional Charge) Act 2003. Thereafter, the Ministry issued a circular to this effect.
7. On 20th August 2015, a circular was issued to take necessary action to dispose of long pending cases under the Small Causes Courts Act, 1887 and Rent Control Act, 1990 and GR and Non GR cases regarding criminal offences adjourned for no justifiable ground filed before the year 2000.
8. On 6th September 2015, a circular was issued giving directions to the Judicial Officers and assisting officers-staff to wear identity cards to the class 4 staff to wear official uniform.
9. In order to prevent illegal activities like forgery of certified copies of orders/judgments by persons who entered the court premise pretending to be lawyers' assistants, a circular was issued on 6th September 2015, directing the lawyers' assistants to show their identification in every court throughout the country.
10. As a part of the digitalization of the courts, on 29th July 2015 and 12th August 2015, two circulars were issued giving directions to establish internet connection in the courts under government expenditure.



U.S Ambassador to Bangladesh Marcia Bernicat addressing at the workshop as Special Guest

17. Determination of adequate work for the Judges of the subordinate Judiciary:

To determine adequate work and disposal of the Judges of the subordinate Judiciary, an initiative has been taken to replace the existing system with a modern Credit System. A two days workshop on "Strengthening Judicial Performance Evaluation and Establishing Criteria for Measuring Success" was held with Judicial officers from different tier at BRAC CDM, Khagoan, Savar,

Dhaka on 1st and 2nd April 2016 in this regard. A Judges Committee is reviewing the workshop recommendation. It is expected to be implemented soon.

18. Preparing “Strategic Plan” for the Supreme Court:

In collaboration with UNDP an initiative has been undertaken to prepare a Strategic Plan for the Supreme Court. Once adopted, this plan will guide future course of action that can be taken by the Supreme Court to reduce case backlog and to serve the litigant people more efficiently.

19. Preparing Judicial Policy for the subordinate Judiciary:

Under the guidance of the Honorable Chief Justice, an initiative has been taken to prepare a Judicial Policy for the subordinate judiciary with the technical and financial support from USAID. The policy will help Judicial Officers to manage their Court more efficiently and effectively.



Signing of MoU Ceremony at the Judges’ Lounge of the Supreme Court

20. Signing of MoU with the A2i Programme of the Prime Minister’s Office:

Supreme Court has signed a Memorandum of Understanding (MoU) with the A2i Programme of the Prime Minister’s Office for total digitization of the Supreme Court on 28th August, 2016 at the Judges’ Lounge of the Supreme Court of Bangladesh. The MoU aims at forging cooperation between Supreme Court and A2i in the fields where digitization would add value to the service the Court offers to the

people. The A2i Programme has already provided support to the Supreme Court to launch National Judicial Portal.

21. Taking initiatives to organize foreign training for the Judicial Officers:

The Hon'ble Chief Justice of Bangladesh upon taking over his Office has given stress to improve quality of the dispensation of the justice by the Judges of the subordinate courts and tribunals. Under his direction the Registry of the Supreme Court sent a proposal for organizing training of the Judicial Officers in India. The authority in India has given consent to the proposal and agreed to provide training to 1501 Judicial Officers by phases. An MoU is expected to be signed by two countries in this regard very soon.

22. Organizing workshops on different issues:

Under the direction of the Hon'ble Chief Justice different workshops have been organized on different issues in the Supreme Court of Bangladesh auditorium and in different other locations in collaboration with UNDP, DFID, CLS and USAID. Among others, workshop on Strategic Plan of the Supreme Court, amendment of Criminal Rules and Orders and on Measuring Judicial Performance worth mentioning.

23. Enactment of Guidelines for the Supreme Court Judges for Claiming Medical Expenses Incurred Abroad, 2015:

According to Supreme Courts Judges (Remuneration and Privileges) Ordinance, 1978, the Hon'ble Judges of the Supreme Court are entitled to medical facilities as per the provision of Special Medical Attendance Rules, 1950. However, these provisions did not clarify specifically the rules regarding treatment outside the country and there were some inconsistencies. Keeping this in mind, regarding the clearance of medical bills of the Hon'ble Judges of the Supreme Court, the "Guidelines for Supreme Court Judges for Claiming Medical Expenses Incurred Abroad, 2015" was enacted and endorsed at the Full Court Meeting.



A Complaint Box has been installed in front of the office of the Registrar General of the Supreme Court

24. The Complaint/Suggestion box management of the Supreme Court of Bangladesh:

As per the order of the Hon'ble Chief Justice on 31st March 2015, a complaint/suggestion box was established in the Supreme Court of Bangladesh. The purpose of this complaint/suggestion box is to collect proposal/initiative, complaints regarding violation of law, rules, circulars, complaints regarding officers / employees working in the subordinate and higher judiciary, complaints

regarding any irregularities or misconduct by learned advocates and so on. This initiative has been taken in a view to serve the litigant people with transparency and responsibility. A Committee consisting of the officers of the Supreme Court regularly investigates such complaints and takes necessary actions to dispose them off. Up to December 2016, the Committee has received and dealt with 321 complaints/ suggestions.



25. Establishment of Supreme Court 'Day Care Center':

For facilitating the upbringing of the children of the officers and staff of the Supreme Court during office hours, a 'Day Care Center' has been established in the first floor of the Administrative Building no-3. The center has become a blessing for the mothers working in the Supreme Court whose logical concern for their kids would have had a negative impact on their job performance, had the Supreme Court not established it.

26. Increasing facilities in the Medical Centre of the Supreme Court:

The medical centre established in the Supreme Court premises was not sufficiently equipped. Steps have been taken to modernize the medical centre so that it can serve Judges, officers and staff of the Supreme Court and can provide effective medical services. Two physicians have been deputed there to provide service during office hours. In the center a database relating to health record of the Honorable Judges of the Supreme Court is being maintained.

27. Renovated Supreme Court Museum:

Supreme Court Museum has been established to preserve and showcase different age old traditions and heritage of the Judiciary. But the physical appearance and condition of the museum was not up to mark. Therefore, a massive renovation work was under taken in consultation with the National Museum authority. After renovation, the museum has got a shiny look and article/artifact management has been made scientific.

Infrastructural Development Work:

28. Completion of project to construct twenty-story residential building for the Judges of the Supreme Court:

A project has been taken to construct a twenty-story residential building in plot no. 67, Kakrail, Dhaka. Under the project construction of 76 flats is near finished. According to revised DPP the project is to be completed in June 2017, but Public Works Department (PWD) has confirmed that by 31st March, 2017 flats will be ready to be handed over to the Judges of the Supreme Court. Among the government made buildings so far, this building is presumed to offer maximum possible amenities and facilities to its residents.

29. Preparing Development Project Proposal (DPP) to initiate a project to construct a twelve-story Court Building having twenty-story base in the vacant space of the western side of the Annex Building of the High Court Division:

Due to the huge number of institution of cases each year pending cases in the High Court Division of the Supreme Court are increasing gradually. To make working space for Officers and staff of the Court and accommodation for records of the cases a project to construct twelve-story Court Building with twenty-story base has been initiated. Department of Architecture has already completed making the design of the building. On the basis of the design developed by the said Department PWD has prepared a DPP for the construction of the building which will cost nearly 179 crore 24 lakh 64 thousand taka. Under this project forty new courts room and same number of Judges' Chamber will be constructed. It is expected that to some extent it will solve the present crisis of acute shortage of court rooms and chambers. The DPP has been sent to the Law and Justice Division of the Ministry of Law, Justice and Parliamentary Affairs for further steps. It is now being processed in the said Division for forwarding to the Planning Commission.

30. Steps taken to initiate of project to construct a twenty-story administrative building for the Supreme Court:

Due to the increase in the volume of the work of the Supreme Court proper accommodation for the officers, staff and records and other files of the Courts cannot be managed effectively. It leads to the disturbance in smooth functioning of the administration as well as Court proceedings. To make working space for officers and staffers of the court and accommodation for records, Research Unit, Planning Unit, IT Unit, Library etc. a project to construct twenty-story Administrative Building has been initiated. Department of Architecture has already completed making the design of the building. On the basis of the design developed by the said Department PWD has prepared a DPP for the construction of the building which will cost nearly 330 crore 45 lakh 32 thousand taka. The project is waiting to get approval from Executive Committee of the National Economic Council (ECNEC).

31. Construction of building for recreation facilities for the Judges of the Supreme Court:

A project to construct a four-story building at 68, Old Circuit House, Kakrail, Dhaka with single basement and accommodation block to provide recreation facilities for Judges of the Supreme Court has been under taken. Design of the building has been completed by the Department of Architecture and a DPP has been sent to the Planning Commission. On 23.10. 2016 in a meeting of Project Evaluation Committee (PEC) it has been decided that the DPP has to be recast. At present the recasting of the DPP is going on.

32. Initiating a Project on infra-structure development of Supreme Court of Bangladesh:

To develop the infra-structure of the Supreme Court of Bangladesh i.e. construction of new ejlas (court room) and chambers for the Honorable Judges of the Supreme Court, renovation work of the old ejlases, internal roads reconstruction work, changing lift of the main building, installing two new generators and other electrical and development works a project of 24 crore, 66 lakh and 91 thousand taka has been undertaken. The work under the project is going on.



Honorable Chief Justice inaugurating "Nay Soroni"

33. Completing construction work of "Nay Soroni":

"Nay Soroni", a road linking the road in front of "Three National Leaders' Mazar" through "Shohrowardi Uddan" was constructed to facilitate the litigants to enter into and exit from the Supreme Court. The road, its adjacent footpath and the boundary wall cost nearly 63 lakh taka. Construction of the road has eased the chaotic traffic situation in the Supreme Court

premises during rush hour. The road was inaugurated on 5 June, 2016.



Honorable Chief Justice inaugurating Indoor Badminton Ground

34. Construction of Supreme Court Judges' Corner Indoor Badminton ground:

Construction work of indoor badminton ground for the Judges of the Supreme Court of Bangladesh has been started beside the Judges' Corner situated at the Administrative Building No.4. It will cost nearly 4 crore taka. The foundation stone of the ground was laid by the Honorable Chief Justice on 24 May 2016. It is expected that the construction work will be completed very soon.

35. Construction work of car parking space:

Two pieces of car parking space, one in front of Attorney General's Building and other beside the Supreme Court Bar Association Building have been constructed to facilitate car parking and putting the internal traffic system of the Supreme Court premises in order at the cost of 1 crore 56 lakh taka.



Trainees from different countries as part of their training in National Defence College visited Supreme Court and posed for a photo with Honorable Chief Justice of Bangladesh at the Winter Garden of the Supreme Court



Iftar Mahfil 2016



The Honorable President and the Honorable Prime Minister are taking part in *Munazat* at an Iftar party organized by the Supreme Court



(From left to right) Honorable Law Minister, Honorable Prime Minister, Honorable President and Honorable Chief Justice attending the Iftar Mahfil organized by the Supreme Court of Bangladesh



Iftar Mahfil 2016



Honorable Judges of the Appellate Division of the Supreme Court are taking part in *Munazat* at the Iftar Mahfil



Honorable Judges of the High Court Division in the Iftar Mahfil



Supreme Court Museum



Supreme Court Museum showcases different articles and objects of different times



Statistics on the filing of new cases, disposal and pendency of cases in the Appellate Division of the Supreme Court of Bangladesh

1. Statement showing filing of new cases, disposal and pendency of cases (from 01.01.2016 to 31.12.2016).

1.1. Petitions.

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2016
Civil	7088	4044	11132	6580	4552
Criminal	867	1271	2138	1186	952
Civil Review	504	652	1156	244	912
Criminal Review	79	90	169	95	74
Jail Petition	100	15	115	5	110
Grand Total	8638	6072	14710	8110	6600

1.2. Miscellaneous Petitions.

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2016
Civil Misc. Petition	1320	1585	2905	541	2364
Criminal Misc. Petition	992	1327	2319	385	1934
Contempt Petition	67	34	101	17	84
Grand Total	2379	2946	5325	943	4382

1.3. Appeals.

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2016
Civil	1658	748	2406	482	1924
Criminal	654	173	827	91	736
Jail	32	6	38	8	30
Grand Total	2344	927	3271	581	2690

1.4. Consolidated statement for all cases from 01.01.2016 to 31.12.2016 in the Appellate Division of the Supreme Court of Bangladesh.

Cases	Opening Balance	Institution	Total	Disposal	Current Pendency
Petition	8638	6072	14710	8110	6600
Misc. Petition	2379	2946	5325	943	4382
Appeals	2344	927	3271	581	2690
Grand Total	13361	9945	23306	9634	13672

Consolidated statement for all cases from 01.01.2016 to 31.12.2016

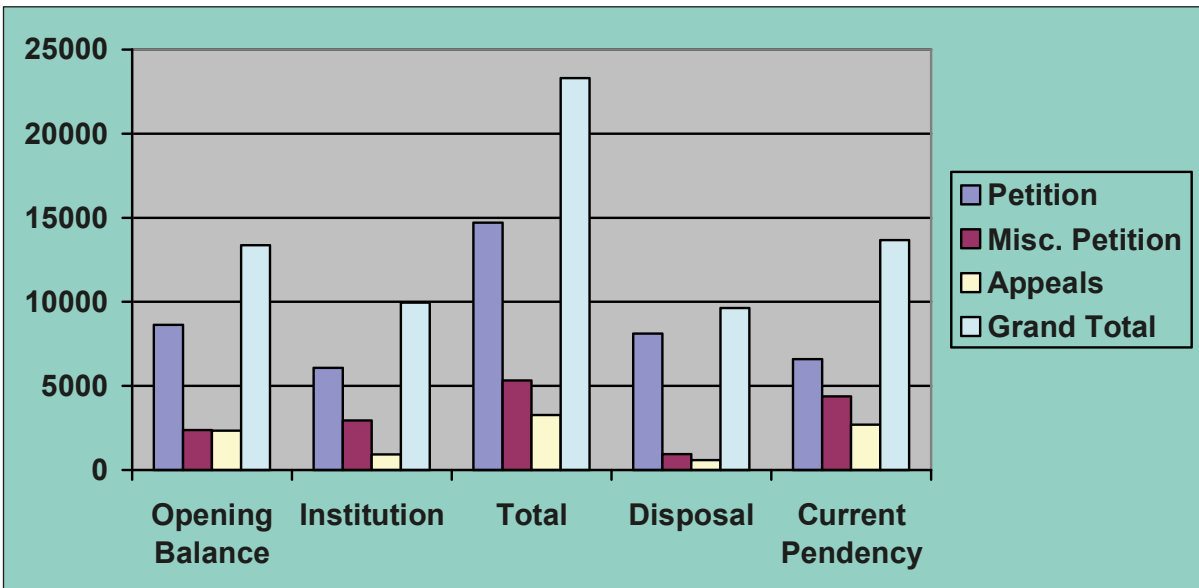


Figure 1: Vertical Bar Chart showing institution, pendency and disposal of all cases in the year 2016 in the Appellate Division of the Supreme Court of Bangladesh.



Statistical data analysis for the Appellate Division of the Supreme Court of Bangladesh

2. Year wise filing of new cases, disposal and pendency of all cases from the year 1972 to 2016.

Years	Institution	Disposal	Pending
1972	14	11	4056
1973	113	91	4062
1974	185	153	4094
1975	168	150	4112
1976	257	224	4145
1977	471	386	4230
1978	530	400	4360
1979	540	400	4535
1980	454	372	4790
1981	683	583	4870
1982	723	596	4909
1983	663	565	4875
1984	635	565	4802
1985	531	469	4706
1986	492	444	4736
1987	373	334	5064
1988	474	424	5255
1989	662	597	5214
1990	625	575	5440
1991	556	497	5802
1992	801	709	6254
1993	859	765	6462
1994	1161	1070	6433
1995	973	850	7511
1996	1041	970	8410
1997	1928	1746	8751
1998	1869	1649	9330
1999	1987	1918	10929
2000	2228	2116	11816
2001	3517	2819	8997
2002	3003	2789	4781
2003	3212	2587	5406
2004	3021	2690	5737
2005	3405	2372	6770
2006	3855	1501	9124
2007	4093	6146	7071
2008	5041	5220	6892
2009	4403	6035	5260
2010	5464	1583	9141
2011	4749	1449	12441
2012	6036	1830	16647
2013	5989	8298	14338
2014	6919	5911	15346
2015	8007	9992	13361
2016	9945	9634	13672



3. Some visible trends.

3.1. Trend of filing of new cases, disposal and pendency from the year 1972 to 2016.

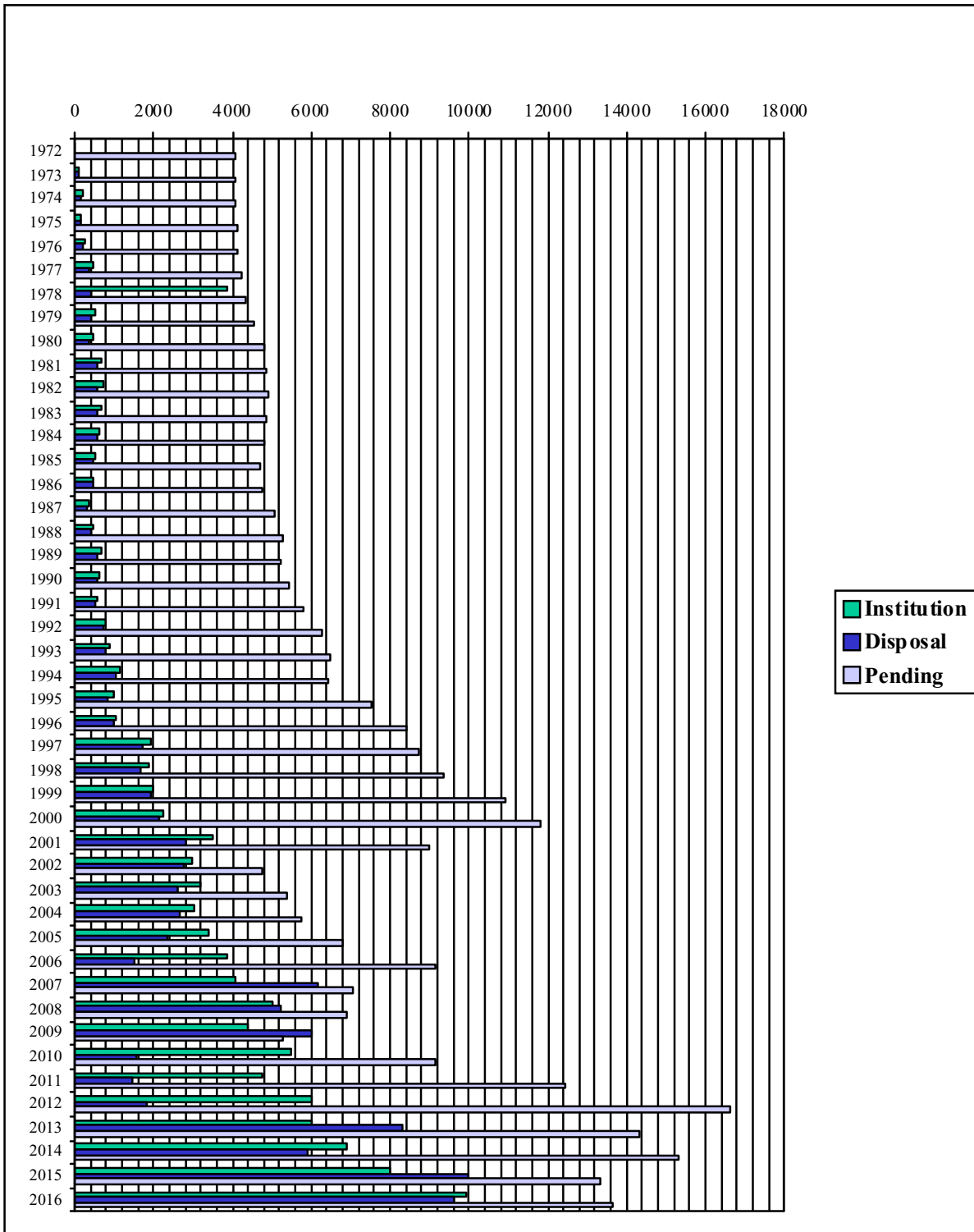


Figure 2: Horizontal Bar Chart showing filing of new cases, disposal and pending cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2016.



3.2. Trend of institution of cases from the year 1972 to 2016.

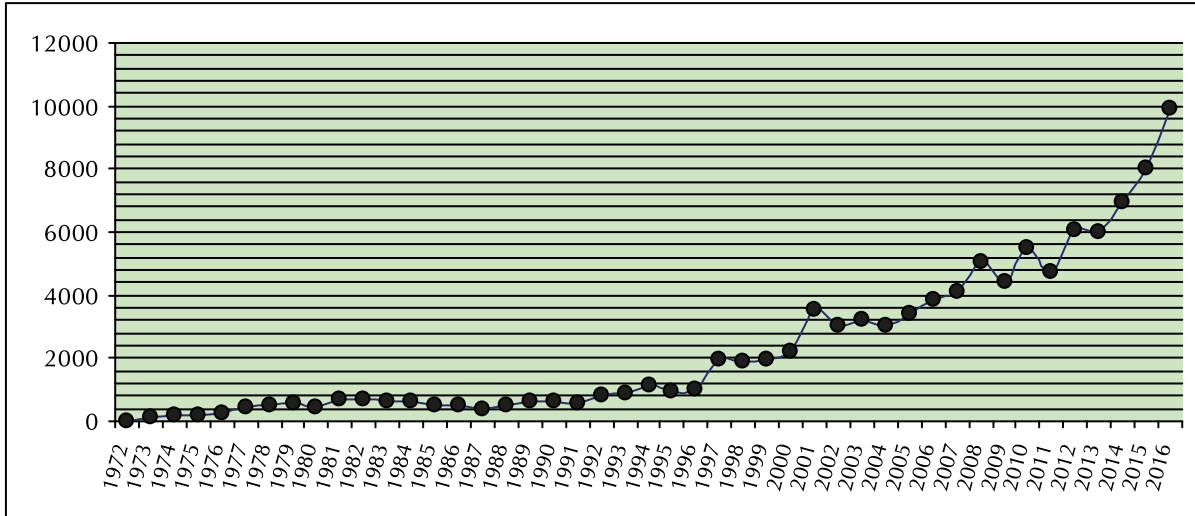


Figure 3: Line graph showing filing of new cases from the year 1972 to 2016.

3.3. Trend of disposal of cases from the year 1972 to 2016.

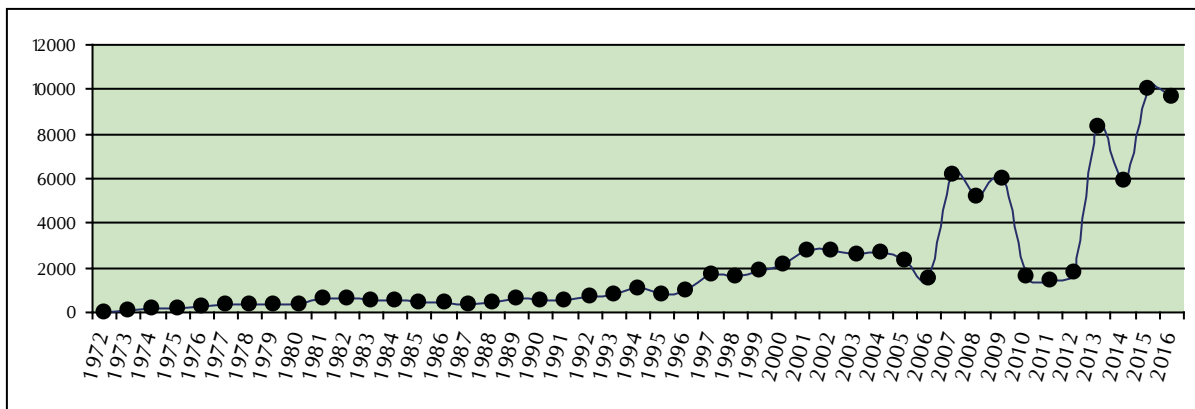


Figure 4: Line graph showing disposal of cases from the year 1972 to 2016.

3.4. Trend of pending cases from the year 1972 to 2016.

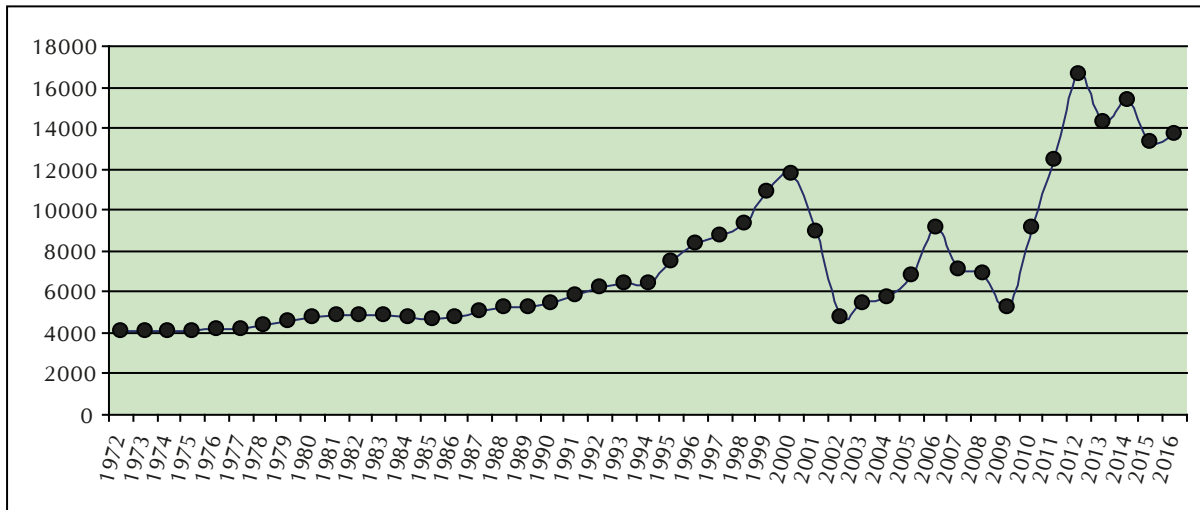


Figure 5: Line graph showing pending cases from the year 1972 to 2016.

3.5. Comparative Chart of filing of new cases, disposal and pending cases from the year 1972 to 2016.

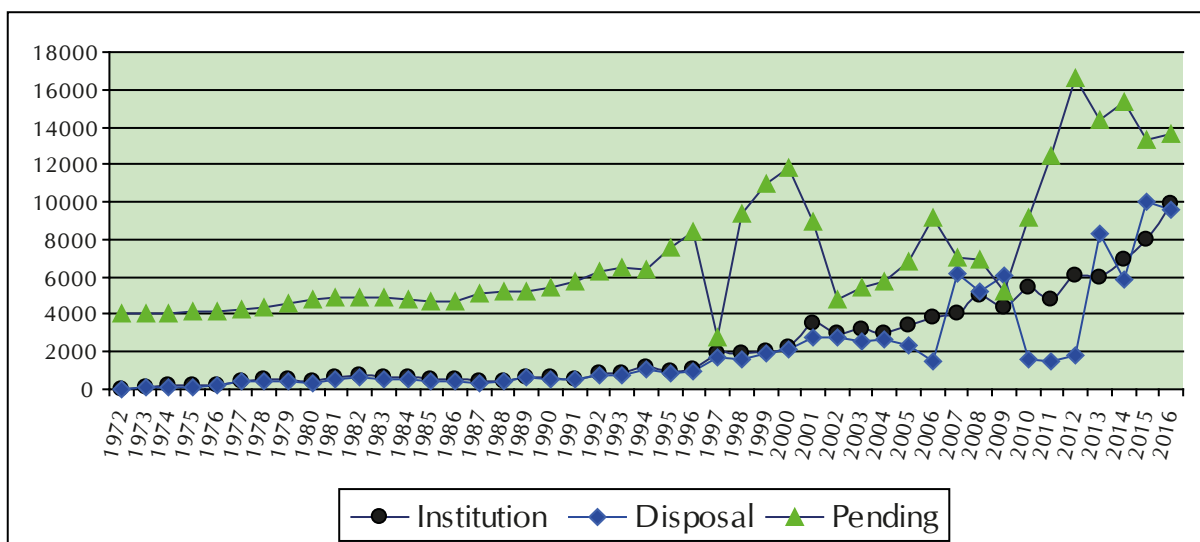


Figure 6: Line graph showing pending, disposed off & instituted cases from the year 1972 to 2016.



4. Analysis of the pending balance for the Appellate Division in 2016.

To understand the balance of pending cases, the following tables may be examined. The pending balance for all cases for the year 2016 is 13672, while the pending balance for Petition is 6600, that for Misc. Petition is 4382 and Appeals is 2690.

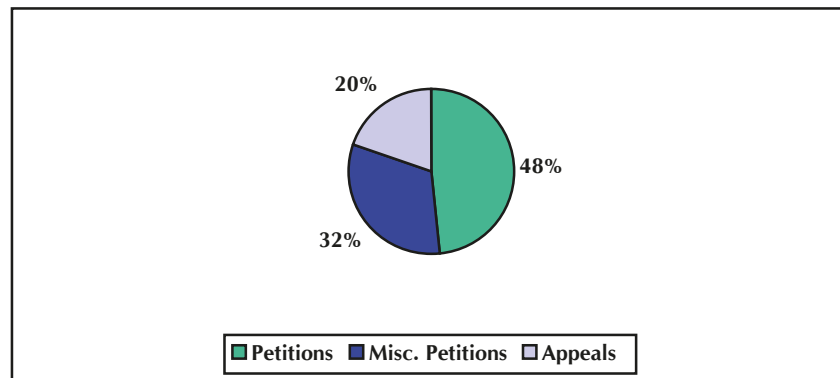


Figure 7: Pie Chart of all pending cases in the Appellate Division of Supreme Court of Bangladesh in the year 2016.

There are 48% Petition, 32% Misc. petition and 20% Appeals of all the pending cases.

4.1. Pending Petitions.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
8638	6072	14710	8110	6600

4.2. Pending Miscellaneous Petitions.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
2379	2946	5325	943	4382

4.3. Pending Appeals.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
2344	927	3271	581	2690

5. Filing of new cases, disposal and pendency of cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2016.

5.1. Petitions.

Year	Pending at the beginning of the year	Filing of new cases	Total	Disposal	Pending at the end of the year
1972	2284	0	2284	0	2284
1973	2284	88	2372	72	2300
1974	2300	106	2406	98	2308
1975	2308	141	2449	135	2314
1976	2314	214	2528	195	2333
1977	2333	329	2662	297	2365
1978	2365	360	2725	325	2400
1979	2400	348	2748	315	2433
1980	2518	310	2828	289	2539
1981	2711	433	3144	410	2734
1982	2741	482	3223	420	2803
1983	2768	440	3208	425	2783
1984	2696	447	3143	427	2716
1985	2624	353	2977	325	2652
1986	2570	355	2925	335	2590
1987	2560	271	2831	253	2578
1988	2783	325	3108	306	2802
1989	2865	476	3341	443	2898
1990	2794	388	3182	365	2817
1991	2983	372	3355	352	3003
1992	3187	554	3741	515	3226
1993	3498	556	4054	495	3559
1994	3672	826	4498	793	3705
1995	3601	671	4272	598	3674
1996	4225	720	4945	689	4256
1997	4819	1222	6041	1102	4939
1998	5096	1283	6379	1147	5232
1999	5288	1279	6567	1265	5302
2000	6235	1339	7574	1296	6278
2001	6872	2212	9084	1583	7501
2002	5289	1933	7222	1833	5389
2003	2704	2098	4802	1778	3024
2004	3024	2154	5178	1741	3437
2005	3437	2345	5782	1651	4131
2006	4131	2435	6566	1070	5496
2007	5496	2743	8239	2982	5257
2008	5257	3324	8581	4786	3795
2009	3795	3085	6880	4736	2144
2010	2144	3586	5730	1300	4430
2011	4430	3072	7502	820	6682
2012	6682	4155	10837	1122	9715
2013	9715	3907	13622	4333	9289
2014	9289	4355	13644	3969	9675
2015	9675	4964	14639	6001	8638
2016	8638	6072	14710	8110	6600



5.2. Misc. Petitions.

Year	Pending at the beginning of the year	Filing of new cases	Total	Disposal	Pending at the end of the year
1972	1392	0	1392	0	1392
1973	1392	0	1392	0	1392
1974	1392	0	1392	0	1392
1975	1392	0	1392	0	1392
1976	1392	0	1392	0	1392
1977	1392	0	1392	0	1392
1978	1392	0	1392	0	1392
1979	1392	0	1392	0	1392
1980	1392	0	1392	0	1392
1981	1392	108	1500	95	1405
1982	1348	96	1444	85	1359
1983	1318	51	1369	48	1321
1984	1339	55	1394	45	1349
1985	1361	69	1430	58	1372
1986	1367	67	1434	56	1378
1987	1416	64	1480	52	1428
1988	1463	105	1568	87	1481
1989	1503	99	1602	89	1513
1990	1541	137	1678	125	1553
1991	1581	127	1708	102	1606
1992	1685	165	1850	132	1718
1993	1791	206	1997	192	1805
1994	1838	238	2076	208	1868
1995	1892	239	2131	205	1926
1996	2260	262	2522	242	2280
1997	2464	573	3037	555	2482
1998	2495	446	2941	407	2534
1999	2731	586	3317	545	2772
2000	2895	643	3538	610	2928
2001	2988	709	3697	695	3002
2002	2293	703	2996	687	2309
2003	699	654	1353	639	714
2004	714	600	1314	727	587
2005	587	776	1363	503	860
2006	860	1199	2059	187	1872
2007	1872	1039	2911	2512	399
2008	399	1327	1726	264	1462
2009	1462	547	2009	811	1198
2010	1198	1500	2698	47	2651
2011	2701	1440	4141	482	3659
2012	3659	1633	5292	567	4725
2013	4725	1803	6528	3754	2774
2014	2774	2220	4994	1654	3340
2015	3340	2406	5746	3367	2379
2016	2379	2946	5325	943	4382

5.3. Appeals.

Year	Pending at the beginning of the year	Filing of new cases	Total	Disposal	Pending at the end of the year
1972	361	14	375	11	364
1973	364	25	389	19	370
1974	370	79	449	55	394
1975	394	27	421	15	406
1976	406	43	449	29	420
1977	420	142	562	89	473
1978	473	170	643	75	568
1979	568	192	760	85	675
1980	625	144	769	83	686
1981	687	142	829	78	751
1982	781	145	926	91	835
1983	823	172	995	92	903
1984	840	133	973	93	880
1985	817	109	926	86	840
1986	769	70	839	53	786
1987	760	38	798	29	769
1988	818	44	862	31	831
1989	887	87	974	65	909
1990	879	100	979	85	894
1991	876	57	933	43	890
1992	930	82	1012	62	950
1993	965	97	1062	78	984
1994	950	97	1047	69	978
1995	940	63	1003	47	956
1996	1026	59	1085	39	1046
1997	1127	133	1260	89	1171
1998	1160	140	1300	95	1205
1999	1311	122	1433	108	1325
2000	1799	246	2045	210	1835
2001	1956	596	2552	541	2011
2002	1415	367	1782	269	1513
2003	1378	460	1838	170	1668
2004	1668	267	1935	222	1713
2005	1713	284	1997	218	1779
2006	1779	221	2000	244	1756
2007	1756	311	2067	652	1415
2008	1415	390	1805	170	1635
2009	1635	771	2406	488	1918
2010	1918	328	2246	236	2010
2011	2010	237	2247	147	2100
2012	2100	248	2348	141	2207
2013	2207	279	2486	211	2275
2014	2275	344	2619	288	2331
2015	2331	637	2968	624	2344
2016	2344	927	3271	581	2690



6. Maximum number of Judges at a time during the year in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2016.

Period	Number of Judges including Chief Justice
1972	3
1973	4
1974	5
1975	5
1976	5
1977	5
1978	4
1979	5
1980	5
1981	5
1982	5
1983	5
1984	5
1985	4
1986	5
1987	5
1988	5
1989	5
1990	5
1991	5
1992	5
1993	5
1994	5
1995	4
1996	5
1997	5
1998	5
1999	6
2000	5
2001	5
2002	5
2003	7
2004	8
2005	7
2006	7
2007	6
2008	7
2009	11
2010	8
2011	10
2012	7
2013	10
2014	9
2015	8
2016	9

Statistics on the Institution, Disposal and Pendency of Cases in the High Court Division of the Supreme Court of Bangladesh

1. Statement showing institution, disposal & pendency of cases (from 01.01.2016 to 31.12.2016)

1.1. Statement for all cases from 01.01.2016 to 31.12.2016 in the High Court Division of the Supreme Court of Bangladesh

Cases	Opening Balance	Institution	Restored	Total	Disposal	Current Pendency	Remarks
Civil	87310	6526	77	93913	3665	90248	Increased by 2938
Criminal	237964	45345	08	283317	25836	257481	Increased by 19517
Writ	62157	16965	61	79183	9857	69326	Increased by 7169
Original	6794	1665	00	8459	520	7939	Increased by 1145
Grand Total	394225	70501	146	464872	39878	424994	Increased by 30769

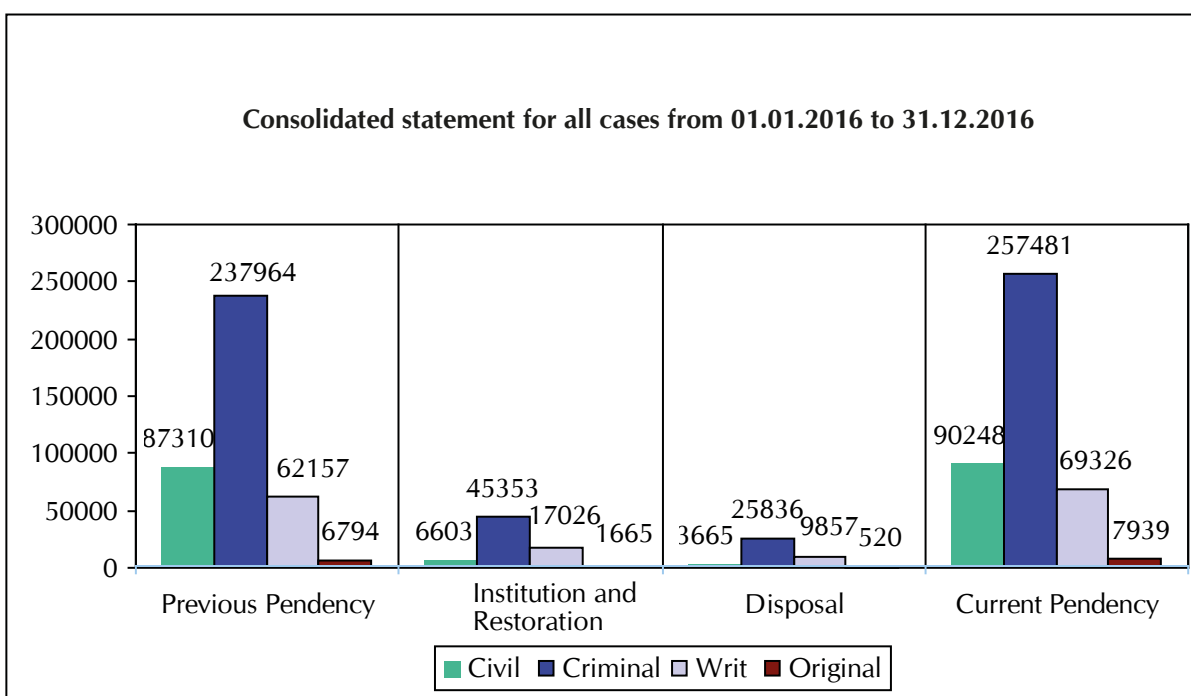


Figure 1: Vertical Bar Chart of pendency, institution and disposal of all cases in the year 2016 in the High Court Division of the Supreme Court of Bangladesh.



2. Statistical data analysis for the High Court Division of the Supreme Court of Bangladesh

2. 1. Year wise institution, disposal and pendency of all cases from 1972 to 2016

Years	Institution	Disposal	Pending
1972	2461	3873	20567
1973	5654	3657	24063
1974	8844	6402	28186
1975	4896	5190	29545
1976	4515	7241	28287
1977	5656	8195	26676
1978	5765	7309	26620
1979	5145	7597	24716
1980	4026	7032	22779
1981	5054	6950	21652
1982	919	3615	21061
1983	1550	5456	19115
1984	1891	3556	21159
1985	2960	3529	22460
1986	3558	3360	24468
1987	5187	3272	28810
1988	8220	3564	33289
1989	11381	6099	37739
1990	11583	9789	39261
1991	12809	5565	45681
1992	14098	6543	51764
1993	13775	7799	57749
1994	15061	8401	64281
1995	17326	10844	70990
1996	21045	11526	79457
1997	23838	12337	88388
1998	23909	13744	97574
1999	24143	11863	108323
2000	27931	11049	122178
2001	32328	16014	135879
2002	45627	22048	154168
2003	37734	20331	168447
2004	34217	15581	184811
2005	42900	16894	208389
2006	48056	13839	240483
2007	47555	16578	262345
2008	53220	21664	293901
2009	53155	21485	325571
2010	57470	69306	313735
2011	45084	68425	279923
2012	56732	38437	297731
2013	50010	24295	323446
2014	60069	22477	361038
2015	70940	37753	394225
2016	70647	39878	424994

2.2. Some visible Trends

2.2.1. Trend of institution, disposal and pendency (1972 to 2016)

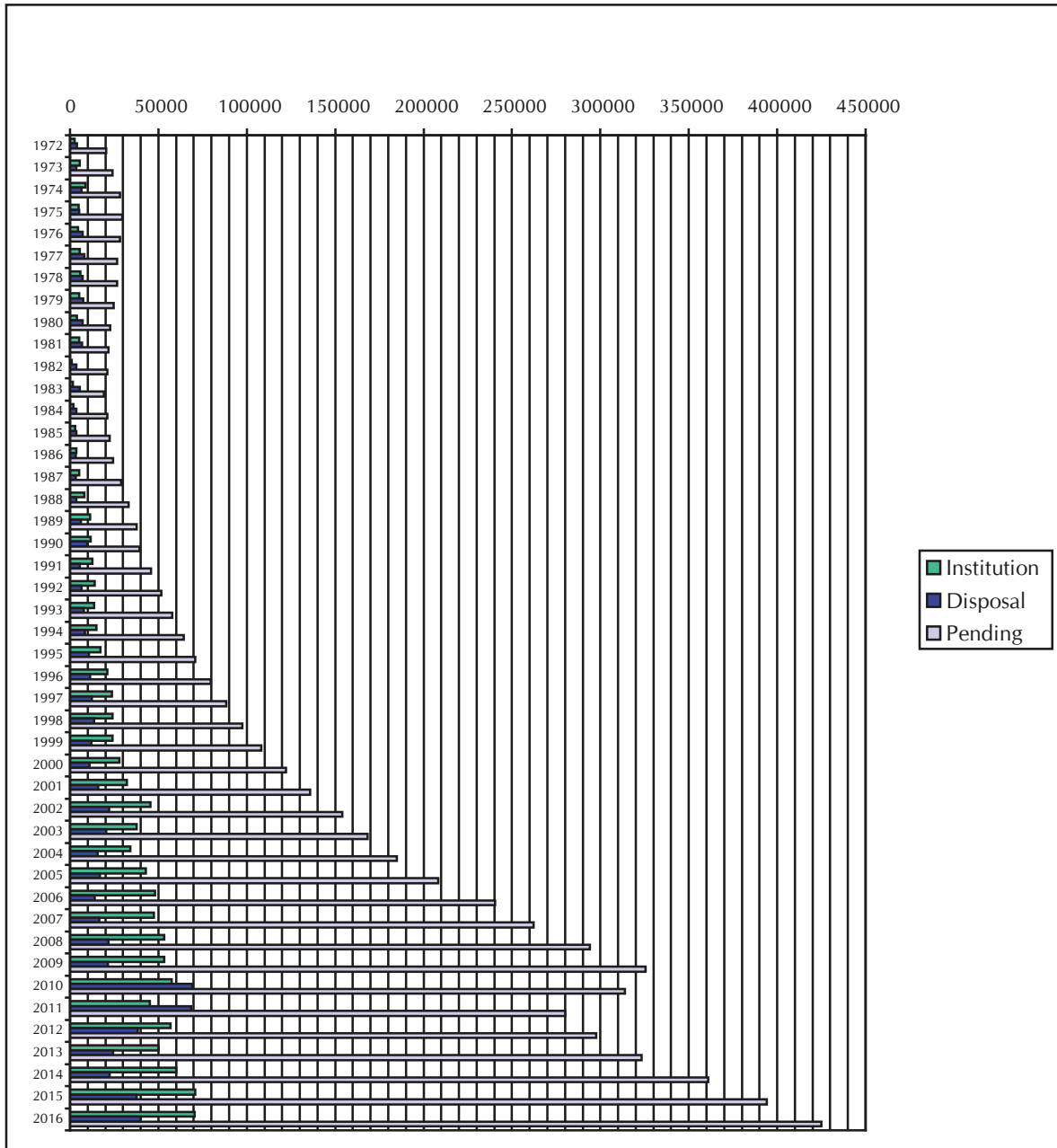


Figure 2: Horizontal Bar Chart showing institution, disposal and pending cases in the High Court Division of the Supreme Court of Bangladesh from the year 1972 to 2016.



2.2.2. Trend of institution of cases from the year 1972 to 2016

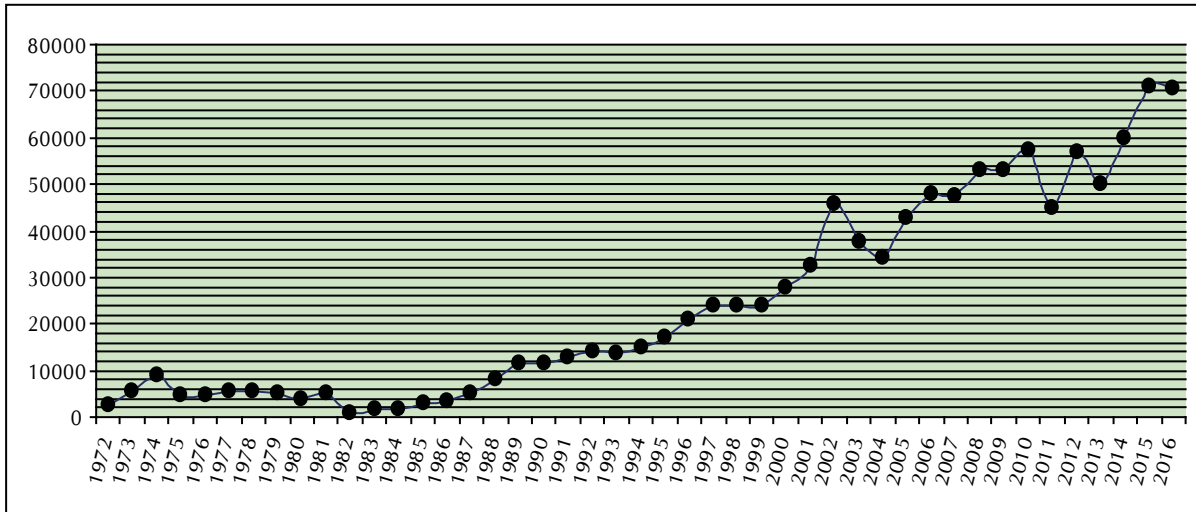


Figure 3: Line graph showing institution of cases from the year 1972 to 2016

2.2.3. Trend of disposal of cases from the year 1972 to 2016

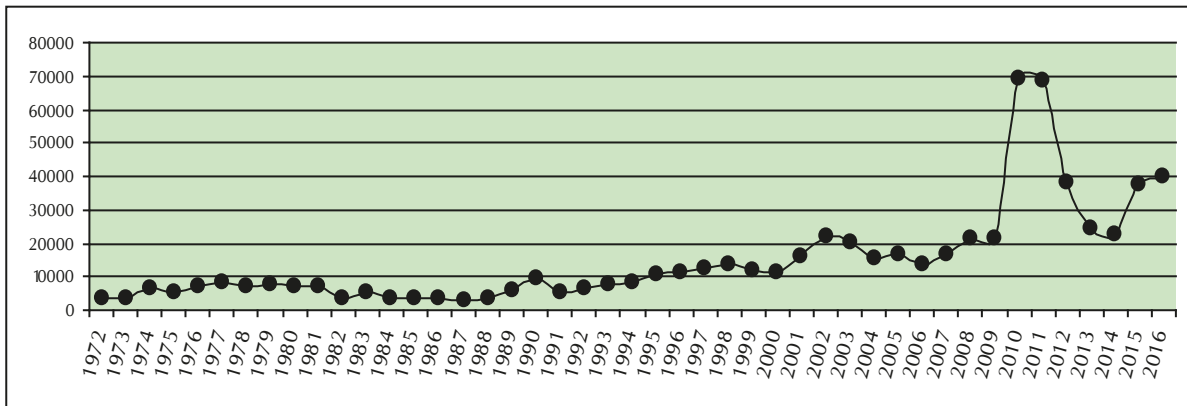


Figure 4: Line graph showing disposal of cases from the year 1972 to 2016

2.2.4. Trend of pending cases from the year 1972 to 2016

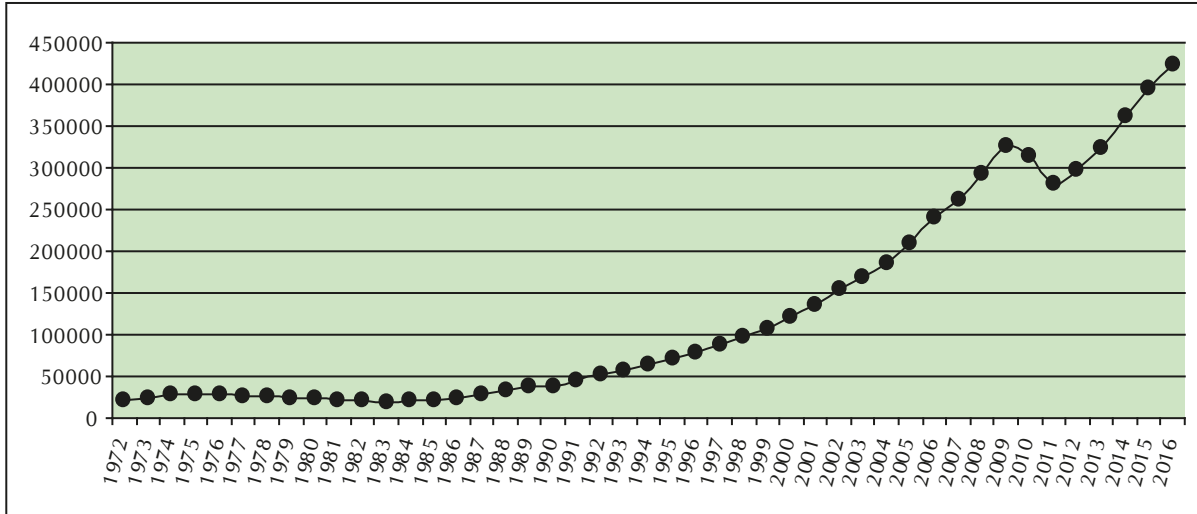


Figure 5: Line graph showing pending cases from the year 1972 to 2016

2.2.5. Comparative Chart of institution, disposal and pending cases from the year 1972 to 2016

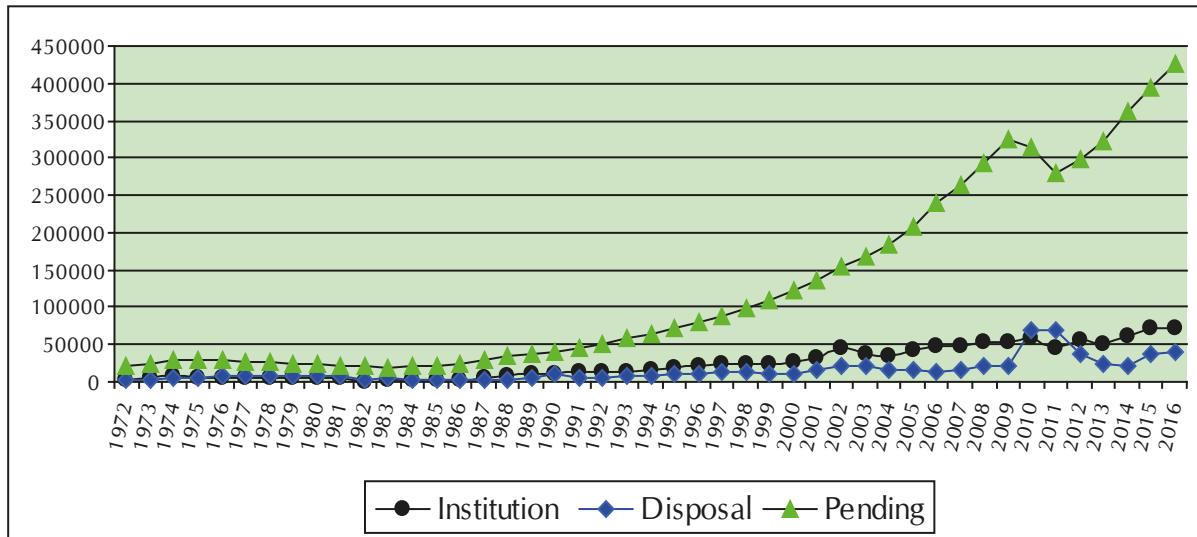


Figure 6: Line graph showing pending, disposal & institution of cases from the year 1972 to 2016



3. Analysis of the pending balance for the High Court Division in 2016

To understand the balance of pending case, the following tables may be examined. The pending balance for all cases for the year 2016 is 424994, while the pending balance for Civil Cases is 90248, that for Criminal Cases is 257481, for Writ is 69326 and for Original Cases is 7939.

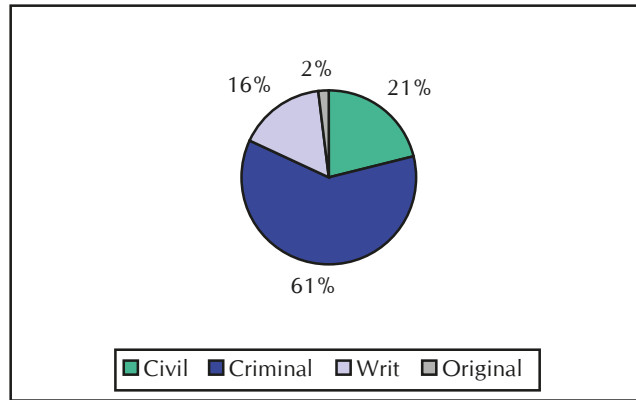


Figure 7: Pie Chart of all pending cases in the High Court Division in the year 2016.

There are 61% Criminal cases, 21% Civil cases, 16% Writ and 2% Original cases of all the pending cases.

3.1. Pending Civil Cases

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
87310	6603	93913	3665	90248

3.2. Pending Criminal Cases

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
237964	45353	283317	25836	257481

3.3. Writ

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
62157	17026	79183	9857	69326

3.4. Original

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
6794	1665	8459	520	7939

4. Institution, disposal and pendency of cases in the High Court Division from 1972 to 2016

4.1. Civil Cases.

Year	Opening balance	Fresh institution	Total	Disposal	Pending
1972	15517	1615	17132	752	16380
1973	16380	2771	19151	798	18353
1974	18353	3884	22237	3498	18739
1975	18739	2593	21332	1955	19377
1976	19377	2775	22152	2323	19829
1977	19829	2652	22481	3933	18548
1978	18548	2769	21317	3550	17767
1979	17767	2391	20158	3391	16767
1980	16767	1268	18035	2755	15280
1981	15280	2656	17936	3819	14117
1982	14117	489	14606	783	13823
1983	13823	667	14490	2325	12165
1984	13823	1044	14867	864	14003
1985	14003	1359	15362	873	14489
1986	14489	1534	16023	606	15417
1987	15417	2750	18167	750	17417
1988	17417	1575	18992	998	17994
1989	17994	4284	22278	2467	19811
1990	19811	4595	24406	4033	20373
1991	20373	4595	24968	2033	22935
1992	22935	4435	27370	2289	25081
1993	25081	5017	30098	2850	27248
1994	27248	5884	33132	3935	29197
1995	29197	6440	35637	3137	32500
1996	32500	5942	38442	3340	35102
1997	35102	6839	41941	5078	36863
1998	36863	7540	44403	4314	40089
1999	40089	7589	47678	3428	44250
2000	44250	8565	52815	2384	50431
2001	50431	9348	59779	4185	55594
2002	55594	9020	64614	6400	58214
2003	58214	7447	65661	4656	61005
2004	61005	7908	68913	3801	65112
2005	65112	7253	72365	3723	68642
2006	68642	6867	75509	3693	71816
2007	71816	7721	79537	4881	74656
2008	74656	6257	80913	5275	75638
2009	75638	6716	82354	6565	75789
2010	75789	6667	82456	4597	77859
2011	77859	6662	84521	5118	79403
2012	79403	6418	85821	5233	80588
2013	80588	5691	86279	3472	82807
2014	82807	6471	89278	4862	84416
2015	84416	7088	91504	4194	87310
2016	87310	6603	93913	3665	90248



4.2. Criminal Cases.

Year	Opening balance	Fresh institution	Total	Disposal	Pending
1972	3391	544	3935	1016	2919
1973	2919	1964	4883	784	4099
1974	4099	3349	7448	826	6622
1975	6622	1767	8389	1041	7348
1976	7348	1093	8441	2720	5721
1977	5721	1876	7597	2051	5546
1978	5546	1881	7427	1678	5749
1979	5749	1718	7467	2058	5409
1980	5409	1597	7006	2006	5000
1981	5000	1397	6397	1076	5321
1982	5321	320	5641	674	4967
1983	4967	663	5630	985	4645
1984	4645	595	5240	490	4750
1985	4750	748	5498	486	5012
1986	5012	1248	6260	529	5731
1987	5731	1264	6995	371	6624
1988	6624	3950	10574	289	10285
1989	10285	4487	14772	1579	13193
1990	13193	4664	17857	3053	14804
1991	14804	4679	19483	1399	18084
1992	18084	4822	22906	1879	21027
1993	21027	6170	27197	2507	24690
1994	24690	6189	30879	2131	28748
1995	28748	7786	36534	5417	31117
1996	31117	8279	39396	5978	33418
1997	33418	8560	41978	4927	37051
1998	37051	11508	48559	7021	41538
1999	41538	10881	52419	5910	46509
2000	46509	12445	58954	5790	53164
2001	53164	15092	68256	9219	59037
2002	59037	27000	86037	13192	72845
2003	72845	21363	94208	13300	80908
2004	80908	18297	99205	9332	89873
2005	89873	25179	115052	10760	104292
2006	104292	27747	132039	7833	124206
2007	124206	27779	151985	9035	142950
2008	142950	34492	177442	7071	170371
2009	170371	36725	207096	8096	199000
2010	199000	39631	238631	56705	181926
2011	179698	25573	205271	52149	153122
2012	153122	31258	184380	24108	160272
2013	160272	30137	190409	12414	177995
2014	177995	39301	217296	7745	209551
2015	209551	47870	257421	19457	237964
2016	237964	45353	283317	25836	257481

4.3. Writ.

Year	Opening balance	Fresh institution	Total	Disposal	Pending
1972	799	8	807	10	797
1973	797	751	1548	474	1074
1974	1074	1461	2535	293	2242
1975	2242	438	2680	322	2358
1976	2358	538	2896	508	2388
1977	2388	975	3363	1049	2314
1978	2314	1027	3341	490	2851
1979	2851	923	3774	1431	2343
1980	2343	1057	3400	911	2489
1981	2489	899	3388	1220	2168
1982	2168	0	2168	0	2168
1983	2168	0	2168	0	2168
1984	2168	0	2168	0	2168
1985	2168	567	2735	57	2678
1986	2678	494	3172	252	2920
1987	2920	890	3810	102	3708
1988	3708	1745	5453	1560	3893
1989	3893	2490	6383	2361	4022
1990	4022	2015	6037	2917	3120
1991	3120	3142	6262	2567	3695
1992	3695	4455	8150	3356	4794
1993	4794	2244	7038	2097	4941
1994	4941	2639	7580	2174	5406
1995	5406	2745	8151	1830	6321
1996	6321	6490	12811	3042	9769
1997	9769	7988	17757	4539	13218
1998	13218	4362	17580	2958	14622
1999	14622	5078	19700	3162	16538
2000	16538	6345	22883	5349	17534
2001	17534	7256	24790	4614	20176
2002	20176	8782	28958	7292	21666
2003	21666	7722	29388	5127	24261
2004	24261	7192	31453	4276	27177
2005	27177	9628	36805	4433	32372
2006	32372	12693	45065	4129	40936
2007	40936	11166	52102	11122	40980
2008	40980	11589	52569	8915	43654
2009	43654	8848	52502	6370	46132
2010	46132	10330	56462	7303	49159
2011	40916	11587	52503	10924	41579
2012	41579	18003	59582	8028	51554
2013	51554	13013	64567	7473	57094
2014	57094	12861	69955	8688	61267
2015	61267	14347	75614	13457	62157
2016	62157	17026	79183	9857	69326



4.4. Original Cases.

Year	Opening balance	Fresh institution	Total	Disposal	Pending
1972	310	294	604	133	471
1973	471	168	639	102	537
1974	537	150	687	104	583
1975	583	98	681	219	462
1976	462	109	571	222	349
1977	349	153	502	234	268
1978	268	88	356	103	253
1979	253	113	366	169	197
1980	197	104	301	291	10
1981	10	102	120	74	46
1982	46	110	266	176	103
1983	103	220	355	163	137
1984	137	252	423	218	238
1985	238	286	520	185	281
1986	281	282	564	239	400
1987	400	283	1350	164	1061
1988	1061	950	1181	289	1117
1989	1117	120	1426	64	713
1990	713	309	1106	713	964
1991	964	393	1350	142	967
1992	967	386	1311	383	862
1993	862	344	1211	449	870
1994	870	349	1225	341	930
1995	930	355	1264	295	1052
1996	1052	334	1503	212	1168
1997	1168	451	1667	335	1256
1998	1256	499	1851	411	1325
1999	1325	595	1901	526	1026
2000	1026	576	1658	875	1049
2001	1049	632	1681	609	1072
2002	1072	825	1897	454	1443
2003	1443	1202	2645	372	2273
2004	2273	820	3093	444	2649
2005	2649	840	3489	406	3083
2006	3083	749	3832	307	3525
2007	3525	889	4414	655	3759
2008	3759	882	4641	403	4238
2009	4238	866	5104	454	4650
2010	4650	842	5492	701	4791
2011	4791	1262	6053	721	5332
2012	5332	1053	6385	1068	5317
2013	5317	1169	6486	936	5550
2014	5550	1436	6986	1182	5804
2015	5804	1635	7439	645	6794
2016	6794	1665	8459	520	7939

5. Maximum number of Judges at a time during the year in the High Court Division of the Supreme Court of Bangladesh from 1972 to 2016

Period	Number of Judges
1972	10
1973	8
1974	12
1975	12
1976	13
1977	18
1978	17
1979	16
1980	19
1981	18
1982	18
1983	18
1984	24
1985	24
1986	21
1987	25
1988	29
1989	29
1990	29
1991	28
1992	25
1993	31
1994	38
1995	35
1996	30
1997	36
1998	36
1999	39
2000	43
2001	48
2002	55
2003	48
2004	54
2005	72
2006	71
2007	68
2008	67
2009	78
2010	94
2011	98
2012	101
2013	95
2014	90
2015	97
2016	95



Law and Policy on Sustainable Development: From China and South-Asia Perspective

Justice Surendra Kumar Sinha
Chief Justice of Bangladesh

We know that sustainable development is conceived to be anchored on three pillars, which are to evolve concomitantly on sustainable factors, namely, economic, social and environmental and to be centered on the human being, implying that the process of sustainable development is necessarily inclusive and should promote unity in cultural and other forms of diversity. But it is essential, in the context of establishing this unity, that diverse cultures, interests and wishes, particularly of the downtrodden and disadvantaged groups, are facilitated to flourish and find proper expressions in appropriate forms. Sustainable development also invokes intra- and intergenerational equity, i.e. equity among and within nations at the present time and the management of natural and other resources so that while the present generation meets its needs, the future generations can meet theirs too.

Bangladesh has achieved significant progress in respect of all three pillars of sustainable development, especially the social front. Bangladesh is fully committed to pursuing sustainable development, seeking to establish and maintain economic vibrancy, social equity and inclusiveness, human dignity for all, and a healthy environment and a sound natural resource base. However, given its resource limitations, the country needs finance and technology transfer as well as capacity enhancement support, consistent with the properly defined tasks that it will take to move steadfastly towards the goal of sustainable development.

Sustainable development in the realm of law and policy has only begun to be addressed by existing institutions, but not in an adequately integrated way. In public international law, the overarching concept of sustainable development vitiates fragmentation. It inspires cooperation, coherence and innovative governance systems. The Centre for International Sustainable Development Law (CISDL) is undertaking research on the necessary principles, rules and policies, in order to make a valuable contribution to the development of this field, assisting scholars, countries and international institutions to formulate international law in a more integrated, principled manner, to address intersections between different international legal regimes and to implement the myriad new international treaties and instruments in the field of sustainable development.

Since Bangladesh gained its independence in 1971, it has followed Bangabandhu Sheikh Mujibur Rahman's principle of friendship towards all and malice towards none in dictating its foreign policy. Since the establishment of diplomatic ties 41 years ago, Bangladesh and China have had a relationship of shared mutual cooperation in the economic, military, technological and cultural fields. Both countries also share the same outlook on a number of important international and regional issues. During the 41-year period, there have been Presidential/Prime Ministerial State visits and high level Official visits from both countries. This is a clear sign that Bangladesh gives significant importance to its relations with China, and vice versa.

Since the mid 1970s, China's contribution to Bangladesh's development in the form of economic aid, military assistance and infrastructure development has been a prominent feature of the bilateral relationship. In June 2010, Vice President Xi Jinping paid an official visit to Bangladesh during which nine agreements were signed including an agreement on capacity building of law enforcement agencies, telecommunications and the peaceful use of nuclear energy. In March 2010, Prime Minister Sheikh Hasina paid an official visit to China during which, the two sides issued a joint statement and decided to extend the cooperation between China and Bangladesh to cover agriculture, flood prevention, disaster reduction and culture, among other areas.

Economic issues include those concerning economic imbalance, productivity showdown, regional integration and disparity, demographics and labour supply, aging and social security, resource constraint, environmental pollution, interest rate and exchange rate deregulation, currency and capital account convertibility, etc. Economic cooperation between the two countries has grown significantly during the past 41 years. Notwithstanding the very warm and cordial relations between the two countries, free of any major irritants, the issue of Bangladesh's increasing trade deficit with China has been raised by Bangladesh from



time to time. Without question the single most important aspect of China-Bangladesh relations has been the extensive defence cooperation between the two countries. By the end of 1990, nearly 90% of the equipment used by the Bangladesh Armed Forces was provided by China on very special terms. The defence cooperation covered training and technical assistance and regular exchange of high level visits. China also earned goodwill by constructing on a grant basis, six China-Bangladesh friendship bridges since the 1980s with a seventh currently under construction. It also built a large conference centre in Dhaka.

Bangladesh-China bilateral trade has been increasing significantly over the years, both in terms of absolute amount and percentage change among Bangladesh's top trade partners. As per the statistics of Export Promotion Bureau of Bangladesh, the country's total merchandised export to China was USD 808.14 million in the year 2015-16, which was only USD 319.66 million in 2010-11. Thus, Bangladesh's export to China grew at an annual average of 30 percent in the last five years. Chinese involvement in Bangladesh's two special economic zones (SEZs) and establishing a dedicated export processing zone (EPZ) for China would help boost bilateral trade and increase Bangladesh's exports to the global market.

China's "One Belt One Road" (OBOR) initiatives has implications for huge cross border business activities spanning more than 40 countries, 4 billion engaged population involving USD 21 trillion of GDP. In fact, OBOR, is a development strategy initiated by Chinese President XI Jinping in 2013. OBOR's significance lies in that-

- It is a key initiative for China's government to build stronger economic links between Asia and Europe;
- Provides the premise for a Chinese framework for organizing multinational economic development through the land-based "Silk Road Economic Belt" and oceangoing "Maritime Silk Road"; and
- Incorporates the principal aim to boost connectivity and commerce between China and 64 countries with a total population of 4.4bn by building infrastructure and boosting financial and trade ties.

It cannot be denied that OBOR aims to redirect China's own domestic overcapacity and capital for regional infrastructure development to improve trade and relations with ASEAN (Association of Southeast Asian Nations), Central Asia and European countries. It could have as much impact on China's internal economy as it will have internationally. China's top priority is to stimulate its domestic economy via exports from industries with major overcapacity such as steel, cement and aluminum. Many will be build-transfer-operate schemes in which large state-owned enterprises (SOEs) will lead the way, but smaller companies will follow. The domestic plan divides China into five regions with infrastructure to connect neighboring countries and increase connectivity. Each zone will be led by a core province: Xinjiang in the Northwest, Inner Mongolia in the Northeast, Guangxi in the Southwest and Fujian on the coast. During the recent visit of Chinese President Xi Jinping to Bangladesh, both countries have signed 27 deals on cooperation in a number of sectors including coastal disaster management and construction of the Karnaphuli tunnel. In fact memoranda of understanding have been signed under China's "One Belt, One Road" initiative, for cooperation, maritime cooperation, joint feasibility study on a free-trade area, new ICT framework, counter-terrorism collaboration, capacity building and sharing of information, tackling climate change risks, regional and international cooperation, and cooperation on power and energy sectors. Of these projects, the estimated loan to come for the Padma Bridge rail link project is \$2.57 billion, Dhaka-Chittagong railway project \$3.03 billion, Dhaka-Ashulia elevated expressway \$1.39 billion, Sitakunda-Cox's Bazar marine drive expressway and coastal protection project \$2.85 billion and four-lane Dhaka-Sylhet highway project \$1.6 billion.

China-South Asia Legal cooperation is sine a qua non so far it relates to investment, both direct and indirect; infrastructure construction and operation, planning, design, supply, construction, operation and technical cooperation; construction of economic and industrial zone, scientific park, process zone, development zones and special economic zones; technology communication and transfer; personal exchange and training; and



labour service cooperation etc. Chinese and South Asian countries laws should be recast to facilitate those activities in order to improve the GDP of the region. Members of China-South Asia Legal Forum may help and facilitate their respective Governments to take necessary steps for doing away with the impediments of trade and commerce which are creating obstruction in smooth investment.

In this respect I must acknowledge that since Bangladesh's independence, China has provided it with \$1,519 million in soft loans and grants. Of the sum, \$916 million came in seven years from fiscal year 2010 to 2016. The amount was \$303 million in the preceding seven years from FY 2002 to FY 2009.

In this respect I may mention here that for becoming a middle-income country Bangladesh has under taken some possible efforts on maintaining macroeconomic stability; strengthening revenue mobilization; tackling energy and infrastructure deficits; deepening financial-sector and external trade reforms; improving labor skills, economic governance, and urban management; and adapting to climate change. Bangladesh expects to become an export powerhouse, with its labor-intensive manufactured and service exports growing at double digits on a sustained basis. Be that as it may, Bangladesh firmly believes in Home Grown Development Philosophy.

The boom in China of cross-border e-commerce has been dramatic and exponential. It has led to strong share price growth of brands that have been particularly favoured by Chinese consumers. It was always clear that the Chinese authorities would at some stage seek to better regulate cross-border e-commerce and two recent rules coupled with stronger implementation have caused concerns as to whether the e-commerce boom will continue in the future.

The first rule is the Circular on Tax Policy for Cross-Border E-commerce Retail Imports (E-commerce Tax Circular), which was published late last month and became effective from 8 April 2016. The E-commerce Tax Circular significantly changed the preferential tax policies that had been applied to cross-border e-commerce transactions. The changes were primarily adjustments to tax rates, introduction of an annual limit of RMB 20,000 per individual consumer and other changes that affect cross-border e-commerce but do not seek to strictly limit it.

A second more serious challenge to cross-border e-commerce involves a so-called "Positive List". On 7 April 2016, eleven PRC government departments (covering all major government bodies relating to business trading, food and drug control, customs and tax) jointly published a "cross-border e-commerce retail list of imported goods". This list was further updated and expanded by a "cross-border e-commerce retail list of imported goods phase 2" which was published on 15 April 2016 by the same authorities (the first list and second one, collectively, "Positive List"). Early signs are that the Positive List may lead to outright prohibition of e-commerce sales of certain categories of goods, so this second regulatory change has the potential to have a more negative effect on e-commerce than the E-commerce Tax Circular.

China has captured Bangladesh's market in industries such as textiles, footwear and head wear, and machinery and mechanical appliances. Though Chinese products in these industries are highly competitive on price, there are many other economic and non-economic factors that favor China and may be explored further in the spirit of greater Sino-Bangla, bilateral and mutual cooperation.

China has been very proactive in the Bangladeshi market. Apart from the price competitiveness of Chinese products, the welcoming attitude of Chinese traders and officials at customs is encouraging to Bangladeshi traders. A relatively relaxed visa and travel regime enables Bangladeshi enterprises to participate in exhibitions in China in order to obtain better information about Chinese products. Chinese exporters are even ready to redesign branded products at the request of Bangladeshi importers to cater to the price-sensitive local market. Further, Chinese businesses show considerable interest in taking care of logistics and trade difficulties and consistently follow up complaints. In most industries China has shown eagerness for technology transfers as well.

Alternative Dispute Resolution (ADR) includes Mediation, Conciliation, Arbitration and hybrid forms of these methods like Conciliation-cum-Arbitration, mediation settlements are being converted to compromise decree etc. The term ADR has been used to describe various systems that attempt to resolve dispute through methods other than litigation in Courts or Tribunals. The Indian sub-continent has a very rich tradition of ADR methods, which were existent in the form of Panchayats. In fact, the Panchayat's decisions were respected by the Judiciary also. In *Sitanna v. Viranna*, AIR 1934 (PC) 105, for example, the Privy Council affirmed the

decision of the Panchayat in a family dispute.

Arbitration is a method of settlement of disputes as an alternative to the normal judicial adversarial method. It is one of the methods of ADR. Of all the forms of ADR like conciliation, mediation, negotiations, etc., arbitration has become the dominant form of ADR in Bangladesh. It is more firmly established in its utility. The reason for its phenomenal popularity and value is that it is the only real alternative to judicial adjudication.

The Arbitration Act, 2001 confers complete power on the Arbitral Tribunal for full and final disposal of the matter presented before it by the parties to the dispute. The Act has tried to make arbitration a complete and self-contained alternative. Though judicial interference has been kept to the minimum, the flow of cases to the courts arising from arbitrations is more than it used to be before. The growing number of cases is an affirmation of the fact that the court cannot be simply excluded. The Arbitral Tribunal has to function within the framework of the Act and the parties' agreement. The functioning being partly statutory and partly contractual, it does require judicial supervision.

We have incorporated provisions on ADR in the Code of Civil Procedure of Bangladesh, Loan Recovery Act, 2003 (Artha Rin Adalat Ain), Labour Law, Customs Act, 1969, Income Tax Ordinance, 1984, Value Added Tax Act, 1991, the Companies Act, 1994 and demonstrated Bangladesh's commitment to settle disputes relating to trade and commerce speedily by incurring less time, money and energy.

80% of the world trade is sea born. Therefore, for smooth trade and commerce, the High Sea and Maritime Zone of China and South-Asian countries should be safe and free from pirates. In the above backdrop, I am tempted to put some suggestions:

- ❖ A broad based China-South Asian Mediation Centre should be established for facilitating and speedy disposal of the international trade & maritime disputes.
- ❖ A comprehensive China-South Asian Law Training Institute should be set up in order to impart continuous quality training to the Judges, lawyers, academics and stakeholders who are closely related to international trade and commerce so that they may be well aware as to the legal system and latest jurisdiction of those countries.
- ❖ Both China and South Asian Countries should dedicate to building a closer comprehensive partnership of cooperation. They should attach high importance to high level visits and sharing experience not the least in the area of judicial reform.

There is no denying that Bangladesh-China-India-Myanmar (BCIM) Economic Corridor needs huge funds, both from private and public sectors, to support infrastructural constructions such as harbor, railways, highways and other areas like industrial park, free trade zone and many other projects related to BCIM economic co-operation. Accelerating the much-needed cross-border construction can help ease bottlenecks of regional infrastructure requirements which will effectively guarantee smooth, convenient and efficient cross-border logistics movement as well as improve human capital and prompt industrial development in BCIM region. With this in mind, the concept of establishing a specialized regional stock exchange came into the scenario to serve as investment and trading platform, establish a cross-border opening of China-South Asian investment cooperation in both public and private sectors, determine appropriate method for financing and selection of currency denominations for projects undertaken under BCIM and regional initiatives.

N.B: Presented by the Hon'ble Chief Justice at the opening ceremony of the 2nd China-South Asia Legal Forum held on December 15, 2016 at Kunming, Yunnan Province of China.

* Interview

INTERVIEW WITH¹ HONOURABLE JUSTICE MUHAMMAD IMMAN ALI², JUDGE OF THE SUPREME COURT OF BANGLADESH

Luis Aguilar Esponda

INTRODUCTION

The Editorial Board of the Institutionalised Children: Explorations and Beyond (ICEB) Journal has had the honour to meet H. Justice M. Imman Ali during the second Biennial International Conference 'Improving Standards of Care for Alternative Child and Youth Care: Systems, Policies and Practices', which was held on 18 and 19 March 2016 at Amity University, Noida, India.

His presence and expertise on raising awareness and sensitising people on existing laws, implementing them and bringing justice for children not just in Bangladesh but also in other countries around the globe, has been greatly appreciated by the participants, practitioners, volunteers as well as the organisers. Therefore, we have invited him to share more of all his knowledge in the present interview.

The following questionnaire has been divided into four sections. First, we listened to his views on the general situation of children. Second, he talked about the state of justice for children. Third, he talked a bit more on the situation of children in Bangladesh. Finally, we discussed about the way forward after establishing basic rules to protect children and what else is needed to improve care and protection for children without parental care in South Asia.

VIEWS ON THE GENERAL SITUATION OF CHILDREN

How did you start working on child rights? Were there any particular experiences that made you realise the importance of working for children?

In the year 2006, when hearing the criminal appeal of a minor boy who had been sentenced to death, it became apparent that various stakeholders dealing with juvenile justice were not fully aware of the law and had no idea about international instruments dealing with child rights. Then I started to train the different stakeholders, including judges, lawyers, police officers, probation officers and Non-Governmental Organization (NGO) workers involved in the field of child rights. It was apparent that the Constitution and existing laws provided rights for children, which were being denied due to lack of implementation and enforcement by the authorities concerned. My experience from talking to many people across the many spectra of society here is that the attitude towards children is generally not favourable. There is apparent disdain for children who are disadvantaged and hostility towards children who are deviant in behaviour (offending children). Everyone, rich and poor, highly educated and less educated, generally lives and cares for his own child, but does not care much for the children of others, especially if they are not of a standard acceptable to them.

* This interview was published in the periodical titled "Institutionalised Children Explorations and Beyond" Volume 3, Number 2, September 2016 pp. 130-141 DOI: 10.5958/2349-3011.2016.00009.8

¹The interview was conducted on 24 June in Dhaka, Bangladesh/Mexico City, Mexico by Luis Aguilar Esponda, LL.M., ICEB.

²Honourable Justice Muhammad Imman Ali was educated in the United Kingdom where he did his schooling and completed his law degree, LL.M. and qualified as a Barrister-at-Law. He has practiced law in both Bangladesh and the United Kingdom. He was elevated as Judge of the Supreme Court of Bangladesh, High Court Division in February 2001 and Appellate Division in February 2011. He was Deputy Attorney General for Bangladesh from September 1998 to February 2001. His book, 'Towards a Justice Delivery System for Children in Bangladesh', was published by UNICEF in 2010. He has also written a chapter on the new Children Act 2013 in the book 'Justice for Children in Bangladesh' by Najrana Imaan published by Save the Children. Several of his articles on justice for children have been published. He has lectured at the Judicial Administration Training Institute, training judges of the subordinate judiciary, and lectured at the Legal Education Training Institute and Aparajayo Bangladesh, training lawyers and other relevant actors on the Children Act and other relevant instruments. Justice Ali has also been involved in training organised by IOM/LETI for police personnel, government officials and other actors involved in dealing with victims of trafficking. He was engaged in training Judges, Prosecutors and Police in Armenia on juvenile justice. He has attended many national and international conferences, seminars and workshops on International Law and Human Rights, and has a particular interest in justice for children. On 3 December 2014, he received the Juvenile Justice without Borders International Award from IJJO, Brussels. From 23 April 2016, he holds the post of Secretary General of Penal Reform International, an International NGO based in London. He is the Chairman of the Supreme Court Special Committee for Child Rights.

How do you see the general situation of care and protection of children in Bangladesh and the South Asian region? What are the main factors contributing to the vulnerability of children in the region?

We now have a very modern law dealing with all the different aspects of care and protection of disadvantaged and vulnerable children. There are facilities available for their care and protection in many of the homes around the country. Government as well as private organisations provide the facilities. However, the numbers are not adequate. My experience is that the premises are overcrowded and not congenial for the proper development of children. There is little scope for providing all the necessary services needed for the different categories of children with multifarious disabilities and needs. In one safe home for girls, I found 12 girls who were psychiatric patients, 12 who had hearing and speech impairment and others with other challenges, all in one long hall-room. There was a total mix of occupants, including girls with varying special needs, and girls of different ages in one sleeping area. I dare say the same difficulties exist throughout South Asia. It all boils down to economic and financial constraints faced by the countries of the region. Surprisingly, I also found a lack of imagination and enthusiasm in the staff managing the safe homes. The single most common cause of vulnerability of children is poverty. Unfortunately, the cycle of poverty is stoked very often by harmful customs and practices such as child marriage, domestic violence, corporal punishment in the home and elsewhere, child labour and others. The overall rate of child marriage in Bangladesh is about 66%, and in some areas, it is as high as 74%. Child marriage in turn triggers health and financial issues and in the long run feeds the vicious cycle of poverty. Other socio-economic factors, such as broken and unstable families, sexual abuse and exploitation, trafficking, natural calamities causing food crises and displacement and others, cause children to become vulnerable. Social behaviour, such as preferential treatment for boys over girls, makes the girls more susceptible to dejection and feeling of worthlessness leading to vulnerability and psychological degradation. They become morally weak and subservient, blaming their 'lot' rather than trying for upliftment. When they are made to believe that they are inferior, then they grow up to accept discrimination and abuse as the norm. This attitude then permeates down to their children, and the cycle continues through generations.

Which situations do you believe are putting children at greater risk in South Asia? Where do we have to set priorities?

Situations in the home, lack of education, violence, discrimination, exploitation and inability of the state to provide capacity-building opportunities for the families lead to children becoming vulnerable. The lack of awareness of the community about the effect of our behaviour towards children leads to the unending vulnerability of children. The community begins with the immediate family members. Many parents subject their own children to discrimination, physical and sexual abuse, deprivation of education and proper upbringing, all of which have a detrimental effect on the child's development. Many parents are equally unaware of the positive effect of loving and caring behaviour. Children are not treated with affection and dignity in the schools. Corporal punishment is rampant, leading to school dropouts, which in turn leads to children facing a hard life ahead. Often children end up espousing criminal activities leading to a vicious cycle of habitual offending. Priorities must be set at the level of the family and community. If families are sufficiently capacitated to enable the children to achieve educational standards necessary to allow them to uplift the family financially that would engender greater empowerment of the family as a whole and allow extrication from the poverty cycle. Families must have sufficient food security to enable them to send the children to school without having to depend on them to earn their daily bread. Discrimination between male and female children must be eradicated, giving opportunity to the female child for the sake of education and uplifting future generations. An educated mother creates an educated nation. A well-structured juvenile justice system must be in place to assist those who often for reasons beyond their control fall foul of the law. Countries of South Asia would do well to adopt and implement the provisions of the Convention on the Rights of the Child (CRC). Properly organised, supervised and monitored child protection systems would help the children in disadvantaged situations to achieve more and deliver towards the betterment of society and the nation. A nation thrives most when all its citizens are productive. In brief, it can be said that every state needs to look at its laws, policies, rules and regulations, and provision of services in all sectors with a view to enhance social welfare, education, health, security and justice.



THE STATE OF JUSTICE FOR CHILDREN

What would be the general state of justice for children in your country and South Asia in general?

Many countries in the region are embracing the beneficial provisions of the international instruments, which encourage states to enact legislation to implement the provisions of those instruments. But adoption of the instruments is not universal and implementation is sparse. This is where we could all benefit from looking at best practices and improving our knowledge base by localised inter-country symposia for better interaction and cross-fertilisation of ideas. Many innovative ideas are being used in different countries, but overall we are still clinging to the old criminal justice system for our offending youth. We are still far away from dealing with offending children outside the court system. Bangladesh has introduced the concept of diversion, which when activated will result in children being kept out of the judicial system by diverting them from the police stations. This practice has been operating for long in New Zealand where 80% of offending children are diverted from the police station. The ingrained societal attitude of demonising offending children leads to severe punishment where alternative methods of dealing with them, other than custodial sentences, would be more appropriate. There is still the attitude that children who are found guilty of any offence must be taught a good lesson (usually by keeping them locked up for as long a period as possible). We, including the judges, who by and large reflect the middleclass conservative views, do not stop to think why the child has breached the law. We do not look to see the root cause of the criminogenic behaviour. Bangladesh has made positive strides in enacting the Children Act 2013 incorporating provisions of the CRC. However, the difficulty will lie in its implementation. The new law will enhance the system of child protection for the disadvantaged children as well as those who fall foul of the law.

What does it mean for you to bring back justice for children? In which areas is justice being more denied for our children?

We tend to forget that when we ensure justice for children in accordance with the law, we are not giving out charity to the children or granting them any favours. We should remind ourselves that we are merely giving the children their due rights as ordained by the constitution and the laws of the land. So when we impose a lesser sentence for a child than we would for an adult committing the same offence, we do so because the law ordains it. We are motivated by the law itself, which is geared towards providing rehabilitative measures for children so that they may avoid reoffending and can become better citizens for the future benefit of the country. As I see it, justice is denied to children in all spheres, simply because the plight of children is not taken very seriously. Generally, people tend to steer away from children who are in any way challenged. People look upon street children and those who beg with disdain. So often, we hear the rhetoric, 'children are the nation's future' yet we are mean-minded when it comes to allowing some leniency to children who for no fault of their own commit crimes or are found begging. Hostility towards children is most noticeable when it comes to children who come into conflict with the law. This is the area where children are denied justice most often, especially if the crime happens to be serious in nature. Public opinion very quickly turns hostile, and we demand blood! Justice goes out of the window. Sometimes similar knee-jerk reactions are noticed when the crime is not so serious but the occurrence is disturbing, for example the mass rioting and looting by youths in various parts of London in 2011. Singularly such offences would not require any custodial measures, but to give a message of stern action by the court, a large number of youths were given custodial sentences.

How can we ensure justice is provided to children? Are existing laws enough? How to better raise awareness on their existence and ensure its implementation? What do you see as major challenges in the implementation of international standards at the national level?

Undoubtedly, it can be said that the CRC is the 'bible' for child rights. Years of thought and many brilliant minds have worked to formulate the final instrument, which has been signed and ratified by almost all the nations of the world. I strongly feel that every country that cares for its children should enact laws incorporating the provisions of the CRC. Only then can we hope to achieve the optimum results for our children. Certainly, laws by themselves can never guarantee justice. It is the proper and full implementation of the laws which is necessary for ensuring justice for the citizens of any country. It is equally important that the right holders and the rest of the community are aware of the rights. All too often we find that the people at large as well as the stakeholders are either unaware or purposely oblivious of the rights of vulnerable



children. As a result, recently we have had a spate of killing children for very minor indiscretions. Proper implementation of the law goes a long way towards sending a clear message regarding the existence of rights, and that they will be enforced. Unfortunately, when it comes to the rights of children, we find that often, because children are voiceless, their rights are compromised by their parents/guardians. For example, we have noticed in many cases of corporal punishment in schools, where children suffered serious injuries, parents either failed to take action or compromised the cases brought against delinquent teachers. We have noticed that in cases of injuries caused to or even death of domestic workers, criminal prosecutions have been compromised either by giving financial incentives or through threats to the family members. What we need is a population which adheres to the rule of law and generally cares for the wellbeing of others, particularly those who are vulnerable. That may sound Utopian. In practical terms, we should look to develop our laws in line with international standards and engage in coordinated strategies within the region and utilise the benefits of our best practices when dealing with children in conflict with the law and those who are in need of care and protection. The agencies dealing with children, such as police and social welfare officers, must be sensitised to the issues and needs of vulnerable children. Lawyers and judges must be made aware of the intent behind the distinctly different laws in respect of children. Diversionary measures are always better for all concerned and in the long run economically beneficial for the state. The judges must gather all the information necessary about the child to be able to put in place measures which will promote the best interests of the child. The major hurdle, as always will be the negative attitudes that people generally have about children, that is always looking down upon them as inferior beings; reaction of disgust towards under privileged and challenged children; and hostility and wrath towards children in conflict with the law.

According to you which country's justice system can be referred to as good practice? And why?

As far as I am aware, only India, Goa (which has enacted separate state laws) and Bangladesh have enacted specific law in relation to juvenile justice which can be said to reflect provisions of the CRC. Other countries in the region have laws which contain provisions relating to justice for children; however, there is no uniformity in the systems in the different countries. The minimum age for criminal responsibility, for example is not the same across the region. Maldives has a Law on the Protection of the Rights of the Child (Law No. 9/91). But in spite of that the Committee on the rights of the Child observed that large areas of Maldivian law fell short of the Convention. With regard to juvenile justice, in particular, the Committee expressed its utmost concern that children as young as 7 years could be held liable for haddu offences for which the death penalty is possible and recommended that juvenile justice laws and policies be brought into harmony with the Convention. Sri Lanka has the Children and Young Persons Ordinance. Other countries in the region are considering legislation in line with the CRC. The fact remains that still there is no uniformity with regard to the age at which a person will be considered adult and the age below which a child will not be held responsible for his acts. In spite of attempts to conform to the CRC provisions, no country in the region has adopted the concept of dealing with children outside of the court system. India has a special 'Court' comprising a Magistrate and two lay persons. That is better than the usual criminal court. However, it is far from the 'Panel' of three trained lay persons who deal with children under the laws of Scotland. The system of diversion from the police station recently introduced in Bangladesh hopefully will produce beneficial results, if implemented properly. Which system is a good practice is difficult to say. I believe a combination of good practices adapted to suit the individual country is the best solution.

CHILDREN IN BANGLADESH

Bangladesh has enacted the Children Act in 2013, which has been a key development for the protection of children in your country? What have been some of the main improvements since the enactment of the Act? What is the current situation of its implementing rules as well as the implementation in general of the Children Act?

It is almost 3 years since the law was enacted, and we are still grappling with teething problems! Some sections of the law are creating more than headaches for those trying to implement them. The rules are yet to be finalised, which means that some of the newly introduced concepts cannot be put into practice. Nevertheless, steps are being taken to train the relevant actors in the implementation of the provisions of the law. In some pilot districts positive results have been achieved and the future is promising. The government is yet to appoint probation officers at 470 upozilas. Child Affairs Police Desks headed by a child affairs police officer not below the rank of sub-inspector in all police stations are not fully functional. The Children Act has



provision for the establishment of at least one children's court in every district headquarters and metropolitan areas to deal with children in conflict with the law. Such courts have been set up, but their operation is still far from smooth. Dialogues and discussions are taking place to expedite the formulation of the rules and to pave the way for proper implementation of the Act. The Children Act (Section 85) provides care for 'disadvantaged children'. In some other countries such as India, a similar provision has been established for 'children in need of care and protection'. Do you know the reasons behind the establishment of the concept 'disadvantaged children'? Does it ensure specific protection for children falling under such category? I must admit my ignorance as to why the law specifically mentions disadvantaged children. However, it seems that the list in 'Section 89' is not exhaustive, and those children in need of care and protection who are not included in the definition of 'disadvantaged children' will be covered by the law if a Board or the Children Court considers them as such [Section 89(p)]. The target group is therefore ultimately the same, subject only to the classification of a certain group by the Court or the Board. Bringing the children within the definition mentioned in Section 89 automatically brings those children under the umbrella of protection of the Boards. The details of the protection and the means of providing the service will be explained in the rules.

Talking about institutions for disadvantaged children, are there any important developments in the Act to improve conditions provided in institutional care in Bangladesh? How it has been implemented so far? What else is needed to improve care and protection in this regard? Are there any interesting lessons to be learned so far since the enactment of the Children Act?

The three levels of Child Welfare Boards are a new concept in Bangladesh. Their powers are extensive and cover all aspects of childcare and protection, including rehabilitation and reintegration of all disadvantaged children with their families and the community. In addition, they have supervisory power over the child development centres and approved institutions where the children reside. Unfortunately, so far only the National Child Welfare Board has been established by law and is yet to undertake any activity. We are waiting for the Government to take steps to activate the District and Upozila Child Welfare Boards. One important fact has drawn my attention in the recent past when I visited some of the existing residential care homes: the buildings are just constructions with space inside used for sleeping. They have been like that for decades. Each long room housed up to 30 inhabitants, with two shared toilets. I merely suggested making a few windows out to make doorways and to add an extension outside to house two toilet/shower rooms and a few partitions inside. The end result is that large dormitory becomes four separate rooms with attached washroom facilities and fewer occupants to each room which also enables segregation according to age or other categorisation. The process of change is already in motion. I also suggested a few simple and inexpensive sport/past-time facilities for the children. Finally, I suggested provision for education/training of the inhabitants, particularly to provide them with life skills. Hopefully, we shall have homes which will provide a more congenial atmosphere for the children. It is hoped that the Child Welfare Boards in the course of their supervisory role will make the homes a better place for the children.

Are there already any relevant judgements in Bangladesh related to disadvantaged children which might be considered as a step forward in ensuring protection for children?

Cases regarding disadvantaged children seldom go to the courts. It remains to be seen whether the new law generates any litigation.

What are the main developments of the act in relation to 'children in conflict with the law'? Are there improvements in the provisions dealing with institutions established for these specific children? How is the experience so far in relation to those particular institutions?

The Act replaces the Children Act 1974, which was essentially a law relating to 'juvenile justice', meaning justice for children in conflict with the law. Incidentally the law also dealt with victim and witness children, but only so far as it related to their custody. The new law deals with children in need of care and protection in much more detail. However, possibly the most important focus of the Act is in respect of children in conflict with the law. We now have the concepts of diversion, Family Group Conferencing and Alternative Dispute Resolution (ADR) built into the scheme of the law. To achieve the intended goals, specific provisions have been made for setting up Child-appropriate Desks in the police stations with dedicated police officers not below the rank of sub-inspectors to implement the provisions of the law. By far the most important innovation in the law is the concept of diversion which starts at the police station. The law provides that



diversionary measures may also be put in place at any time during the trial process. Although the rules are not yet framed, we have noticed remarkable positive outcomes in the pilot districts where children in conflict with the law are being diverted from the police stations.

Extra emphasis has been placed on the appointment of more Probation Officers who will be engaged in implementing the diversion/ADR and Family Group Conferencing schemes. The number of officers is small, but they are excited about executing their new task of implementing the law. New provisions are in place to provide financial legal assistance by way of legal aid and also legal representation through lawyers to children in conflict with the law. No trial can proceed unless the child is represented by a lawyer in court. A particular Court, the Court of First Additional Sessions Judge, has been authorised by law to act as the Children Court. This should enable quicker disposal.

ALTERNATIVE CARE SYSTEMS

How do you see the functioning of institutions (both government and NGOs) in your country?

A separate chapter in the Act is devoted to the establishment of Child Welfare Boards at national, district and upozila levels. The National Board has the responsibility to monitor, coordinate, review and evaluate the activities of the Child Development Centres and of certified institutes. The law provides for setting up of private development centres with approval of the Government. The Boards have the responsibility to monitor these institutions and to provide guidelines regarding rehabilitation and reintegration into family and social life of disadvantaged children and those children in contact or in conflict with the law and to advise those concerned regarding the development and implementation of plans with a view to realising welfare and development of children. Further to this, the actual achievement is dependent on effective implementation of the Act.

What do you think should be done to ensure that a child should be nurtured in a family setting only?

My view is that a child is always better nurtured within a family surrounding, unless of course the family is for some reason unsuitable. Our new law lays emphasis on action towards rehabilitation and reintegration of children with their family and community. Also when considering placement, preference is given first to parents, then extended family followed by community-based integration, and lastly institutionalisation. To prevent unnecessary institutionalisation of vulnerable children, the Children Act, 2013 introduced the provision to facilitate programmes for reintegration with parents, for providing counselling, financial and other required assistance. A full chapter on alternative care has been introduced in the Children Act, 2013 which reaffirms the principle of the best interests of the child in any decision related to the placement of a child. Family or extended family options are given priority if not detrimental to the child. In the Children Act, 2013, there are provisions to (a) develop family-based alternative care, (b) regulate and supervise the conditions of admission and the living conditions in alternative care facilities, (c) reintegrate children separated from their parents, and (d) protect all children deprived of a family environment. The government can play a vital role in avoiding unnecessary institutionalisation of children. Schemes/programmes can be developed to strengthen the social safety net, creating programmes which will focus on benefiting children and families. Conditional cash hand out to vulnerable families with children can work to prevent child labour and early drop out from school, both of which often lead to children ending up being trafficked, begging in the streets and others, thus needing care and protection facilities. The government should also initiate more programmes on family-based and livelihood support for vulnerable families aiming to build the capacity of the families so that they can ensure a proper upbringing for their children.

What are your views on Kinship care/Foster care?

Asia still has the culture of close-knit family units. The traditional extended family system still survives in spite of economic pressures. These traditional values can be tapped to give familial care to needy children within the extended families, and particularly with grandparents. It is a common phenomenon that caring wings of the able family members are extended for orphans. However, such open-arm welcome is often inhibited by financial constraints. With a little financial incentive kinship care could be provided for large numbers of children. Foster care is yet another alternative which gives a needy child an opportunity to grow up within family surroundings. Of course, this is always better than institutionalisation. There is however, one caveat. Sadly, there lurks danger in the fostering situations where children are exploited and used as free helping hands in and around the house. Often foster children are subjected to physical and sexual abuse. So, very careful monitoring is essential in such situations.



Please share some thoughts on Aftercare facilities?

The scheme for providing care and protection to children should include provisions for dealing with the children after they leave the care of the authorities. In a way, the facilities provided in the homes may spoil the children, as much as they become used to the provisions, and life in the real world becomes alien to them. I have spoken to children who do not want to leave the care homes because they would not get the same facilities in their homes. So, as part of their overall care package, children must be given preparatory learning skills to enable them to reintegrate with mainstream society. Apart from financial assistance for the family, the child may be given training to enable him/her to become self-reliant in the outside world. Of course, follow-up monitoring is necessary by the Probation/Social-welfare officers to ensure that the child is coping and will not become vulnerable again or, in the case of a child in conflict with the law, that s/he will not reoffend. One must keep in mind that the efforts to protect, care for and rehabilitate a child will have been wasted if for lack of follow-up the integrity of the child cannot be sustained.

THE WAY FORWARD

Similar developments such as the Children Act in Bangladesh have also happened in other countries of the region. What is next? How to ensure strong implementing rules are established? Besides implementation, what else needs to be done?

It is important for all of us to see that our efforts are sustained because a few success stories will not mean the end of vulnerability of children. The days ahead will tell us how good/effective our laws are and where there arises the need for rethinking or amendment of laws/rules. New difficulties will arise and new ideas will dawn to solve them. We simply have to keep going.

How to promote collaboration among institutions and organisations in South Asia and learn from good practices that have proven certain success for the specific context of this region?

The answer is simple: have more symposia/seminars/conferences/meetings. Cross-fertilisation of ideas and adaptation of best practices is the best way forward. Since we share similar cultures and also economic standing, we can easily relate.

What has to be improved from the governmental side? What are some of the areas where states have to increase collaboration?

The biggest difficulty that I find is that government officials are transient. Here today, gone tomorrow! As a result, programmes lose momentum. Projects should have dedicated officials who will see the activity to the end and always aim for success. It is only when officials 'own' the programme and work with dedication and feeling that they make the government machinery work. Often we find that there is lack of concerted effort among the stakeholders. There has to be collaboration among all stakeholders to achieve the best results for our children.

How to raise awareness and sensitise people, authorities and society in general about the importance of caring for children, more specifically in the South Asian region?

The best and easiest way to attract attention to any topic is to hold a meeting and have a high level politician as chief guest. When he/she comes, the press follows! We get free publicity for our cause. The nation gets to read or hear all about it in the media. The media is a very important tool for sensitisation and raising awareness of the public at large. It is important to make the community aware of their responsibilities towards their children and to motivate and enable them to look after their children.



Paper Presented by Honorable Justice AFM Abdur Rahman in International Conference¹ on Rule of Law for supporting the 2030 Development Agenda/Sustainable Development Goal

Role and Relevance of Courts/Tribunals and related Institutions In Delivering Environmental Justice

Justice AFM Abdur Rahman
High Court Division, Supreme Court of Bangladesh

**Hon'ble Chairperson... distinguished guests, Ladies and Gentlemen,
Good morning**

At the very outset I would like to express my thanks and gratitude to the authority of Green Tribunal, India, for organizing this International conference on a very important and useful Global issue and inviting the Hon'ble Chief Justice of Bangladesh to this august occasion, whom I am representing here today.

I am also grateful for providing all out support enabling me to participate in this conference.

I am further pleased to be present here with my exposition on the issue with the legal luminaries in this august occasion 'International Conference on Rule of Law for supporting The 2030 Development Agenda/Sustainable Development Goal, which I earnestly hope will not only be treated as contribution to the end result of the conference, but also shall aid me in future to deliver peoples oriented environmental Justice as a senior sitting judge of the Bangladesh Supreme Court.

Today my topics is 'Role and relevance of Courts/Tribunals and related institutions in delivering environmental justice' on the theme of 'Setting the Scene-Dynamics of International Environmental law and Jurisprudence.

In Bangladesh we are conscious about the resolution adopted by the Heads of State and Government and High Representatives, meeting at the United Nations Headquarters in New York from 25-27 September 2015, on new global Sustainable Development Goals to be implemented within the year 2030. The 17 Sustainable Development Goals and 169 targets which the meeting announced, seek to realize the human rights of all in every spheres of life and to achieve gender equality and the empowerment of women and girl Childs. It is believed that these are integrated and indivisible and balance the three dimensions of sustainable development- the economic, social and environmental.

Although the topics I have chosen today with its all dimensions of global implication, nevertheless as a citizen of south East Asian country, I will, for obvious reason, direct the topics to keep itself within the context of Bangladesh, in order to apprise this august conference about the very alarming state of environmental degradation occurring in Bangladesh at the very commencement of the new century. More so Bangladesh is victim of serious international environmental injustice of apprehended threat of sea level rise due to greenhouse gas emission, which may inundate 17.5% of the present land mass of Bangladesh, displacing 11% of its population of 160 million.

In this paper my focus will be on the way and means through which we are in Bangladesh deal with the issue of environment, implementing rule of law in support of the 2030 Development agenda/Sustainable development goal as taken by the United Nations. As such I will espouse the state of affairs as prevailing in Bangladesh in the field of environment and the main reasons of environmental degradation, the desperate act of legislature to maintain the Bio-diversity in order, the role of the apex Judiciary to contain degradation of nature and the continuous attempts of the social movements to activate the judicial activism to deliver environmental Justice. And accordingly I will attempt to highlight the efforts which we may jointly adopt in support of the proposed sustainable development goal, to be achieved in every country of the universe.

We in Bangladesh are conscious that we have only one Earth and the same is required to be protected for our precious life and it must be kept safe for the present and future generation.

In Bangladesh we are highly concerned about and understand the environmental rights as nothing but to allow the human beings to live in decent environment in this unique planet. Currently the Environmental

¹Organizer: National Green Tribunal, India, New Delhi 4-6 March 2016



rights have been universally recognized as third generation human rights, because of the reason that the sole object of living in decent environment is to uphold the right to life. Peoples in Bangladesh, under its written constitution, have the right to enjoy this right to life as fundamental right, irrespective of the people's social and religious status. I am proud to disclose that this issue was continuously revisited by the superior courts in Bangladesh, during the last three decades.

Environmental degradation caused by direct human activities and lack of necessary steps to contain it in time, causes serious damage or injury to human health of a given society, which results in ultimate violation of human rights, not only to that particular society, but the whole civilization at large. Although it is universally recognized by the civilized society that the human life is precious one and the human rights are required to be protected for the protection of mankind, but most of the governmental executives of the countries of the 3rd world, until the recent past, were practically oblivious on the issue of upholding the basic human rights, concerning environment in their country through their municipal law. Of late, due to awareness worldwide as to green house gas emission, threatening of sea level rise, transboundary problems as to share rivers, climate change etc, environmental laws of countries have been recognized as important part of the international relations. Therefore by ratifying and accessing in major international instruments and with the help of international organizations, achieving of environmental justice can be ensured. The sustainable development and the environmental issues are intertwined in such a manner that achieving the goal of sustainable development is not possible without taking initiatives regarding the improvement of environment along with the initiativeness for development. Therefore the policies concerning environmental justice and the development policies should be taken together at a time.

'The Earth Summit' 1992 (United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro from 3 to 14 June 1992, recognized the entitlement of human beings to a healthy and productive life in harmony with nature. The Rio declaration appears to have been embedded in the 2030 goal resolution in more comprehensive manner. It has been observed in different scholarly studies that Right to development and more importantly sustainable development in harmony with the Human rights has been the aim of 2030 resolution. The global community, in its different forums, thereafter, committed to integrate environmental issues into mainstream economic and social policy. When sustainable development efforts suffer due to indiscreet steps of unscrupulous people within the society, the rule of law should come into play and the pronounced Commitments of the Rio declaration in that situation inherently call for legal and judicial activism. Therefore judicial review of any act, degrading the environment, can be sought on the basis of the Rio principles of 'common but differentiated responsibilities'. While the Rio declaration in Principle requires the states to enact effective environmental legislation and standards, nevertheless such lone attempt by the states may not achieve the goal of Rio declaration and in this manner access to judicial and administrative review process becomes relevant to uphold people's rights that such laws would endure.

The Millennium Goal Agenda-2021 adopted by the current government of Bangladesh is directed towards the object for achieving sustainable and harmonious development in the country in the line of Rio declaration, nonetheless the current efforts in the legal and judicial arena of Bangladesh have showed respect to the Rio commitments as well as the Year 2030 resolution keeping in mind that the implementation of year 2030 resolution and Millennium Goal Agenda-2021 of Bangladesh requires protection of fragile Eco-system and resources of Bangladesh.

Right to participation and access to environmental decision making process, impliedly recognized that the higher judiciary of a country can safeguard the earth by making Environmental Justice in appropriate instance. The civil society activism, with a demand to implement law, overcome the shortcomings and to ensure adequate institutional and policy support, is developing vigorously in Bangladesh. Such activism now resulted into support and foster changes in law and institutional attitude and the gradual rise in public awareness. The judicial commitments of the supreme judiciary in Bangladesh to uphold constitutional values has been continuing to develop a proper environmental jurisprudence, with due regard to human rights and dignity. But the global environmental change surfacing factors that remain outside the control of any particular community or state requires activism on the part of the global community. Sea level rise,



affecting the coastal belt of Bangladesh, is one of such phenomenon that has special pertinence to Bangladesh, which is situated at north of Bay of Bengal, being a low-lying delta. The environmental scientist apprehends that one meter rise in the sea level would displace 11% of the population and inundate 17.5% of the total land area of Bangladesh. The transboundary problems with India concerning the water of shared rivers like 'Ganga' and 'Jamuna' is another glaring example of environmental injustice which practically causes Environmental Racism, meaning thereby placing Bangladesh, a 3rd world underdeveloped country, in proximity of environmentally hazardous or degraded environments. In the last decade or so, environmentalists in Bangladesh, the state organs and the citizens groups have rightly identified the depletion of environmental resources, environmental injustice and environmental racism as major causes of poverty in Bangladesh, which has the 8th largest population in the world.

Life and livelihoods in Bangladesh, especially for the poor, depends deeply on nature. Any undue interference with land, River, water, Air and other environmental resources would inevitably impact the lives of the people. The relationship of the people of Bangladesh with nature can be stated from the words of the Secretary General of the United Nations Mr. Kofi Anan;

"The great majority of Bangladeshis live in rural areas, on the frontlines of resources management, natural disaster and environmental awareness. For them the relationship between human beings and the natural world is a daily reality, not an abstract idea. Our biggest challenge in this new century is to take an idea that seems abstract sustainable development and turn it into a daily reality for the entire world's people."

This quote has uniquely reflected the relationship of nature with the day to day life of the general people of Bangladesh, who are currently 160 million in number, living under high quality of Democracy, having independence of judiciary in its truest sense, with free electronic and print media along with stable economics.

The Problems and Causes of Environment issues in Bangladesh

Bangladesh is a country of 165 Million populations; having 143,998 sq km (55,598 sq miles) land mass, situated on the northern coast of the Bay of Bengal and is surrounded almost in all sides by India, with a small common border with Myanmar in the southeast, with the Himalaya near the north boundary. Bangladesh population is equivalent to 2.19% of the total world population ranks number eight in the list of countries by population. The population density in Bangladesh is 1252 per Km² (3,241 people per mi²). 34.2 % of the population is urban (56,856,665 people in 2016). The median age in Bangladesh is 26 years. Bangladesh is gifted with an unparalleled natural panorama. The country is affluent in terms of natural resources and hardworking people. However, it is deficient in terms of sustainable and sound management of these environmental resources. Historically, the law and institutions dealing with natural resources in Bangladesh were "use" oriented; they are geared towards extracting maximum economic benefit. Sometimes, this approach forecloses the interest of future generations. The country is low-lying riverine land, traversed by the many branches and tributaries of the river Ganges, Jamuna, Meghna and Brahmaputra, having hundreds of its branches around the country, making them as the lifeline of the country. Tropical monsoons and frequent floods and cyclones inflict heavy damage in the delta region. The main issues of degradation of environment in Bangladesh lie mainly in;

(1) Vast wetlands filling for the purpose of Industrialization or quick Urbanizations.

Between 2006 and 2013, 44 square km of perennial wetland and 176 square km of flood flow zones and crop land were grabbed in and around the capital by the Housing and Real Estate Developers, even violating the law, though these lands were protected areas under the master plan for the capital. The low lying land is the pathways of removal of rain water from the capital. There were 127 canals inside the capital city Dhaka which disappeared during the last three decades due to grabbing. The earth filling of low lying lands and disappearance of 127 canals is the main reason of water clogging within the city just after monsoon rain every day. In succeeding years, more wetlands and crop lands in and around the capital and in other major cities were swallowed by grabbers.



(2) Contamination of River Water and other water sources by the Industrial pollutant or waste management.

Bangladesh has, inter alia, five major rivers, namely Padma, Meghna, Jamuna, Tista and Brahmaputra along with another sub major river around the capital city Dhaka, Known as Buriganga. Everyday approximately 700 tannery Industries situated within Dhaka city are discharging about 16,000 cubic meters of toxic wastes which are ultimately discharged into rivers. More than 200 branch rivers of Bangladesh directly or indirectly receive this large quantity of untreated industrial wastes and effluent. These leather-processing tannery industries are one of the oldest industries in Bangladesh. These industries mainly located on the banks of the Buriganga, one of the main rivers at the heart of the capital city Dhaka. They process hides into finished leather using acids and chromium, producing roughly 20 million square meters of leather and leather goods each year. None of the industries have effluent management plant and most of their 30,000 workers work in chemical filled environments without the required protective equipment. The leather industry alone pollutes 26 per cent of the total river water of Bangladesh. People living near these tanneries are exposed to higher morbidity and mortality compared to people living two to three kilometers away. The other mostly contributing industries for water pollution in this manner are pulp and paper, pharmaceuticals, metal processing, food processing, fertilizer, pesticides, dyeing and painting, textile industries, etc. In effect, they have turned at least four major rivers into a toxic dump by indiscriminately discharging their waste into it. Contamination of River Water due to spouting of poisonous waste coming from these industrial plants, situated besides the important rivers is an important reason for increasing water toxicity causing severe health hazards This pollution activity is not only confined to the mainstream rivers, but also all other water reservoir situates here and there throughout the entire country. The river Buriganga, once known as Tames river of Dhaka, the capital city, is now transformed into a hub of dumping of pollutant of these industries and also from sewerage, causing complete environmental injustice, eliminating fish and water lives.

(3) Unplanned Urbanizations and hurriedly decided developments.

Bangladesh being a North-South spreaded country with vast majority of rivers situated alongside the North-South direction, any construction of Road in the East-west direction shall cause water clogging. But unplanned and hurriedly decided urbanization in the East-West direction caused flooding every year. The hurriedly decided unplanned urbanization and developments causing not only disappearance of agricultural land and greenery, but also causes repeated month long floods associated with hurricane and tornado almost in every year.

(4) Drying up of rivers due to withdrawal of water from shared river.

Bangladesh is mainly an agricultural country and the cultivation is dependent upon the water of rivers. Unless the rivers supply plenty of waters, the agriculture based economics of the country faces immense consequence. But Bangladesh is fatal victim of environmental injustice due to withdrawal of water disproportionately in the shared rivers. In the scorching summer every year, the river Padma, Jamuna, Tista and Brahmaputra face serious shortage of water, that causes severe draught and consequently negative implication on agriculture at large. Therefore rivers are the life line of Bangladesh. The river network supplies the necessary water to the agricultural fields throughout the country through several branches of the major rivers and thereafter through hundreds and thousands of canals originated from these branch rivers. Due to this withdrawal of water Bangladesh is now victim of environmental injustice which is also another form of environmental racism.

(5) Disappearance of greenery through abolition of public Parks, agricultural lands and forests.

Parks and open spaces are very quickly disappearing around the cities in Bangladesh due to the erection of trading centers, Malls and other commercial complexes and in this manner about 76 parks around the capital city disappeared during the last two decades. Rapid Grabbing of public parks land, in the cities, for erecting trading centers and Changing the nature of the agricultural land for non-agricultural purpose has been the major cause of increasing the barometer level.



(6) Air Pollution through the emission of transport gas.

One of the major sources of air pollution in urban areas of Bangladesh is due to the unburned fuel from two stroke engine vehicles. Bangladesh Atomic Energy Commission in the year 2012 reports that automobiles in Dhaka emit 100 kg lead, 3.5 tons SPM, 1.5 tons SO₂, 14 tons HC and 60 tons CO in every day. Air pollution also occurs due to burning of fossil fuels like coal, petroleum etc. and associated black smoke. Over 99% of the brick kilns use fossil fuel but don't comply with the "Brick Kiln Ordinance" and pollute enormous air. The Air quality degradation through the pollution of hazardous transport emission, so far the cities and important commercial hubs are concerned, is another anxiety of the nation as a whole, since a number of life danger disease is related to such air pollution.

(7) Sea bed rise: Current and future threatening

Sea levels are rising several times faster than in the past 2,800 years and are accelerating because of man-made global warming, according to new studies. Man-made climate change is responsible for fastest rise in sea levels in the past 2,800 years. An international team of scientists dug into two dozen locations across the globe to chart gently rising and falling seas over centuries and millennia. Until the 1880s and the world's industrialization, the fastest rise in sea levels was about 3cm to 4cm a century, plus or minus a bit. During that time the global sea level really did not get much higher or lower than 7.62cm above or below the 2,000-year average. But in the 20th century the world's seas rose 14cm. Since 1993 the rate has soared to 30cm and two different studies, said that by 2100 the world's oceans would rise between 28 and 131cm, depending on how much heat-trapping gas Earth's industries and vehicles expel.

"There's no question that the 20th century is the fastest," said Bob Kopp, Rutgers earth and planetary sciences professor and the lead author of the study that looked back at sea levels over the past three millennia. "It's because of the temperature increase in the 20th century, which has been driven by fossil fuel use."

If seas continue to rise as projected, another 45cm of sea-level rise will cause lots of problems and expense, especially with surge during storms, said study co-author Stefan Rahmstorf, of the Potsdam Institute for Climate Impact Research in Germany. The link to temperature is basic science, the study's authors say. Warm water expands. Cold water contracts. The scientists pointed to specific past eras when temperatures and sea rose and fell together. Both studies project increases of about 57 to 131cm if greenhouse gas pollution continues at the current rate. If countries fulfill the treaty agreed last year in Paris and limit further warming to another two degrees Fahrenheit, the rise in sea levels would be in the 28cm to 56cm range. Bangladesh will be then the worst victim of such sea bed rise, being the country situated besides Bay of Bengal, which will cause serious environmental injustice to Bangladesh as a 3rd world country.

All these environmental degradation acts currently causing and shall continue to cause in future more severely, biological imbalance in the socio-economic life of Bangladesh, mainly in the cosmopolitan capital city Dhaka and other major cities of the country and also partly in the rural life, arising from draught due to shortage of river water during summer. The position of these internationally recognized major environmental issues, though not limited to it only, indicate that the environmental conditions of Bangladesh are deteriorating at an alarming rate, deserving immediate attention of all concern. The prevailing reasons for depletion of the Biological balance in Bangladesh is mainly due to the pressure of excessive population of 160 million, out of which 47.5% are income poor and 76.9% are capability poor, which causes over exploitation of natural resources and also due to the irrational behavior of the neighboring countries regarding the water sharing of the common rivers.

Legislative attention to the issue of Environment

Bangladesh, being seriously concerned with degradation of environment and threatened with sea bed rise, is desperate signatory to almost all international Conventions and Treaties on the Conservation of Environment and promotion of Biodiversity. She has always demonstrated the spirit to fight back hazards and disasters. The society in Bangladesh is continuously responding to the global call for protection of environment. With the adoption of new sets of laws and rules, the legal regime, as it stands today, sounds more progressive and sensitive. It has also updated its national legal framework on Environment in the light of international norms and standards, especially along with the line of Rio declaration. Earlier Bangladesh



has legal provisions against committing offence in respect of environments, especially in the Penal code 1860, which was enacted during the colonial state of the country under the British Raj and adopted as prevailing law after the 1947 independence from Britain. This statute provides (1) Punishment for the offence of committing a public Nuisance, which covers contamination of drinkable water. (2) A negligent act resulting in an infection, which is dangerous to life. (3) Acts of adulteration of food, drinks and drugs. (4) Contamination of water of public spring or reservoir to make it unfit for ordinary use. (5) Poisoning the atmosphere to the detriment of persons living in the neighborhood or passing along a public way. (6) Negligence in the use of poisonous substance, fire and combustible matter, explosive substances and machineries, if it results in danger to human life. But these century old legal provisions became obsolete in the contemporary life and as such in little use against the offenders of environment.

During the post Rio period there have been enactments of particular laws in Bangladesh by the conscious legislature, concerning conservation of environment and fighting climate affects. The major laws on the area are the Environment Conservation Act, 1995 and the Water bodies Act 2010 (Joladhar AAin 2010), the rules made hereunder and the Environment Courts Act, 2010. The dispensation of justice in environmental issues, are mainly performed by the Environmental Courts and Environmental Appellate Court, constituted under the Environmental Courts Act 2010. But these courts are not adequate in view of the number of violation of environmental aspect. In fact, there is currently little dearth of laws, legislations or rules in the areas of conservation of environment and biodiversity and punishing the criminals who violate laws. The real problem lies in the prompt, effective and even handed enforcement of those laws. The violators of environmental laws are powerful people, they have money, muscle and political backing, as such, in many occasions they go scot free. Laws are either not enforced or applied in a manner in compatible to their conservation and sustainability spirit. There is deficiency in the areas of prevention of detrimental acts and enforcement of environmental laws and rules and as such the independent higher judiciary in Bangladesh had to invent innovative means to contain the violation of environmental order by way of judicial activism.

Environmental Justice vis-à-vis Environmental Injustice

The concept of environmental justice may be best understood by referring to Environmental injustice. Environmental injustice occurs whenever some individual or group bears disproportionate environmental risks, like those from the hazardous waste dumps, polluting river water and clean air, filling wetlands and flood flow areas. This could also happen in case of unequal access to environmental goods, like clean water and air, or having less opportunity to participate in environmental decision-making process. Particularly the marginalized sect and Poor people face greater environmental risks, have less access to environmental equality and have less ability to control the environmental insults imposed upon them. Environmental legal activism to contain such environmental injustice refers to the effort of some members of the lawyers' community to ensure sound environmental and ecological order by utilizing the legal mechanism and courts system as a tool. This includes undertaking legal action against originators of environmental pollution. The environmental justice can be achieved through the meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Legal activism for the prevention of environmental injustice is the best way of describing the true meaning of Environmental Justice.

Judicial activism to deliver Environmental Justice in Bangladesh

Judicial activism, as believed in the judicial arena of Bangladesh, as elsewhere in the world, is that the judges assume a role as independent policy makers or independent trustees on behalf of society, which apparently goes beyond their age old traditional role as interpreters of the legal provisions, Constitution and laws. Judicial activism is the view that the Supreme Court and other judges can and should creatively interpret the texts of the Constitution and the laws, in order to serve the judges' own visions regarding the needs of contemporary society. In this line of belief, judicial activism occurs when judges decline to apply the Constitution or laws according to their original public meaning or ignore binding precedent and instead decide cases based on personal preference. A decision that fails to meet this standard does not express policy disagreement with the outcome, but practically it expresses disagreement with the judge's conception of his or her role in the constitutional system.



The concept of judicial activism is the polar opposite of judicial restraint. Critics of judicial activism assert that it subverts the separation of powers principle as defined by Dicey. Judges frequently must interpret what the law actually says, but they are often accused of judicial activism or labeled as “activist” if their interpretation seems to be a rewriting of the law, especially if their rulings strike down or substantially revise laws passed by legislator.

The role of higher judiciary in environmental issues in Bangladesh

Independence of higher judiciary, to its truest meaning, is prevailing in Bangladesh. The constitution in its article 94(4) made the Chief Justice of Bangladesh and his companion Justices in the Supreme Court independent in the exercise of their judicial function. In Bangladesh, justice, judiciary and the rule of law are bound together as an integrated whole according to her written constitution. Similar to other common law countries with written Constitution, neither the legislature nor the judiciary is supreme independently, but under the constitution and the court acts as the final interpreter of law. But the constitution of Bangladesh created check and balance between the two organs of the state, the judiciary and the executive. Under the provision of article 102 of the constitution of Bangladesh the judges of the High court Division of the Bangladesh Supreme Court, may issue the writ of Certiorari, Mandamus, Prohibition and Co-warrento in order to make judicial review, upon an application filed by the person aggrieved by an act of the governmental executives or by the local authorities and public bodies. The higher judiciary can interpret the law to give them a sense of harmony and coherence. Since the judges of the Supreme Court in Bangladesh are not elevated to the bench through electoral method, they are more willing to take decisions adverse to the government, but beneficial in the long run to the people and environment. With the expansion of the meaning of the provision of article 32 of the constitution as to right to life to accommodate environmental protection, an expectation has been created that the highest judiciary in Bangladesh would take more benevolent leadership in deciding environmental cases. In the recent past this expectation came through the noble method known as Public Interest Litigation (PIL), which has already made its way in the environmental issue in Bangladesh.

Public Interest Litigation (PIL): The noble weapon in environmental issue

Public interest litigation (PIL) is currently a popular concept in Bangladesh, which denotes litigation initiated for the protection of public interest at large, either by an individual or by Environmentalist organization. The party initiated the proceeding in this litigation need not be the party aggrieved as traditionally required under the judicial review system as provided in Article 102 of the Bangladesh Constitution. This sort of litigation can also be initiated by the court itself, upon perusing News paper report or at the instance of any member of the public by informal manner, which is more particularly known as Epistolary jurisdiction. The High Court Division of the Supreme Court of Bangladesh, under its writ jurisdiction, in such cases, may rest on judicial activism. This is also an example of legal activism, by which society can claim redress for an act that is not directly safeguarded by the Constitution and where the State has failed to redress it. The environmental issues are as such redressed under such PIL.

Issue of Locus standi: once the serious hurdle in PIL

Until 1994, Bangladesh had no reported judgment on Public Interest Litigation on environmental issue. When aggrieved by the environmental issue, the people had no idea to have redress by way of mass litigation. The Environmental activist organization BELA (Bangladesh Environmental Lawyers Association) in its first attempt brought an environmental issue in the case of Dr. Mohiuddin Farooque v. Bangladesh & Others, for judicial review under article 102 of the constitution, as Public interest litigation, wherein the High Court Division of the Supreme Court of Bangladesh remain strict on the traditional principle of requirement of Locus Standi of the petitioner, along with the long standing unwillingness of the High Court Division as to make any favorable expansion of issue of locus standi. In this case, the legality of an experimental structural project, involving Flood Action Plan of Bangladesh was challenged. The High Court Division rejected the petition of this case on the grounds that the petitioner had no standing. But the Appellate Division of the Bangladesh Supreme Court decided the issues of locus standi in PIL and gave its positive decision, in which Mustafa Kamal, J. observed;



“In so far as it concerns public wrong or public injury or invasion of fundamental rights of an indeterminate number of people, any member of the public, being a citizen, suffering the common injury or common invasion in common with others or any citizen or an indigenous association, as distinguished from a local component of a foreign organization, espousing that particular cause is a person aggrieved and has the right to invoke the jurisdiction under Article 102.”

In *Dr. Mohiuddin Farooque v. Bangladesh and others* (the FAP-20 Case), the relationship between the right to a decent environment and locus standi came out clearly. In the appeal, Dr. Mohiuddin Farooque argued, inter alia, that those whose fundamental rights are being violated need not themselves invoke the jurisdiction under Article 102 (1); others espousing their cause may do so provided the persons aggrieved do not object. He noted, “The appellant is espousing the cause of violation of Fundamental Rights of a large segment of the population in respect of their right to life, property, and vocation”. In the lead judgment, Mustafa Kamal, J., agreed and held ;

“that Article 102 (1) is a mechanism for the enforcement of Fundamental Rights which can be enjoyed by an individual alone insofar as his individual rights are concerned, but which can also be shared by an individual in common with others when the rights pervade and extend to the entire population and territory.”

Having noted this finding, the next important question, is whether the protection of the environment amounts to the protection of a fundamental right. On this, His Lordship noted that the petition is concerned with an environmental issue but that there is no specific fundamental right in the constitution dealing with the environment. However, he skirted the question of whether the fundamental right to life encompasses the right to a decent environment, choosing instead to rely on the averment of the appellant in making the connection between the environment and fundamental rights.

However, in his concurring judgment, B. B. Roy Choudhury, J., did not shy away from making a direct connection between environmental protection and fundamental rights. This has helped the appellant getting locus standi to maintain the writ petition on their behalf. His Lordship noted that the protection and preservation of environment, ecological balance, freedom from pollution of air and water, and sanitation, without which life can hardly be enjoyed, are within the ambit of the constitution of this country.

Recognition of the Right to Decent Environment as right to life

The recognition of the right to a decent environment as a fundamental right by the higher judiciary is viewed by some in Bangladesh as the first important step towards ensuring environmental justice for all. Although there is no specific provision in the Constitution of Bangladesh on the fundamental right to a decent environment, articles 31 and 32 of the Constitution do guarantee the right to life. The activists broadly interpreted this right to life to include the right to a decent environment.

In this regard, a series of writ petitions filed by BELA paved the way to some positive development. The question of the broader meaning of the right to life was raised in the 2nd case of *Dr. Mohiuddin Farooque v. Bangladesh and others* (Radiated Milk Case). In this case, part of several consignments of skimmed milk imported by Respondent No. 6, Danish Condensed Milk Bangladesh Limited, was found, after several tests, to contain radiation levels above the minimum approved level of 95 Bq per kilogram. The petitioner contended that the officers in question had violated Articles 31 (right to the protection of the law) and 32 (right to life and personal liberty) of the Constitution in not compelling the importer to send back the tainted milk. Kazi Ebadul Hoque, J., agreed with the petitioner and thus agreed to the extended meaning of the right to life. Thus, the right to life was construed as including a right to a decent environment.

In another writ petition filed by BELA to stop pollution from some ultra hazardous industries, A.B.M. Khairul Hoque J. shared the same view. He mentions that life means a “qualitative life among others, free from environmental hazards.” In this case, BELA brought the action as a “person aggrieved” under Article 102 of the Constitution, with the right to life as the fundamental right that has been breached. It maintained that although the Government by its own survey identified factories and industrial units that created ecological imbalance due to discharge of various industrial wastes into the air and water bodies, it has failed to implement the decision taken in the light of the survey. This violated the Government’s statutory



duties. The court agreed.

In another case, filed in connection with the failure of the government to seal tube-wells that were contaminated with arsenic, the Appellate Division of the Supreme Court recognized the connection between environmental pollution and the violation of the right to life, as well as the need to improve the natural and man-made environment with a view to protecting this right. In this case, Md Tafazzul Islam, J., citing the decision of the Indian Supreme Court in the *Virender Gaur v. State of Haryana*, observed that;

“Hygienic environment is an integral facet of right to healthy life, and it will be impossible to live with human dignity without a humane and healthy environmental protection. Therefore, it has now become a matter of grave concern for human existence. Promoting environment protection implies maintenance of environment as a whole comprising the man-made and natural environment. Therefore, there is a constitutional imperative of the State government and the municipalities not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect, and improve both the man-made and the natural environment.”

In the case of *Bangladesh Poribesh Andolon and another v Bangladesh and others*, Imman Ali, J., observed that the; “Right to have open space, parks, water bodies, etc. are rights accruing to Nature and the Environment, which it is the bounden duty of the State to preserve for the sake of future generations.”

In the case of *BELA v. Bangladesh (Modumoti Model Town Case)* the petitioner challenged the legality of a land development project that interfered with natural drainage by making changes to the flood flow/sub-flood flow zones near Dhaka City contrary to the Dhaka Metropolitan Master Plan. However, AFM Abdur Rahman J; held that the developer Metro Makers illegally filled the flood flow zone wetlands for establishing housing complex ‘Modhumoti Model town’ and as such the project is illegal, but the interest of the third party purchasers of plots of land in the said Modumoti Model Town should be protected as they are bona fide purchasers for value without notice. The said decision was upheld by the appellate division with slight modification. In the short run, this was not the complete positive outcome that BELA hoped for.

Beginning with the radiated milk case, legal activism has facilitated the recognition of the human right to a decent environment in Bangladesh. The Supreme Court interpreted the fundamental right to life liberally to include the right to a decent environment by accepting the views of activist lawyers. While the reading of the right to life to include decent environment is hardly a noble construction, having been used in India before now, for example, it is not an incontrovertible approach. Nonetheless, it may be considered vital to environmental protection in a jurisdiction like Bangladesh.

The Role of the Environmental activists

On overwhelming success on the issue of Locus Standi in PIL and on the issue of right to decent environment as right to life, the environmentalist organizations, apart from BELA, namely BLAST (Bangladesh Legal Aid and Services Trust), ASK (AAin o Salish Kendra), Human Rights And Peace For Bangladesh, headed by the learned Advocate Mr. Monzil Morshed and numerous other enthusiastic lawyers like Mr. Younus Ali Akand and others have undertaken a large number of cases that have contributed to the development of PIL in the environmental issue in Bangladesh, amongst these, the relief sought against wetland filling in the infamous Modumoti Housing case, River water pollution, caused by toxic discharge made by the Leather Tanneries Industries are prominent. This issues had arisen mainly because the governmental agencies connected therewith are inefficient, biased, corrupt or do not have adequate strategies to tackle environmental degradation.

The drawbacks of the environmental activist

In Bangladesh, the human rights to a decent environment has been established by few more cases as fundamental right, where the concept of right to life was expanded through judicial activism. The judicial activism that made this possible is a direct outcome of the activism of the environmental lawyers. In most of the cases, it is those lawyers that initiated the arguments, which the courts took up in reaching the



favorable decisions. The path of these environmental lawyers had not been the path of Bed of roses; rather hurdle, hardship and insecurity to life traced these lawyers in their persuasion of the cause. A recent study has surfaced the hard reality that the successes of this activism via environmental PIL still have significant problems beyond the limitations of PIL. The study says;

“Government efforts to control environmental legal activist organizations under NGO regulations comprise another obstacle for this activism. This hinders the entrance of other organizations into the legal activism arena. Additionally, ongoing limitations in resources are continually a major bottleneck, even for well established organizations. For instance, these organizations are in extreme shortage of legal and scientific literature on the environment. Research and publication from the social movement organizations are insufficient. Moreover, there is a dearth of supporting quality research from academia. These factors have compelled the environmental lawyers to carry out research by themselves. Nevertheless, it is very difficult for the lawyers to conduct extensive research in light of time constraints and limited funds. To compound matters, each time the environmental lawyers refer to in-house research in arguments, their positions carries less weight before the court, because the researcher himself is a party to the dispute. Sometimes, environmental organizations appear helpless in their fight against wealthy and influential parties, since litigation in Law courts involves great amount of resources. Threats of death and other forms of harm are common against human rights defenders or environmental activists of developing countries and Bangladesh is no exception. Moreover, the social change motion set by the judicial activism in this country, in most cases, is less than participatory, which has led to unrealistic solutions. There are some limitations of this activism, with respect to access, effectiveness, and sustainability. These shortcomings need to be explored and addressed if the true promise of this activism is to be unleashed.”

The Environmental Social Movement in Bangladesh

The campaigns for environmental protection in Bangladesh are sufficiently interlinked and sustained to meet most characterizations of social movement. The strong participants in these campaigns include, but are not limited to, the Bangladesh Centre for Advanced Studies (BCAS), the Bangladesh Poribesh Andolon (BAPA), and BELA (Bangladesh Environmental Lawyers Association).

Since 1986, BCAS has been involved in research and publication on environmental issues. It seeks to address sustainable development through (a) environment-development integration, (b) good governance and people’s participation, (c) poverty alleviation and sustainable livelihoods, and (d) economic growth and public-private partnership. It has produced a number of publications that have influenced national environmental policymaking. BCAS’s contribution to environmental conservation is recognized within and outside Bangladesh.

BAPA seeks to build a nationwide civic movement aimed at stopping and reversing environmental degradation in Bangladesh. It favors social mobilization, policy advocacy, and conservation, and has organized conferences, adopted resolutions, and been involved in awareness campaigns through its publications, protests, and other activities. BAPA’s contribution to the environmental movement is also acclaimed by a number of authors.

As far the environmental legal activism in Bangladesh is concerned, the most prominent of these organizations is BELA. The majority of environmental protection achieved through legal activism is related to the activities of BELA. Additionally, BELA provides legal assistance to several other environmental organizations in filing writ petitions, some cases filed under the name of BELA were made on behalf of other environmental civil society organizations. Since BELA is the only environmental civil society organization in Bangladesh that has environmental legal advocacy as its reason for existence, it is not surprising that it has filed and won many more environmental cases than any of the others has.

It is the claims for a better environment, which brings these organizations together, that, constitute the social movement. Nevertheless, BELA and others engaged in litigation represent an important component of the campaigns. BLAST, ASK, and BELA have worked together to file number of PILs for environmental protection. For example, both BELA and BLAST moved separate writ petitions for prevention of Vehicular Pollution in Dhaka City. Nevertheless, the road to the litigation championed by these organizations has been rife with obstacles.



Progressive Development of Environmental Jurisprudence in Bangladesh

A survey of decided cases in Bangladesh on environmental issue reveals the gradual development of the environmental jurisprudence of Bangladesh during the last three decades, including, in particular, the recognition of emerging international environmental laws and norms in the domestic arena. The international environmental law norms, which the social activists have sought to implement in Bangladesh, includes (1) Intergenerational Equity, (2) the 'Polluter Pays Principle', and the (3) Precautionary or prohibitory Principle. These they sought to highlight through PIL as well as legislative advocacy. The Bangladesh Supreme Court although earlier had the different view in deciding environmental cases upon these principle, but that attitude now a days has been changed due to the repeated environmental litigation brought by the environmentalist organizations. These cases equally heralded a new direction for environmental jurisprudence in Bangladesh.

How these international norms are now a days being applied, will be revealed from few recently decided cases. A group of environmental activists challenged the legality of construction of residences for the Speaker and Deputy Speaker within the Bangladesh National Assembly Area through alteration of the original plan of the whole Complex. This Assembly building is regarded as one of the best monuments of International Architectural Modernism. The complex along with the Building is recognized as a masterpiece: the work of a globally renowned architect, Louis Isadora Kahn. The court upon following the 'Precautionary principle' prohibited any kind of change in the original plan of the complex. It directed the government to consider declaring the complex a National Heritage Site and to apply to UNESCO to declare it a World Heritage Site in order to protect it from further defacement. This judgment results in the application of the terms of the World Cultural and Natural Heritage Convention in Bangladesh and perhaps paved the way for its implementation in Bangladesh.

The Supreme Court also indirectly recognized the "Prohibitory Principle" when it recognized the rights of potential consumers in the Radiated Milk Case. Additionally, in one of the more recent cases filed by BELA, the Supreme Court directed government authorities to make necessary rules and regulations so that no hazardous ships can enter the territorial waters of Bangladesh for breaking purposes. It reasoned that the breaking of ships with hazardous substances may cause significant harm to the coastal and marine environment of the country. This, indeed, is a tacit precautionary approach to environmental protection.

Furthermore, in one of the writ petition cases now pending for further hearing in the High Court Division, government authorities were directed to undertake investigation to identify and measure the areas within a pristine island' Sonadia', where shrimp cultivation upon clearing natural rainforest is taking place or has taken place. The court ordered the government to list those mighty persons who are involved in such environmental degradation activity and to assess in monetary terms the loss of forest resources for such natural forest destroying and accordingly to submit a report to the court to enable it to impose fine. In this case the court apparently as such applied the 'polluter pays' principle.

In yet another Writ Petition, also related to commercial shrimp cultivation, the High Court Division issued a Rule Nisi, calling upon the respondents to show cause as to why they should not be directed to compensate the affected people for the loss suffered by them due to the flow of saline water over their lands. The activists also hope that the Supreme Court would consider these pending cases from a different viewpoint by positively responding to their arguments and, thereby, play an instrumental role in implementing emerging international environmental law norms in Bangladesh.

Implementation of the outcome of the delivered Environmental Justice in Bangladesh

Legal activists in some instances were successful in not only eliciting favorable court decisions, but also in securing positive responses from the government in the implementation of the judicial decisions. A good example is the Dhaka City Vehicular Pollution Case. Many vehicles in Dhaka city used leaded petroleum and contributed to the emission of lead-laced gases. To save the city dwellers from air pollution, BELA filed a writ petition for necessary direction to control vehicular air pollution in Dhaka City. In that case, the Supreme Court directed the government to, inter alia; phase out all existing two stroke three-wheeler vehicles, which were the most polluting vehicles, from Dhaka City by December, 2002. Although this was



a difficult task, nevertheless the government implemented the court direction. The government gave the three-wheeler owners many incentives and options and pushed them to the wall to accept these. For the most part, drivers were rehabilitated in some way or the other.

Another example may be cited in respect of implementation of protection of river embankments. Pursuant to success in obtaining order from the High Court Division in the writ case, initiated by BELA, the government ascertained the boundary of 'River Balu and Turag' around Dhaka city and put concrete pillars to safe guard the same from further encroachment. Later the Government evicted the encroachers from the embankments of 'River Sithalakhya' and built pavement along the embankments and planted tree beside it. In implementing the courts order, the government had to fight the mighty political figures and the local hoodlums who had come out with their all out efforts to frustrate the governmental efforts.

However, this successful implementation outcome has not been replicated across the board. In many other cases, the decisions have not been properly implemented. Some of the projects that were successfully challenged by the activists were ultimately executed by the government.

Conclusion

The role of the higher judiciary in delivering environmental justice in Bangladesh has entered into its fourth decade. This higher judiciary has taken note of the 17 Sustainable Development Goals and 169 targets which the Heads of State, Government and High Representatives adopted in the meeting held at the United Nations Headquarters in New York from 25-27 September 2015 and accordingly prepared to establish Rule of Law for supporting the 2030 Development Agenda/Sustainable Development Goal. Therefore the honorable Chief Justice of Bangladesh hopes that the outcome of this conference shall help the Bangladesh judiciary in achieving the goal in Bangladesh as well.

Thanking you all. Good Day.



Madam Justice Nazmun Ara Sultana, Honorable Judge, Appellate Division of the Supreme Court of Bangladesh, along with other Judges of different countries took part in a "Regional Preparatory Workshop for the Launch of a Global Judicial Integrity Network" held in Thailand on 15th -16th November, 2016.



Strategies for bringing reforms in Bangladesh judiciary in the light of Singapore experience

Justice Obaidul Hassan
High Court Division
Supreme Court of Bangladesh

Being nominated by the Honourable Chief Justice of Bangladesh I had an august opportunity to attend the conference titled '**Judicial Governance Programme**' held in Singapore during 27-31 July, 2015 from which I have experienced how the judiciary of Singapore functions and how the experience achieved can be practiced and developed even in our judiciary.

The phrase '**judicial governance**', as I perceived, is a notion that includes efficient and timely resolution of disputes which needs some techniques and strategies associated by information technology. Digitized court and case management system has made the litigants able of being aware of phases and results of a case. Singapore judiciary, now, has adopted the highest use of information technology in bringing radical reforms, accountability and transparency. Now, the experience I achieved by attending the said conference, for obvious reasons, prompts me disseminating the ideas and systems adopted in Singapore judiciary, in brief, aiming to make space of thinking in light of it which may ably bring changes in our own judiciary.

I. What is Governance?

ne philosophy, principle and system of government, according to the World Bank "good governance is epitomized by predictable open and enlightened policy making, a bureaucracy imbued with a professional ethos acting in furtherance of the public goods, the rule of law, transparent process and a strong civil society participating in public affairs." In Singapore they have west minister type democracy; the country has 3 organs like ours Judiciary, parliament and executive. The executive is under the control of Prime Minister. The State has 3 other organs which are also play very important role in the society — they are the Attorney General's chamber, Auditor General Offer and Public Service Commission.

The judiciary of Singapore consists of Supreme Court, State Courts and Specialized Court headed by the Chief Justice. The Chief Justice, Justices, Judicial Commissioner and other judges are appointed by the President like ours.

II. Judiciary of Singapore

Singapore is a country which was founded in 1819 and they adopted the English law system since 1826 and they got independence in the year 1965. It's a very small State in the East Asia having 716 square kilometers of area. Its total population is about 5.5 million, it's a multiethnic country. Out of total population 76% are Chinese, 15% are Malay, 7% Indians and 1% others. Singapore has no any kind of natural resources. The countries national economy is open. Singapore is a west ministers type democracy having 3(three) branches namely, **Executive, Legislative and Judiciary**. They have written Constitution, Statute and subsidiary legislation.

Singapore has 5(five) professional legal bodies, those are Singapore Academic of Law, Law Society of Singapore, Singapore Institute of Legal Education, National University of Singapore, School of Law in Singapore Management University. The Judiciary has three tires— those are Supreme Court, State Courts and Family Justice Court. The Supreme Court is formed of the Court of Appeal and the High Court. The Court of Appeal is the final appellate Court in Singapore. It hears appeal against the decision of High Court Judges on both Civil and Criminal matters.

The High Court hears both Civil and Criminal cases at the Court of first instance. It also hears Civil and Criminal appeals from the District Courts and Magistrate Courts and the civil appeal from certain Tribunals as prescribed by law. In addition, the High Court has general supervisory and revisional jurisdiction over all subordinate Courts in any Civil and Criminal matters which are similar to the system of our own. The



State Courts consists of District Courts and Magistrate Courts.

In the High Court, it has a **Family Division**. This Division hears the appeal preferred from the judgment pronounced by the Family Court and Youth Court. The Family Courts are similar to our Courts which deal with the family disputes in our subordinate judiciary and the Youth Court is similar to our Juvenile Court. In short Family Court and Youth Court both jointly called Family Justice Court.

III. Judicial Commissioner of the Supreme Court

The Honourable Chief Justice is the head of the judiciary of Singapore. The presiding Judge of the State Court has overall responsibility for the administration of the State Courts. He is the Judicial Commissioner of the Supreme Court. The position of the Judicial Commissioner is equivalent to High Court Judges having a fixed tenure of 2 to 3 years. Usually, they are recruited from the Bar by the Chief Justice who has sufficient legal acumen. After expiry of their tenure they can go back to the Bar or if Government wishes in consultation with the Chief Justice may appoint them as a full fledged High Court Judge.

IV. Case Load and how managed: Singapore

In Singapore judiciary, there are average case load is 3,10,000 cases per year and they by the end of the year can dispose of the total number of cases with the manpower of 70 judges with the help of 320 Court Administrators (Deputy Registrar, Assistant Registrar of our countries). Most of the cases are being filed under the criminal jurisdiction; civil cases are lesser in number. They have Small Claims Tribunal also; it deals with the small and petty matters. The District Court has got maximum power to give 10(ten) years imprisonment with a fine of 30,000 dollar. In Singapore, they have also canning system not exceeding 12 strokes. The Magistrate can award a punishment of canning not exceeding 6 strokes. The Magistrates' power to award imprisonment is not exceeding 3 years and also they can impose fine of 10,000 dollar. Their magistracy also deals with the civil matters. The Small Claims Tribunal (SCT) deals with the claims of contractual claims (selling and purchase goods of services), damage to properties (excluding damage to vehicle caused by accident) any contract for lease of property not exceeding 2 years.

Singapore now rethinks about reengineering of the traditional Courts. The Singapore thinks modern, effective and efficient judicial system is a critical factor for economic growth development and competencies of the nation. Since their thinking they have reengineered the traditional Courts by introducing new thought they have saved time, reduced cost and for this reason they give importance upon the **people's expectation**. The people always look towards judiciary to deliver **quality justice**. Since the resources of Singapore are very limited they are thinking how they can optimize their resources to deliver quality justice. It is to be noted that **people's expectation of quality and expeditious justice** are the great concern of Bangladesh judiciary as well.

V. Effective and accessible system of justice

Today the Singapore is thinking to do quality adjudication and comprehensive services to the litigant people to ensure an effective and accessible system of justice. They are also thinking for sustainable alternative also. By bringing this development they have achieved confidence of the people. A public perception survey, 2013 reveals that 97% of the respondents of the cases filed had confidence in fair administration of justice in Singapore. 98% of the respondents agree that their administration of justice is fairly done to all regardless of whether actions were by or against individual, companies or the government, 98% of the litigants agreed that their Courts administrative justice was fairly done to all regardless language, religion, race of social class.

VI. Family Justice System

Singapore significantly emphasizes on the context of family disputes. They take a special care regarding the complex fact, and emotion of the parties. They deal with the relationship of the parties in a very decent and convincing way. Family courts system, in Singapore, thus has been restructured aiming to empower the families to resolve dispute from a holistic point of view focusing in the future acrimony. The judges of Family Court work with mediator, counselor, Lawyer and parties to arrive at a fair sustainable resolution.

VII. Alternative Dispute Resolution [ADR]

The Singapore judiciary has successfully introduced the system of Alternative Dispute Resolution (ADR). They say ADR makes alternative, appropriate and amicable dispute resolution. Introducing ADR they have reduced more than 60% of their case loads. Their vision is to help Court users to resolve their differences and problems solve in a non-confrontational sitting without resorting to trial. They also believe in the values of Court ADR. The essence of values rests on respect, impartiality, and problem-solving and empowerment attitude. Now-days, the ADR is being practiced in State Courts in Singapore.

Initially judges used to lead the ADR in the Court. Now a days, mixture of Judges and persons who are trained mediators and trained volunteers capably handle the matter. Their ADR process is cost free (accept for high value civil claims) generally the volunteers and judges encourage parties to use it. It is fully integrated with the Court process for resolving the civil dispute through ADR. The Singapore people use the State Courts center for dispute resolution and Small Claims Tribunal. For minor criminal offences they use State Courts center for dispute resolution and community mediation center.

For family disputes they have family resolution chambers, child focus resolution center and maintenance mediation chambers. From a statistics it appears that by adopting ADR 5529 cases were settled within 12 months by 6(six) sitting judges. In this way they saved 2765 trial days.

Before 1990 in the Singapore State Courts (District Court) had many inactive cases as they had to wait quite a longtime for getting trial dates, they had huge backlog. To bring reform in their judiciary they emphasized on the **higher level of education and public awareness, technological advancement and widespread availability of social media**. They identified some areas so that the system of the judiciary can be improved. The people's trust on the judiciary must be improved. The areas require to be addressed are lack of access to justice (can even be vehicle access), backlog of cases, judges and lack of motivation of Court's staffs, and bad service, coercive tactics to compel people to settle or withdraw claims.

For creating a climate to bring change, the Singapore government and its judiciary thought that:

- I. It is important to generate feeling of urgency as a first step towards driving change.
- II. The leader must set a tone and lead the change to be brought. He must feel the temperature and then keep his finger on the thermostat.
- III. Change management also means knowing when to apply more 'heat' or 'cool off'.
- IV. Harness each team member's strengths and abilities. Unite them in their diversity through a share purpose to create atmosphere of 'team work'.

VIII. Electronic filing system

The Singapore judiciary has already introduced electronic filing system. In the Electronic Filing System (EFS), the litigants file any petition through online giving particulars of other parties and their e-mail numbers or cell phone numbers. It goes to the office of the Registrar and from there the office of the Registry sends the plaint or petition to the addresses of the respondents as supplied by the petitioner through online. If the respondent wishes to contest he gives its reply through online. Before that the petitioner and respondent both engage their lawyers and the above mentioned jobs are usually done by their respective lawyers or law firms.

If both sides submit the respective petition and reply, then the office of the Registry after going through the materials usually ask them to supply all the relevant documents within a certain date. Thereafter, the office of the Registry asks the parties how much time they need to present their respective cases. According to their wish the time is fixed. Thereafter, both the parties are notified by the Registry office fixing a particular date and on that date lawyers come to the Court and make their submissions within the time frame as it was fixed earlier. After hearing both sides within a very short period of time judges deliver judgment which goes to the parties through online.

IX. Integrated Case Management System

The judicial reforms in Singapore, as I have experienced, have ranged from developing comprehensive



filing and case management systems like the **Integrated Electronic Litigation System** and the **Integrated Criminal Case Filing and Management System** a comprehensive multi-agency effort to enable criminal proceedings within the Subordinate Courts to be conducted in an electronic environment, aiming to enhance the administration of criminal justice.

In **CCMS [Criminal Case Management System]** parties are encouraged to conduct case conferencing through CCMS. In this system prosecutors disclose certain evidence to defence counsel so that the latter can better advise their clients. The system lessens time and cost.

In Singapore judicial governance includes **court performance measurement & monitoring system** which is aimed to monitor and analyze the performance data on a regular and continuous basis for the purposes of improvements in achieving efficiency, effectiveness, transparency and accountability of the judicial functions.

X. Strategies may be adopted in our country

In Bangladesh, ensuring quality justice is also the utmost desire of the people at large. It is not impractical to ensure quality justice for the litigant people, if the judges of the sub-ordinate judiciary and the higher judiciary, in discharging judicial duties, bear in mind that we are in the chair of judges to serve the litigant people before us. For this reason we are to change our mindset, we shall have to devote ourselves in utilizing each and every working moment of Court time only and only for judicial works. And our sincere devotion in this regard can ably play a crucial role in reducing backlog of huge number of cases.

From the experience of Singapore if our judges of the lower judiciary is given adequate training to introduce ADR system in our country and if the lower judiciary judges are given power to handle the small matters either in civil or criminal jurisdiction through ADR it would be very effective in reducing the backlog of cases of our judiciary.

The Courts do not possess a magic wand by which they can wave to wipe out the huge pendency of cases, true. But at the same time we must understand that the very existence of an orderly society significantly depends upon a sound and efficient functioning of criminal justice system.

It is high time to formulate specific plan and strategy to bring the backlog of cases, within a reasonable timeframe on rational analysis of the factors responsible for accumulation of arrears. ***A cell in the Supreme Court may be formed for the purpose of constant and effective vigilance over the functioning and performance of sub-ordinate judiciary.***

If the cell formed functions smartly and properly, this mechanism can be a useful tool in the hands of the High Court Division of the Supreme Court, to keep a check on Judicial Officers, and also for regular assessment of their performance and efficiency. The judges of the subordinate judiciary may be sufficiently oriented/ trained to build up their capacity so that they can play proper role in reducing the huge backlog of cases, through case management techniques.

In Bangladesh, an Integrated Justice System Mechanism may be set up to integrate the activities of the legal and judicial sector and its objective will be to re-engineer the processes using technology to ensure effective integration of the component parts of the justice system. There must be some ability to monitor the performance of the system and its many components.

In our country, maintenance of court diary and cause list, progress of cases and document management, priority fixing considering age of cases, evidence recording and decision giving, monitoring of various sections' work of courts -all these may be well managed through digitalization system.

Singapore believes that technology alone does not improve the system. Visionary leadership and wisdom is needed to be designed in implementing information technology. It is people, assisted by technology, can make the justice system effective and thus the people associated with the system must be adequately trained, motivated and oriented. In our country as well, in introducing technology to bring reforms in functioning judiciary this matter must be kept in mind. We must also be careful not to blindly substitute technology or become slaves of technology

Conclusion

In light of experience I have achieved by attending the conference in Singapore is that time has come to address three key questions, for bringing reform in our judiciary. These are

- What changes have been implemented in our judiciary in recent times?
- How do we motivate both the judicial officers and court administrators or officials to effect the changes?
- What more changes have to be brought and how?

It must be borne in mind that disposing of cases expeditiously and efficiently are the essential components of the notion of ensuring justice. **Judge Roderick Joyce QC** and **Dir Berry Bondage** speak of justice in the following terms,

Many assumptions underlie the ideal of perfect justice in practice. Those assumptions nm something like this: conflicting parties take their dispute to a well-resourced, efficient and capable court system which efficiently and reliably resolves continuous issues of fact and law by application of pertinent legal principles to facts found in the light of relevant and well tested evidence. A safety loop is provided in the form of one or more appeal opportunities, which may also serve to elucidate the law itself. The end result is what, somewhat nebulously, we term 'Justice'.

/Judge, Roderick Joyce QC, and Dr. Berry Bondage, 'The Case for Enhanced Case Management and Greater Judicial Clarity' (Paper presented at the New Zealand Bar Association Annual Conference, New Zealand, 2010) also available at <http://www.wriibd.com/doc/36566675rrhe-Case-forEnhanced-Case-Management-and-Gmater-Judiciai-Clarity>>]

The judges must feel encouraged about optimal utilization of court time for performing core judicial functions for effective dispute resolution is to be ensured, rather than spending it on peripheral issues. It includes court and case management system. Finally, I emphasize and encourage on providing opportunity to the judges both from the Apex Court and the subordinate judiciary of being oriented by learning experience from the judiciary of other developed countries. For this, the government and the Supreme Court must come forward to formulate work plan intending to enhance capacity building of the judges of Apex Court, judicial officer of subordinate judiciary as well as the other officers of the court. The experience to be gathered through this scheme must play an effective role in bringing reforms and changes in our judiciary.



I Row L to R : Justice Pema Wangchuk, Justice Binod Prasad Sharma, Justice R.M.P.S.K.Ratnayake, Justice Ratna Bahadur Bagchand, Justice Salma Masud Chowdhury, Justice Madan B.Lokur, Justice Hemant Gupta, Mr. Muhammed Ayub Khan, Justice M.Sharif Fani, Justice Abdul Tawab Mukhlis, Justice Mohd. Sharif.

II Row L to R : Mr. Kamran Basharat Mufti, U.G.W.K.W.Jinadasa, Justice T.G.S.A.Perera, Justice Hari Kumar Pokharel, Mr. Kinley Dorji, Justice Satyamohan Joshi Tharu, Justice Vishnu Dev Poudel, Justice Hazratgul Hesami, Justice Sakandar Haidary, Justice Abhay S.Oka, Justice Satish Chandra Sharma, Justice D.N.Patel.

III Row L to R : Justice Md Shohorwardi, Justice R.R.A.R.H.C.Jayawardhana, Justice A.M.H.S.P.Sethunga, Justice Farid Ahmed, Mr. Kinley Namgay, Justice Moyeemul Islam Chowdhury, Justice Ram Mohan Reddy, Justice J.B.M. Hassan, and Prog. Coordinators Mr. Prasidh Raj Singh, Mr. Sanmit Seth & Mr. Milind Gawai.



Extracts from some epoch making Judgments by the Honorable Chief Justice of Bangladesh Mr. Justice Surendra Kumar Sinha

1. BLAST & Others Vs. Bangladesh & Others, 1 SCOB (AD) 1:

We would like to point out here that whenever the High Court Division grants certificate it ought to have formulated the points on which the certificate is granted containing inter alia that the case involves a question of law as to the interpretation of the Constitution or that the question is a substantial one.

...(Para 3)

Abolition of Death Penalty is not possible:

Our social conditions, social and cultural values are completely different from those of western countries. Our criminal law and jurisprudence have developed highlighting the social conditions and cultural values. The European Union has abolished death penalty in the context of their social conditions and values, but we cannot totally abolish a sentence of death in our country because the killing of women for dowry, abduction of women for prostitution, the abduction of children for trafficking are so rampant which are totally foreign to those developed countries.

...(Para 5)

Rule of law is the basic rule of governance of any civilized society. The scheme of our Constitution is based upon the concept of rule of law. To achieve the rule of law the Constitution has assigned an onerous task upon the judiciary and it is through the courts, the rule of law unfolds its contents. One of the important concept of the rule of law is legal certainty. Judicial review of administrative action is an essential part of rule of law and so is the independence of judiciary.

...(Para 10)

Only provision in which the court cannot exercise the discretionary power in awarding the sentence is section 303, which provides that "whoever, being under sentence of imprisonment for life commits murder shall be punished with death". I find no rational justification for making a distinction in the matter of punishment between two classes of offenders, one is, under the sentence of life imprisonment, who commits murder whilst another, not under the sentence of life imprisonment.

...(Para 15)

In sub-section (3) of section 6 of the Ain of 1995, if similar offence is committed by more than one person all of them will be sentenced to death. Suppose 5 persons are involved in the commission of the crime of them two directly participated in the commission of rape and other three persons abetted the offence. If these three persons are sentenced to death with other two, it will be contrary to norms and the sentencing principles being followed over a century.

... (Para 46)

A law which is not consistent with notions of fairness and provides an irreversible penalty of death is repugnant to the concepts of human rights and values, and safety and security.

... (Para 46)

A provision of law which deprives the court to use of its beneficent discretion in a matter of life and death, without regard to the circumstances in which the offence was committed and, therefore without regard to the gravity of the offence cannot but be regarded as harsh, unfair and oppressive. The legislature cannot make relevant circumstances irrelevant, deprive the court of its legitimate jurisdiction to exercise its discretion not to impose death sentence in appropriate cases. Determination of appropriate measures of punishment is judicial and not executive functions. The court will enunciate the relevant facts to be considered and weight to be given to them having regard to the situation of the case. Therefore we have no hesitation in holding the view that these provisions are against the fundamental tenets of our Constitution, and therefore, ultra vires the Constitution and accordingly they are declared void.

...(Para 50)



In section 11(Ka) of the Ain of 2000, it is provided that if death is caused by husband or husband's, parents, guardians, relations or other persons to a woman for dowry, only one sentence of death has been provided leaving no discretionary power for the tribunal to award a lesser sentence on extraneous consideration. This provision is to the same extent ultra vires the Constitution.

...(Para 51)

Since we hold that Sub-Sections (2) and (4) of Section 6 of the Ain, 1995 and Sub-sections (2) and (3) of Section 34 of the Ain of 2000 are ultra vires the Constitution, despite repeal of the Ain of 1995, all cases pending and the appeals pending under the repealed Ain shall be regulated under the said law, but on the question of imposing sentence, the sentences prescribed in respect of those offences shall hold the field until new legislation is promulgated. I hold that there was total absence of proper application of the legislative mind in promulgating those Ains, which may be rectified by amendments. In respect of section 303 of the Penal Code, the punishment shall be made in accordance with section 302 of the Penal Code. It is hereby declared that despite repeal of Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995, the pending cases including appeal may be held under the repealed Ain, while dealing with the question of sentence, the alternative sentences provided in the corresponding offences prescribed in the Nari-O-Shishu Nirjatan Daman Ain, 2000 shall be followed.

...(Para 52)

2. Bangladesh Vs. Md. Abdus Satter and others, 1 SCOB (AD) 17

Article 102 and 117 of the Constitution of Bangladesh:

Clause (1) of Article 102 of the Constitution ordains that any person aggrieved may seek judicial review in the High Court Division for enforcement of fundamental rights conferred by Part III of the Constitution. Clause (5) of Article 102 puts an embargo to the seeking of such relief. It states that the person refers to in Article 102 includes a statutory public authority and any court or tribunal against whom such relief can be claimed, but it has excluded a court or tribunal established under a law relating to the defence services or a disciplined force or tribunal established in accordance with Article 117 of the Constitution.

... (Para 5)

Article 45 of the Constitution of Bangladesh:

The fundamental rights available in Part III of the Constitution cannot be invoked by a member of a disciplined force if any law prescribed a provision limited for the purpose of ensuring the proper discharge of his duty or maintenance of that force.

... (Para 6)

Writ petitioners did not challenge any disciplinary action taken against them by the Inspector-General of Police. The authority did not give the directions in accordance with the Police Act or the Bengal Police Regulations or the Ordinance of 1969. The writ petitioners also did not challenge the propriety of the imposition of black marks upon them. They have challenged the embargo imposed upon them by the Police Headquarter, which directly affected their right to be considered for promotion to the next higher post. Clause (5) of Article 102 does not stand in their way of making an application under Article 102(1) of the Constitution subject to the provision of Article 45 of the Constitution.

... (Para 9)

It appears from the impugned memo that it was issued from the Police Headquarters in the form of directives, of them, directive No.5 contains an embargo upon the promotion prospect in respect of those who have landed with three major punishments. In paragraph 6, it has been mentioned that the officers who have received less than three major punishments shall not be eligible for consideration for promotion before expiry of 3 years from the date of punishment. These are policy matters relating to the terms and conditions of service of a police officer and this power has not been given to the Inspector-General of Police by the Police Act or the Bengal Police Regulation or any other law.

... (Para 14)



The High Court Division has also directed to lift the curtain for enabling the writ petitioners to be considered for promotion. This cannot be done or declared by the court for, it is the police administration which shall consider as to whether or not under the prevailing laws the writ petitioners are eligible to be considered for promotion to the next higher post.

... (Para 15)

A legislature lacking legislative power or subject to a constitutional prohibition may frame its legislation so as to make it appear to be within its legislative power or to be free from constitutional prohibition. Such a law is colourable legislation, meaning thereby that while pretending to be a law in the exercise of undoubted power, it is in fact a law on a prohibited field.

... (Para 17)

3. Bangladesh & ors Vs Sontosh Kumar Shaha & ors, 6 SCOB (AD) 1:

To invoke the fundamental rights conferred by Part III of the constitution, any person aggrieved by the order, action or direction of any person performing the functions in connection with the affairs of the Republic, the forum is preserved to the High Court Division. The conferment of this power cannot be curtailed by any subordinate legislation - it being the inalienable right of a citizen. This power cannot be conferred upon any Tribunal by the Parliament in exercise of legislative power or by the High Court Division or the Appellate Division in exercise of its power of judicial review.

...(Para 42)

It is the Supreme Court alone which is empowered to examine whether or not any law is inconsistent with the constitution. The Parliament has given the legislative power under article 65 to promulgate law but this power is circumscribed by limitations and if it exercises any power which is inconsistent with the constitution, it is the Supreme Court which being the custodian of the constitution and is manned by the Judges who are oath bound to protect the law to examine in this regards. The Supreme Court is the only organ of the State to see that any law is in consonance with the constitution. So, where the constitution confers the power upon the Supreme Court to strike down laws, if found inconsistent, such power cannot be delegated to a Tribunal created under subordinate legislation. In the alternative, the Supreme Court cannot delegate its power of judicial review of legislative action to a Tribunal.

...(Para 55)

Article 102 and 44 of the Constitution:

In Mujibur Rahman, it is observed that “the right of judicial review under Article 102(1) is neither a fundamental right nor a guaranteed one. And the right of judicial review is neither an all-remedy nor a remedy falls or wrongs. It is available only when “no other equally efficacious remedy is provided by law”. With due respect, these observations have been made unconsciously and therefore, we are unable to approve the same. The right of judicial review under article 102(1) is a guaranteed one which is embodied in the constitution itself, but if that right is not guaranteed, even if a citizen’s fundamental right is infringed, he will be left with no remedy at all. True, article 102(1) has not been retained in the fundamental rights chapter as has been kept in India but in view of article 44(1), it is akin to fundamental right. Similarly the observation that the enforcement of fundamental right is available only when ‘no other equally efficacious remedy is provided by law’ is also not a correct view, inasmuch as, whenever there is infringement of fundamental rights, any person can move the High Court Division for judicial review of the administrative action under Article 102(1). The question of equally efficacious remedy arises only when it will exercise power under article 102(2) i.e. writ of certiorari and other writs mentioned in sub-clauses (a) and (b) of clause (2). If there is an alternative remedy, the High Court Division’s power is debarred. It is only in exceptional cases, it can exercise this power.

...(Para 65)

Clause (5) of article 102 read with article 117(2) of the Constitution:

Except on the limited scope challenging the vires of law or if there is violation of fundamental rights, the power of the High Court Division is totally ousted under clause (5) of article 102 read with article 117(2). If a public servant or an employee of statutory corporation wants to invoke his fundamental rights in connection



with his terms and conditions of service, he must lay foundation in the petition of the violation of the fundamental rights by sufficient pleadings in support of the claim. It will not suffice if he makes evasive statement of violation of his fundamental rights or that by making stray statements that the order is discriminatory or malafide.

...(Para 78)

If an order is said to be without jurisdiction or is contrary to law, the appropriate course open to the applicant is to plead to the Tribunal with such plea and ask for vacating the order or action. It is altogether within the tenor of the Tribunal.

...(Para 79)

The observations made in *Shaheda Khatun* (supra) that if the action complained as is found to be coram non judge, without jurisdiction or malafide, the judicial review is available are based on the decisions on different premises and the said views cannot be applicable in service matters in presence of an alternative forum, and this forum is created as per provisions of the constitution. It is to be borne in mind that no case can be an authority on facts. The Tribunal is created as an 'alternative' forum of the High Court Division in respect of specific purposes. If any administrative action is found without jurisdiction or coram non judge or malafide, the Tribunal is competent to deal with the same and adjudicate these issues satisfactorily. These issues are within its constituents of the Administrative Tribunal.

...(Para 80)

The power of Tribunal to pass interim order:

Despite the absence of any provision empowering the Tribunal to pass any interim order, the Tribunal is not powerless since it has all the powers of a civil court and in proper cases, it may invoke its inherent power and pass interim order with a view to preventing abuse of the process of court or the mischief being caused to the applicant affecting his right to promotion or other benefit. But the Tribunal shall not pass any such interim order without affording the opposite party affected by the order an opportunity of being heard. However, in cases of emergency, which requires an interim order in order to prevent the abuse of the process and in the event of not passing such order preventing such loss, which cannot be compensated by money, the Tribunal can pass interim order as an exceptional measure for a limited period not exceeding fifteen days from the date of the order unless the said requirements have been complied with before the expiry of the period, and the Tribunal shall pass any further order upon hearing the parties.

...(Para 100)

The High Court Division observed that a departmental proceedings was initiated against the respondent which has been taken without approval of the G.A. committee, and the same was a mandatory provision of law and that the Chief Justice without taking the matter to the G.A. Committee had accorded the approval. On perusal of the record the High Court Division noticed that there was an endorsement at the bottom of the note-sheet with a note of the Chief Justice 'yes' and this proved that the Chief Justice accorded the approval violating rule 3(d) of the High Court Division Rules. This court perused the record and found that this observation was correct but that itself is not a ground for interference. It should be borne in mind that in urgent matters, sometimes the Chief Justice gives approval in respect of some proposals without placing the matter before the G.A. committee, because the calling such meeting takes time and in urgent matters the Chief Justice accords permission subject to the approval of the committee later on. In this case inadvertently the matter has not been placed before the G.A. Committee.

In order to avoid more harm to the judiciary, the Chief Justice takes such decision. The Chief Justice being the head of the judiciary is respected by the Judges and his opinion with regard to the superintendence and control over the lower judiciary has primacy and is being honoured by the Judges of the committee. This is a practice being followed by this Court and non-approval of the decision of the Chief Justice was merely an irregularity and not an illegality and this will not vitiate the decision.

...(Para 111 &112)



4. Idrisur Rahman & ors Vs Syed Shahidur Rahman & ors, 7 SCOB (AD) 1:

Constitution of Bangladesh

Article 152:

There are set of customs and usages which are being followed by the Judges in this sub-continent for over a century and those customs and usages have the force of law. Thus, if a Judge violates any of the established conduct, usage or custom, he will not only commit gross-misconduct but also violates his oath, the Constitution and the law.

...(Para 6)

An ordinary offender and a Judge cannot be equated at par while finding them guilty of the charges:

The question is whether the conclusion arrived at by the Council in forming the opinion by the President to remove Mr. Syed Shahidur Rahman from the office of a Judge on the ground of gross misconduct was in conformity with the provisions of the constitution. The conclusion of the Council is that the materials on record are sufficient to come to the conclusion that the allegations made against Mr. Syed Shahidur Rahman have substance. It merely disbelieved the receipt of Tk.50,000/- in the absence of corroborative evidence but it has totally believed the entire episode. What more else is required to prove about the misconduct of a sitting Judge of the highest Court by a woman? These findings and observations are sufficient to come to the conclusion that the Judge had not only violated the 'Code of Conduct' but also judicial ethics and norms which are sufficient to remove him from the office of a Judge. It is to be borne in mind that in adjudicating a disciplinary proceeding against a Judge of the highest court and holding trial of an offender in a criminal case, one cannot claim similar principle to be followed. For proving an offence against an offender, the prosecution must prove the offence against him beyond reasonable doubt but this doctrine cannot be applicable in respect of a Judge while hearing a disciplinary proceeding for removal of a Judge on the ground of gross misconduct. In the alternative, it may be said that an ordinary offender and a Judge cannot be equated at par while finding them guilty of the charges.

...(Para 55)

A Judge's official and personal conduct be free from impropriety; the same must be in tune with the highest standard of propriety and probity. The standard of conduct is higher than that expected of a layman and also higher than that expected of an advocate. In fact, even his private life must adhere to high standards of probity and propriety, higher than those deemed acceptable for others.

...(Para 60)

Constitution of Bangladesh

Article 102:

The High Court Division cannot sit over the opinion of the Council as an appellate forum:

Judicial review against such removal is not available in this particular case in the facts of the given case, inasmuch as, judicial review is available against such order on limited grounds. The High Court Division cannot sit over the opinion of the Council as an appellate forum or from the Order of the President pursuant to the recommendation of the Council. The High Court Division has apparently equated a proceedings taken by a sitting Additional Judge against an order of removal on the ground of misconduct with an ordinary litigant which seeks judicial review against an administrative action. There is no doubt that judicial review is a basic feature of our constitution so also the rule of law but that does not mean that the same doctrine will be applicable in all cases.

...(Para 76)

There is no Rules providing the procedure to be followed for removal of a Judge of the highest Court. The Supreme Judicial Council enjoins the power as per provision of clause (4) of Article 96 to prescribe the 'Code of Conduct' of the Judges. Similarly for the purpose of inquiry also, there is no Rules or Regulations framed by the government. It is left with the discretion of the Council to follow the procedure. The Council on following conduct rules and after affording Mr. Syed Shahidur Rahman sufficient opportunity to explain his conduct and upon hearing the parties held that Mr. Syed Shahidur Rahman should not remain in the judiciary



because of his conduct. This opinion having been made by the highest body authorized by the constitution and the President having taken the decision relying upon the recommendation of the Council, the judicial review is not permissible against such decision.

...(Para 82)

When judicial review is permissible:

It is only in exceptional cases when the principles of audi alteram partem have not been followed or the affected Judge has not been afforded sufficient opportunity to examine witnesses or cross-examine the witnesses, judicial review against his removal is permissible but otherwise not.

...(Para 84)

The High Court Division cannot sit over the judgment of the Council. It has totally ignored that aspect of the matter and opined that the President did not apply his judicial mind in passing the order of removal of Mr. Syed Shahidur Rahman. As per provisions of the constitution after the recommendation of the Supreme Judicial Council the President is left with no discretion other than to accord the recommendation. It is not correct to hold the view that the Council's opinion is expressly beyond the scope of article 96(5) of the constitution, and that such portion of the opinion contained in the report is without jurisdiction, inasmuch as, in the absence of proof of alleged payment of money to the writ petitioner by Ms. Kona the allegations against the writ petitioner is baseless. This view of the High Court Division is totally misconceived one. The High Court Division has exceeded its jurisdiction in making such observation. As observed above, even if the payment of Tk.50,000/- has not been proved, that does not disprove the allegations made by Ms. Kona. Mr. Syed Shahidur Rahman being a sitting Judge could not entertain Ms. Kona with two of her relations at his residence for fixation of a bail matter and also he could not maintain liaison with his previous junior Ms. Jesmin Akther Keya relating to conducting cases.

...(Para 85)

Our conclusion is as under:

- (1) A Judge should participate in establishing, maintaining, and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary may be preserved.
- (2) A Judge should respect and comply with the constitution and law, and should act at all times in a manner that promotes public confidence in the judiciary.
- (3) A Judge should not allow family, social, or other relationships to influence judicial conduct or judgment. A Judge should not lend the prestige of the judicial office to advance the private interests of others; nor convey or permit others to convey the impression that they are in a special position to influence the Judge.
- (4) A Judge should be faithful to and maintain professional competence in the law, and should not be swayed by partisan interests, public clamor, or fear of criticism.
- (5) A Judge should be patient, dignified, respectful, and courteous to litigants, lawyers, and others with whom the Judge deals in an official capacity, and should require similar conduct of those officers to the Judge's control, including lawyers to the extent consistent with their role in adversarial system.
- (6) A Judge should dispose of promptly the business of the court including avoiding inordinate delay in delivering judgments/orders. In no case a judgment shall be signed not later than six months of the date of delivery of judgment in exceptional cases.
- (7) A Judge should avoid public comment on the merit of a pending or impending Court case.
- (8) A Judge shall disqualify himself or herself in a proceeding in which the Judge's impartiality might reasonably be questioned.
- (9) A Judge shall disqualify to hear a matter/cause where he served as lawyer in the matter in controversy, or a lawyer with whom the Judge previously practiced law served during such association as a lawyer concerning the matter, or the Judge or such lawyer has been a material witness.



- (10) A Judge shall not hear any matter if he knows or if he is aware or if it is brought into his notice that, individually or as a fiduciary, the Judge or the Judge's spouse or minor child residing in the Judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding.
- (11) A Judge requires as degree of detachment and objectivity in judicial dispensation and he is duty bound by the oath of office.
- (12) A Judge should practise a degree of aloofness consistent with the dignity of his office.
- (13) A Judge must not enter into public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination before him.
- (14) A Judge should not engage directly or indirectly in trade or business, either by himself or in association with any other person.
- (15) A Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of his office and the public esteem in which that office is held.
- (16) A Judge should not engage in any political activities, whatsoever in the country and abroad.
- (17) A Judge shall disclose his assets and liabilities if, asked for, by the Chief Justice.
- (18) Justice must not merely be done but it must also be seen to be done. The behaviour and conduct of a member of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly, any act of a Judge, whether in official or personal capacity, which erodes the credibility of this perception has to be avoided.
- (19) Close association with individual members of the Bar, particularly those who practice in the same court, shall be eschewed.
- (20) A Judge should not permit any member of his immediate family, such as spouse, son, daughter, son-in-law or daughter-in-law or any other close relative, if a member of the Bar, to appear before him or even be associated in any manner with a cause to be dealt with by him.
- (21) No member of his family, who is a member of the Bar, shall be permitted to use the residence in which the Judge actually resides or other facilities for professional work.
- (22) A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.
- (23) A Judge shall not enter into public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.
- (24) A Judge is expected to let his judgments speak for themselves. He shall not give interviews to the media.
- (25) A Judge shall disqualify himself or herself from participating in any proceedings in which the Judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the Judge is unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where the Judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings; the Judge previously served as a lawyer or was a material witness in the matter in controversy; or the Judge, or a member of a Judge's family has an economic interest in the outcome of the matter in controversy.
- (26) A Judge shall ensure that his or her conduct is above reproach in the view of a reasonable observer.
- (27) The behavior and conduct of a Judge must reaffirm the people's faith in the integrity of the judiciary.
- (28) A Judge shall avoid impropriety and the appearance of impropriety in all of the Judge's activities.



- (29) As a subject of constant public scrutiny, a Judge must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, a Judge shall conduct himself or herself in a way that is consistent with the dignity of the judicial office.
- (30) A Judge shall, in his or her personal relations with individual members of the legal profession who practice regularly in the Judge's court, avoid situations which might reasonably give rise to the suspicion or appearance of favoritism or partiality.
- (31) A Judge shall not participate in the determination of a case in which any member of the Judge's family represents a litigant or is associated in any manner with the case.
- (32) A Judge shall not allow the use of the judge's residence by a member of the legal profession to receive clients or other members of the legal profession.
- (33) A Judge shall not allow the Judge's family, social or other relationships improperly to influence the Judge's judicial conduct and judgment as a Judge.
- (34) A Judge shall not use or lend the prestige of the judicial office to advance the private interests of the Judge, a member of the Judge's family or of anyone else, nor shall a Judge convey or permit others to convey the impression that anyone is in a special position improperly to influence the Judge in the performance of judicial duties.
- (35) A Judge shall not practice law whilst the holder of judicial office.
- (36) A Judge and members of the Judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the Judge in connection with the performance of judicial duties.
- (37) A Judge shall not knowingly permit court staff or others subject to the Judge's influence, direction or authority, to ask for, or accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done in connection with his or her duties or functions.
- (38) A Judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.
- (39) A Judge shall maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, witnesses, lawyers and others with whom the Judge deals in an official capacity. The Judge shall require similar conduct of legal representatives, court staff and others subject to the judge's influence, direction or control.
- (40) A Judge shall not engage in conduct incompatible with the diligent discharge of judicial duties.

...(Para 87)

5. Bangladesh & ors Vs. BLAST & ors, 8 SCOB (AD) 1:

Code of Criminal Procedure, 1898

Section 54:

In clause 'Firstly' of section 54 the words 'credible information' and 'reasonable suspicion' have been used relying upon which an arrest can be made by a police officer. These two expressions are so vague that there is chance for misuse of the power by a police officer, and accordingly, we hold the view that a police officer while exercising such power, his satisfaction must be based upon definite facts and materials placed before him and basing upon which the officer must consider for himself before he takes any action. It will not be enough for him to arrest a person under this clause that there is likelihood of cognizable offence being committed. Before arresting a person out of suspicion the police officer must carry out investigation on the basis of the facts and materials placed before him without unnecessary delay. If any police officer produces any suspected person in exercise of the powers conferred by this clause, the Magistrate is required to be watchful that the police officer has arrested the person following the directions given below by this court and if the Magistrate finds that the police officer has abused his power, he shall at once release the accused person on bail. In case of arresting of a female person in exercise of this power, the police officer shall make all efforts to keep a lady constable present.

... (Para 186)



On the plea of terrorism we cannot give a blank cheque to the law enforcing agencies to transgressing the fundamental rights of the citizens of the country. It should be borne in mind that a terrorist does not lose his fundamental rights even after commission of terrorist activities and there are laws for punishment of his crime, but he should not be deprived of his precious rights preserved in the constitution.

... (Para 205)

Even if after investigation the police officer does not find any complicity of accused person, the Magistrate is not bound to accept the police report. It may direct further inquiry or further investigation over the death of the victim if he finds that the death is homicidal in nature. The power of the Magistrate is not circumscribed by any condition. The Magistrate is not bound to accept the police report.

... (Para 219)

Code of Criminal Procedure, 1898; Section 54 and 167:

Special Powers Act, 1974; Section 3:

Guide lines for the Law Enforcement Agencies:

- (i) A member law enforcement officer making the arrest of any person shall prepare a memorandum of arrest immediately after the arrest and such officer shall obtain the signature of the arrestee with the date and time of arrest in the said memorandum.
- (ii) A member law enforcement officer who arrests a person must intimate to a nearest relative of the arrestee and in the absence of his relative, to a friend to be suggested by the arrestee, as soon as practicable but not later than 12(twelve) hours of such arrest notifying the time and place of arrest and the place in custody.
- (iii) An entry must be made in the diary as to the ground of arrest and name of the person who informed the law enforcing officer to arrest the person or made the complaint along with his address and shall also disclose the names and particulars of the relative or the friend, as the case may be, to whom information is given about the arrest and the particulars of the law enforcing officer in whose custody the arrestee is staying.
- (iv) Registration of a case against the arrested person is sine-qua-non for seeking the detention of the arrestee either to the law enforcing officer's custody or in the judicial custody under section 167(2) of the Code.
- (v) No law enforcing officer shall arrest a person under section 54 of the Code for the purpose of detaining him under section 3 of the Special Powers Act, 1974.
- (vi) A law enforcing officer shall disclose his identity and if demanded, shall show his identity card to the person arrested and to the persons present at the time of arrest.
- (vii) If the law enforcing officer find, any marks of injury on the person arrested, he shall record the reasons for such injury and shall take the person to the nearest hospital for treatment and shall obtain a certificate from the attending doctor.
- (viii) If the person is not arrested from his residence or place of business, the law enforcing officer shall inform the nearest relation of the person in writing within 12 (twelve) hours of bringing the arrestee in the police station.
- (ix) The law enforcing officer shall allow the person arrested to consult a lawyer of his choice if he so desires or to meet any of his nearest relation.
- (x) When any person is produced before the nearest Magistrate under section 61 of the Code, the law enforcing officer shall state in his forwarding letter under section 167(1) of the Code as to why the investigation cannot be completed within twenty four hours, why he considers that the accusation or the information against that person is well founded. He shall also transmit copy of the relevant entries in the case diary B.P.Form 38 to the Magistrate.

Guidelines to the Magistrates, Judges and Tribunals having power to take cognizance of an offence:

- (a) If a person is produced by the law enforcing agency with a prayer for his detention in any custody, without producing a copy of the entries in the diary as per section 167(2) of the Code, the Magistrate or the Court, Tribunal, as the case may be, shall release him in accordance with section 169 of the Code on taking a bond from him.
- (b) If a law enforcing officer seeks an arrested person to be shown arrested in a particular case, who is already in custody, such Magistrate or Judge or Tribunal shall not allow such prayer unless the accused/arrestee is produced before him with a copy of the entries in the diary relating to such case and if that the prayer for shown arrested is not well founded and baseless, he shall reject the prayer.
- (c) On the fulfillment of the above conditions, if the investigation of the case cannot be concluded within 15 days of the detention of the arrested person as required under section 167(2) and if the case is exclusively triable by a court of Sessions or Tribunal, the Magistrate may send such accused person on remand under section 344 of the Code for a term not exceeding 15 days at a time.
- (d) If the Magistrate is satisfied on consideration of the reasons stated in the forwarding letter and the case diary that the accusation or the information is well founded and that there are materials in the case diary for detaining the person in custody, the Magistrate shall pass an order for further detention in such custody as he deems fit and proper, until legislative measure is taken as mentioned above.
- (e) The Magistrate shall not make an order of detention of a person in the judicial custody if the police forwarding report disclose that the arrest has been made for the purpose of putting the arrestee in the preventive detention.
- (f) It shall be the duty of the Magistrate/Tribunal, before whom the accused person is produced, to satisfy that these requirements have been complied with before making any order relating to such accused person under section 167 of the Code.
- (g) If the Magistrate has reason to believe that any member of law enforcing agency or any officer who has legal authority to commit a person in confinement has acted contrary to law the Magistrate shall proceed against such officer under section 220 of the Penal Code.
- (h) Whenever a law enforcing officer takes an accused person in his custody on remand, it is his responsibility to produce such accused person in court upon expiry of the period of remand and if it is found from the police report or otherwise that the arrested person is dead, the Magistrate shall direct for the examination of the victim by a medical board, and in the event of burial of the victim, he shall direct exhumation of the dead body for fresh medical examination by a medical board, and if the report of the board reveals that the death is homicidal in nature, he shall take cognizance of the offence punishable under section 15 of Hefajate Mrittu (Nibaran) Ain, 2013 against such officer and the officer in-charge of the respective police station or commanding officer of such officer in whose custody the death of the accused person took place.
- (i) If there are materials or information to a Magistrate that a person has been subjected to 'Nirjatan' or died in custody within the meaning of section 2 of the Nirjatan and Hefajate Mrittu (Nibaran) Ain, 2013, shall refer the victim to the nearest doctor in case of 'Nirjatan' and to a medical board in case of death for ascertaining the injury or the cause of death, as the case may be, and if the medical evidence reveals that the person detained has been tortured or died due to torture, the Magistrate shall take cognizance of the offence suo-moto under section 190(1)(c) of the Code without awaiting the filing of a case under sections 4 and 5 and proceed in accordance with law.

...(Para 222)



Leading Decisions of the Supreme Court of Bangladesh in the year 2016

In view of Article 111 of the Constitution of People's Republic of Bangladesh, the law declared by the Appellate Division of the Supreme Court of Bangladesh is binding on all courts within the territory of Bangladesh including the High Court Division of the Supreme Court. Every judgment delivered by the Appellate Division has its own significance. Brief note of some judgments, delivered during the year 2016, is given below:

1. Bangladesh Legal Aid and Services Trust (BLAST) and another vs. Bangladesh, 68 DLR (AD) 1: The petitioner has no significant history of prior criminal activity and that he was aged 14 years at the time of commission of the offence and 16 years at the time of framing of charge. The petitioner has been in the condemned cell since 12-7-2001, that is more than 14 years. Considering all the aspects of the case, we are of the view that the death sentence of the petitioner be commuted to imprisonment for life. (Para...17)

2. Nurul Absar (Md) vs. Golam Rabbani and others, 68 DLR (AD) 4: The only remedy open to a person who wants to set aside an arbitral award is to file an application under section 42 of the Act, 2001 within sixty days from the date of receipt of the award and after the expiry of the period of sixty days as envisaged in the section, the award becomes enforceable within the meaning of section 44 thereof and thus, jurisdiction of the civil Court has impliedly, been barred if not expressly. In the context, we may also refer to section 9 of the Code which has clearly provided that the Courts shall have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred. (Para...16)

3. Nurul Absar(Md) vs. Golam Rabbani and others, 68 DLR (AD) 4: The Act, 2001 is a special law and it has been enacted with the sole purpose of resolving the dispute between the parties through arbitration and after an award is given by the Arbitrator(s), if it is allowed to be challenged in a civil suit, then the arbitration proceeding shall become a mockery and the whole purpose of the arbitration scheme as envisaged in the Act, shall fail. (Para...17)

4. Rajib Traders vs. Artha Rin Adalat & another, 68 DLR (AD) 15: Interest to be paid by the judgment debtor will have to be calculated according to the prevailing interest rate or rates, which may be different for different periods, from the time of filing of the suit till the payment of the decretal amount by the judgment debtor. (Para...15)

5. State vs. Dafader Marfoth Ali Shah & others, 68 DLR (AD) 13: The exercise of the power of doing 'complete justice' under article 104 is circumscribed by two conditions, (i) that it can be exercised only when Supreme Court otherwise exercises its jurisdiction and (ii) that the order which Supreme Court passes must be necessary for doing "complete justice" in the cause or matter pending before it...the State or any other aggrieved person had opportunity to challenge the acquittal of accused persons from the charge of criminal conspiracy as per statutory provisions, but they did not avail that opportunity and allowed a long period to be elapsed rendering that opportunity to appeal time-barred and conferring the accused persons a right to be treated acquitted from the charge of criminal conspiracy. In the name of doing 'complete justice' this right of the accused persons now cannot be ignored. (Para...241)

6. State vs. Dafader Marfoth Ali Shah & others, 68 DLR (AD) 13: Doing 'complete justice' does not contemplate doing justice to one party by ignoring statutory provisions and thereby doing injustice to the other party by depriving him of the benefit of law. If a valuable right is accrued to the other side this fact should not be ignored in exercising the power of doing 'complete justice'. (Para...239)

7. State vs. Dafader Marfoth Ali Shah & others, 68 DLR (AD) 13: Where there is no FIR or where the FIR cannot be proved in accordance with law in that case also the court will not detract the testimony of the witnesses which will have to be assessed on its own merits and the case is to be assessed on merit on the basis of the evidence adduced before it. (Para...221)

8. State vs. Dafader Marfoth Ali Shah & others, 68 DLR (AD) 13: One part of evidence of a witness even if is rejected the other part of the evidence of the same witness may be accepted. (Para...222)



9. State vs. Dafader Marfoth Ali Shah & others, 68 DLR (AD) 13: It is settled law that if a palpable illegality is apparent in the trial Court's judgment while hearing an appeal from conviction, the appellate court can pass appropriate conviction for ends of justice on reappraisal of the evidence on record. (Para...116)

10. Hossain Shahid Chinu vs. Abdul Wahab & others, 68 DLR (AD) 103: The suit land is not an undivided dwelling house rather it is admittedly a commercial place on which petitioners and other co-sharers have been conducting their business treating the suit land as commercial premises. Since the suit land is not an undivided dwelling house but a commercial place an application under section 4 of the Partition Act cannot be invoked to buy out the share of a stranger purchaser in the suit land. (Para...19)

11. Moudud Ahmed vs. State, 68 DLR (AD) 118: Section 27 is independent of the notice served under section 26(1) of the ACC Act and the proceedings under section 27(1) have no nexus with the notice served by the ACC under section 26(1) of the Act demanding statement of assets and liabilities of the accused. (Para...78)

12. Moudud Ahmed vs. State, 68 DLR (AD) 118: A solitary, isolated and passing observation or an opinion expressed by the way in the judgment of this Division on a matter which was not before the court and which was not necessary in disposing of the criminal petition for leave to appeal for which no principle and precedent was cited and which was not even remotely a ratio of the judgment is nothing but an obiter dictum. (Para...69)

13. Moudud Ahmed vs. State, 68 DLR (AD) 118: The observations of this Division in paragraph 44 of the judgment in respect of service of notice dated 18-2-2007 under section 26 read with section 18(2) of the ACC Act upon the respondent No. 1 when he was in custody was not an issue in the case before the court. The very observation was not at all necessary for the decision of the case and does not relate to the material facts in issue. At best it can be said that it is an observation by the court on question suggested by the case before the court but it has not arisen in such a manner as to require a decision by the court. The foregoing observations made in 62 DLR (AD) 290 and 297 para 44 is contrary to the purpose and intendment of the ACC Act, 2004. (Para...69)

14. Moudud Ahmed vs. State, 68 DLR (AD) 118: The foregoing observations of this Division are not relevant in the instant case, because the respondent No. 1 did not raise any objection as to the issuance of notice/order under section 26 (1) of the ACC Act while he was in custody. Rather he complied with the same by submitting the statement of assets and liabilities within the stipulated time. Moreover, he was allowed to submit long after the stipulated date a supplementary statement of assets and liabilities which was marked as an exhibit during the course of trial. This issue was not raised, deliberated upon and decided before the trial court and the High Court Division in as much as no such issue was raised and deliberated upon before the Appellate Division and that this observation being an obiter dictum cannot operate as a binding precedent, which is not a law declared by the Appellate Division pursuant to Article 111 of the Constitution and, as such, it is not binding on the High Court Division and all other courts and tribunals as a legal precedent. (Para...62)

15. Moudud Ahmed vs. State, 68 DLR (AD) 118: In the instant case reported in 62 DLR (AD) 290 the vires of the law, section 18(2), was not challenged before a competent court of law and no issue in respect of vires of the law was raised, deliberated upon and decided by the competent court. Therefore, in a hearing of a Criminal Petition for Leave to Appeal a provision of law cannot be struck down or repealed by indirect means or by implication. (Para...59)

16. Moudud Ahmed vs. State, 68 DLR (AD) 118: What is binding on a Court is the ratio decidendi not the obiter dictum nor the judgment given per incuriam. (Para...71)

17. Moudud Ahmed vs. State, 68 DLR (AD) 118: This Division having power of review under Article 105 is not bound by a decision earlier taken by this Division. The power of review under Art. 105 is an extra-ordinary power which has to be exercised sparingly in the interest of justice. (Para...73)

18. Moudud Ahmed vs. State, 68 DLR (AD) 118: There was no further need to pass an Act in terms of the



amending Ordinance under Article 93(2) of the Constitution. It cannot be held that the amended provision of the Act ceased to have effect for non-compliance of the requirement of Article 93(2) of the Constitution inasmuch as the amending Ordinance was fully acted upon and served its objective prior to the Parliament coming into session. (Para...75)

19. Moudud Ahmed vs. State, 68 DLR (AD) 118: Failure of the Parliament to pass an Act in terms of the amending Ordinance No. VII of 2007 do not destroy/repeal amendments which have already been incorporated in the ACC Act, 2004. (Para...77)

20. Bangladesh vs. SM Raiz Uddin Ahmed, 68 DLR (AD) 154: It is not permissible to take disciplinary action against a person solely on the basis of adverse remarks made by a Tribunal in a criminal case unless the allegations imputed in the adverse remarks are proved in disciplinary proceeding. (Para...14)

21. Abdul Sattar Miah vs. Raman Sona Dashya & others, 68 DLR (AD) 157: A Hindu widow or a Hindu woman having life interest can very much maintain a suit for partition for the fullest enjoyment of her such right in the joint properties. (Para...13)

22. State vs. Swadesh Roy, "Daily Janakantha" & another, 68 DLR (AD) 162: The Appellate Division being the highest Court of the country is a court of record under Article 108 of the Constitution with wide power of judicial supervision over all the courts in the country. ...The inherent powers of the apex court of record remained unaffected even when the Constitution came into force, rather that power had been recognized by incorporating Article 108. The expression used in Article 108 is extensive in nature. ...This Court has power to punish the contempt of itself and also something else, which could fall within the inherent jurisdiction of the court of record. (Para...70 & 71)

23. Anti-Corruption Commission vs. Md. Shahidul Islam & others, 68 DLR (AD) 242: A Member of Parliament is, therefore, in the highest sense, a servant of the State; his duties those appertaining to the position he fills, a position of no transient or temporary existence, a position forming a recognized place in the constitutional machinery of government. ...A person authoritatively appointed or elected to exercise some function pertaining to public life. (Para...29)

24. Idrisur Rahman vs. Syed Shahidur Rahman & others, 68 DLR (AD) 258: The High Court Division cannot sit over the judgment of the Council. It has totally ignored that aspect of the matter and opined that the President did not apply his judicial mind in passing the order of removal. After the recommendation of the Supreme Judicial Council the President is left with no discretion other than to accord the recommendation. (Para...94)

25. Idrisur Rahman vs. Syed Shahidur Rahman & others, 68 DLR (AD) 258: There is no Rules providing the procedure to be followed for removal of a Judge of the highest Court, The Supreme Judicial Council enjoins the power as per provision of clause (4) of Article 96 to prescribe the 'Code of Conduct' of the Judges. Similarly for the purpose of inquiry also, there is no Rules or Regulations framed by the government. It is left with the discretion of the Council to follow the procedure. The Council on following conduct rules and after affording Mr. Syed Shahidur Rahman sufficient opportunity to explain his conduct and upon hearing the parties held that Mr. Syed Shahidur Rahman should not remain in the judiciary because of his conduct. This opinion having been made by the highest body authorized by the Constitution and the President having taken the decision relying upon the recommendation of the Council, the judicial review is not permissible against such decision. ...This conclusion of the Council is sufficient on the part of the President to form his opinion that the Judge should not continue as a Judge of the High Court Division. (Para... 91 & 83)

26. Anti-Corruption Commission vs. Rezaul Kabir & another, 68 DLR (AD) 291: A proceeding cannot be quashed depending on alleged procedural error in the method of collection of evidence to be adduced and used. (Para...12)

27. Eusof Babu & others vs. State & another, 68 DLR (AD) 298: The difference between sections 138 & 140 is that in respect of section 138 the offence is committed by human being that is to say, natural person

and in section 140 though the expression “the person” is used which is qualified by a company which means “any body corporate and includes a firm of other association of individuals” which is a juristic person or not. It can be prosecuted for the offence under section 138. (Para...8)

28. Eusof Babu & others vs. State & another, 68 DLR (AD) 298: The dishonour of a cheque does not itself constitute an offence under section 138. If the drawer of such cheque fails to make payment of the amount of money to the payee within thirty days of receipt of the notice, the cause of action for constituting the offence will arise, and if a complaint is filed within one month of the date on which the cause of action arises, the court shall take cognizance of the offence. So, the cause of action will arise if the drawer fails to make payment to the payee. Now, if the same drawer fails to make payment of the amount of money covered by the cheque (s) within the stipulated time, does it constitute the cause of action? It does. If it does constitute the cause of action, there will be no legal bar to file a case for prosecuting the drawer for the cause of action. Here the cause of action is not distinct but the same. (Para...18)



At the behest of the Honorable Chief Justice of Bangladesh some books were donated by the Supreme Court to the Kashimpur Central Jail to promote reading habit of its prisoners.



Former Chief Justices of Bangladesh

SL. No.	Name	Duration
1.	Mr. Justice Abu Sadat Mohammad Sayem*	16.12.1972 — 5.11.1975
2.	Mr. Justice Syed A.B. Mahmud Husain*	18.11.1975 — 31.01.1978
3.	Mr. Justice Kemaluddin Hossain*	01.02.1978 — 11.04.1982
4.	Mr. Justice F.K.M. Munim*	12.04.1982 — 30.11.1989
5.	Mr. Justice Badrul Haider Chowdhury*	01.12.1989 — 01.01.1990
6.	Mr. Justice Shahabuddin Ahmed	14.01.1990 — 31.01.1995
7.	Mr. Justice M.H. Rahman*	01.02.1995 — 30.04.1995
8.	Mr. Justice A.T.M Afzal	01.05.1995 — 31.05.1999
9.	Mr. Justice Mustafa Kamal*	01.06.1999 — 31.12.1999
10.	Mr. Justice Latifur Rahman	01.01.2000 — 28.02.2001
11.	Mr. Justice Mahmudul Amin Choudhury	01.03.2001 — 17.06.2002
12.	Mr. Justice Mainur Reza Choudhury*	18.06.2002 — 22.06.2003
13.	Mr. Justice K.M. Hasan	23.06.2003 — 26.01.2004
14.	Mr. Justice Syed J.R. Mudassir Husain	27.01.2004 — 28.02.2007
15.	Mr. Justice Md. Ruhul Amin	01.03.2007 — 31.05.2008
16.	Mr. Justice M. M. Ruhul Amin*	01.06.2008 — 22.12.2009
17.	Mr. Justice Md. Tafazzul Islam	23.12.2009 — 07.02.2010
18.	Mr. Justice Mohammad Fazlul Karim	08.02.2010 — 29.09.2010
19.	Mr. Justice A.B.M. Khairul Haque	30.09.2010 — 17.05.2011
20.	Mr. Justice Md. Muzammel Hossain	18.05.2011 — 16.01.2015

* Deceased.

Former Chief Justice of High Court of Bangladesh

SL. No.	Name	Duration
1.	Mr. Justice Ruhul Islam*	13.08.1976 — 22.10.1978

* Deceased.

Former Judges of the Supreme Court of Bangladesh

SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
1.	Mr. Justice Abu Sadat Mohammad Sayem*		16.12.1972	05.11.1975
2.	Mr. Justice Syed A. B. Mahmud Husain*	18.01.1972	18.12.1972	31.01.1978
3.	Mr. Justice Mohammad Abdullah Jabir*	18.01.1972	17.08.1972	30.06.1975
4.	Mr. Justice A. F. M. Ahasanuddin Chowdhury*	18.01.1972	30.01.1974	01.12.1977
5.	Mr. Justice Kemaluddin Hussain*	18.01.1972	13.08.1976	11.04.1982
6.	Mr. Justice F. K. M. Abdul Munim*	18.01.1972	13.08.1976	30.11.1989
7.	Mr. Justice Dabesh Chandra Bhattacharya*	21.01.1972	13.08.1976	30.09.1979
8.	Mr. Justice Ruhul Islam*	21.01.1972	23.01.1978	01.01.1983
9.	Mr. Justice Kazi Mahabubus Subhan (Justice K.M. Subhan) *	21.01.1972	22.02.1978	16.06.1982**
10.	Mr. Justice Badrul Haider Chowdhury*	26.01.1972	22.08.1978	01.01.1990
11.	Mr. Justice Shahabuddin Ahmed	21.01.1972	16.04.1981	31.01.1995
12.	Mr. Justice Mohammad Nurul Huda*	28.08.1972		28.02.1977
13.	Mr. Justice Chowdhury A. T. M. Masud*	19.06.1973	21.04.1982	01.04.1986
14.	Mr. Justice Syed Md. Mohsen Ali*	19.06.1973	17.01.1983	01.01.1985
15.	Mr. Justice Abdur Rahman Chowdhury*	24.11.1973		01.09.1983
16.	Mr. Justice A. R. M. Amirul Islam Chowdhury*	24.11.1973		01.03.1996
17.	Mr. Justice Syed Mohammad Hussain*	19.06.1974		08.01.1984
18.	Mr. Justice A. S. Faizul Islam Chowdhury*	24.06.1974		01.06.1982
19.	Mr. Justice Fazlay Hossain Mohammad Habibur Rahman*	20.12.1975		13.12.1993
20.	Mr. Justice Ranadhir Sen*	30.01.1976		01.07.1984
21.	Mr. Justice Abdul Wadud Chowdhury*	02.03.1976		01.11.1984
22.	Mr. Justice Siddiq Ahmed Chowdhury*	02.03.1976		03.03.1979 □
23.	Mr. Justice Abdul Momit Chowdhury*	02.03.1976		03.03.1979 □
24.	Mr. Justice Abdul Matin Khan Chowdhury	08.05.1976		01.12.1989
25.	Mr. Justice M.H. Rahman*	08.05.1976	26.12.1985	30.04.1995
26.	Mr. Justice Mohammad Abdul Khaliq*	08.05.1976		02.01.1983
27.	Mr. Justice A. T. M. Afzal	15.04.1977	26.12.1985	31.05.1999
28.	Mr. Justice Sultan Hossain Khan	13.03.1978		01.01.1990
29.	Mr. Justice Abdul Malek	13.03.1978		05.02.1980**
30.	Mr. Justice Mustafa Kamal	09.04.1979	01.12.1989	31.12.1999
31.	Mr. Justice Rafiqur Rahman	09.04.1979		01.11.79**
32.	Mr. Justice Md. Altaf Hossain*	21.11.1979		23.10.1985
33.	Mr. Justice Latifur Rahman	21.11.1979	15.01.1990	28.02.2001
34.	Mr. Justice Anwarul Hoque Chowdhury*	22.04.1980		01.11.1994
35.	Mr. Justice Aminur Rahman Khan*	29.01.1982		02.06.1990
36.	Mr. Justice Mohammad Abdur Rouf	29.01.1982	08.06.1995	01.02.1999
37.	Mr. Justice Md. Abdul Quddus Chowdhury	18.01.1983		01.09.1991
38.	Mr. Justice Dalil Uddin Ahmed*	15.07.1983		01.02.1990
39.	Mr. Justice Mohammad Abdul Mottalib*	15.07.1983		14.07.1985●
40.	Mr. Justice Syed Mohammad Ali*	15.07.1983		01.08.1993

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of death. ● Performed as Additional Judge.



SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
41.	Mr. Justice Nurul Hoque Bhuiyan*	30.12.1983		01.10.1990
42.	Mr. Justice Syed Misbah Uddin Hossain*	30.12.1983		01.01.1992
43.	Mr. Justice Mohammad Moksudor Rahman*	30.12.1983		26.12.1985**
44.	Mr. Justice Mohammad Sohrab Ali*	30.12.1983		20.10.1990 ^{□□}
45.	Mr. Justice Mohammad Ismailuddin Sarker*	30.12.1983	08.06.1995	20.01.1996 ^{□□}
46.	Mr. Justice Abdul Bari Sarker	30.05.1984		01.06.1992
47.	Mr. Justice Md. Abdul Jalil*	30.05.1984		01.05.1994
48.	Mr. Justice Mohammad Abdul Wahab	30.05.1984		29.05.1986●
49.	Mr. Justice Bimalendu Bikash Roy Chowdhury*	02.07.1985	11.05.1996	01.11.2000
50.	Mr. Justice Syed Fazle Ahmmed*	26.12.1985		01.01.1994
51.	Mr. Justice A. M. Mahmudur Rahman*	26.12.1985	01.02.1999	14.12.2000
52.	Mr. Justice A. K. M. Sadeque	27.01.1987		30.01.1995
53.	Mr. Justice D. M. Ansaruddin Ahmed	27.01.1987		01.07.1995
54.	Mr. Justice Md. Mozammel Haque	27.01.1987		01.12.2000
55.	Mr. Justice Quazi Shafi Uddin*	27.01.1987		01.11.2001
56.	Mr. Justice Mahmudul Amin Chowdhury	27.01.1987	28.06.1999	17.06.2002
57.	Mr. Justice Habibur Rahman Khan	21.01.1988		01.12.1995
58.	Mr. Justice Md. Budruzzaman	21.01.1988		01.02.1996
59.	Mr. Justice Naimuddin Ahmed*	21.01.1988		04.04.1996
60.	Mr. Justice Mohammad Ansar Ali*	21.01.1988		05.07.1995 ^{□□}
61.	Mr. Justice Badrul Islam Chowdhury	29.01.1990		01.02.1998
62.	Mr. Justice Kazi Ebadul Hoque	29.01.1990	19.01.2000	01.01.2001
63.	Mr. Justice Mainur Reza Chowdhury*	29.01.1990	08.11.2000	22.06.2003
64.	Mr. Justice Abdul Hasib	29.01.1990		28.01.1992●
65.	Mr. Justice Habibul Islam Bhuiyan	29.01.1990		19.03.1990**
66.	Mr. Justice Md. Abdul Karim	13.07.1991		01.08.1999
67.	Mr. Justice Muhammad Abdul Mannan*	13.07.1991		21.12.1999
68.	Mr. Justice K. M. Hasan	13.07.1991	20.01.2002	26.01.2004
69.	Mr. Justice Mahfuzur Rahman	18.02.1992		01.02.2000
70.	Mr. Justice Md. Sirajul Islam	18.02.1992		03.03.2000
71.	Mr. Justice Mohammad Gholam Rabbani	18.02.1992	11.01.2001	10.01.2002
72.	Mr. Justice Syed J. R. Mudassir Husain	18.02.1992	05.03.2002	28.02.2007
73.	Mr. Justice Md. Ruhul Amin	18.02.1992	11.01.2001	31.05.2008
74.	Mr. Justice Abu Sayeed Ahammed	01.11.1992	05.03.2002	23.08.2003
75.	Mr. Justice Mohammad Fazlul Karim	01.11.1992	15.05.2001	29.09.2010
76.	Mr. Justice Md. Asaduzzaman	10.02.1994		09.02.1997●
77.	Mr. Justice Md. Nurul Islam	10.02.1994		01.06.2002
78.	Mr. Justice Kazi A. T. Monowaruddin	10.02.1994	25.06.2002	15.07.2002
79.	Mr. Justice Md. Fazlul Haque	10.02.1994	17.07.2002	30.06.2003
80.	Mr. Justice Hamidul Haque	10.02.1994	29.06.2003	20.12.2003
81.	Mr. Justice Md. Bazlur Rahman Talukder	10.02.1994		10.02.1997●
82.	Mr. Justice Syed Amirul Islam	10.02.1994		13.01.2007
83.	Mr. Justice M. M. Ruhul Amin*	10.02.1994	13.07.2003	22.12.2009
84.	Mr. Justice Md. Tafazzul Islam	10.02.1994	27.08.2003	07.02.2010
85.	Mr. Justice Md. Iftekhar Rasool*	01.06.1996		06.06.2000 ^{□□}
86.	Mr. Justice M. A. Aziz	01.06.1996	07.01.2004	30.09.2006
87.	Mr. Justice Amirul Kabir Chowdhury	01.06.1996	26.02.2004	30.06.2007
88.	Mr. Justice Md. Hassan Ameen	01.06.1996	21.03.2007	03.07.2008

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of death. ● Performed as Additional Judge.

SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
89.	Mr. Justice A. K. Badrul Huq*	01.06.1996		02.03.2008**
90.	Mr. Justice Md. Joynul Abedin	01.06.1996	24.08.2006	31.12.2009
91.	Mr. Justice Md. Abdul Matin	01.06.1996	19.09.2007	25.12.2010
92.	Mr. Justice Shah Abu Nayeem Mominur Rahman	01.06.1996	08.03.2009	12.05.2011**
93.	Mr. Justice Gour Gopal Shaha	24.02.1997		26.12.2003
94.	Mr. Justice Md. Ali Asgar Khan	24.02.1997		13.01.2008
95.	Mr. Justice Md. Awlad Ali	24.02.1997		26.01.2008
96.	Mr. Justice Zakir Ahmad*	24.02.1997		17.07.1998 □□
97.	Mr. Justice Md. Latifur Rahman	27.04.1998		01.07.2006**
98.	Mr. Justice Md. Abdul Quddus	27.04.1998		15.01.2009
99.	Mr. Justice (Alhaj) Md. Abdul Aziz	27.04.1998	08.03.2009	31.12.2009
100.	Mr. Justice B.K Das*	27.04.1998	16.07.2009	10.04.2010
101.	Mr. Justice A.B.M. Khairul Haque	27.04.1998	16.07.2009	17.05.2011
102.	Mr. Justice Md. Muzammel Hossain	27.04.1998	16.07.2009	16.01.2015
103.	Mr. Justice Md. Abdur Rashid	24.10.1999		26.01.2009
104.	Mr. Justice Khademul Islam Chowdhury	24.10.1999		17.04.2009
105.	Mr. Justice Md. Abdus Salam	24.10.1999		11.01.2010
106.	Mr. Justice Sikder Maqbul Huq	24.10.1999		18.01.2010
107.	Mr. Justice Md. Arayes Uddin	24.10.1999		31.01.2010
108.	Mr. Justice Muhammed Mamataz Uddin Ahmed	24.10.1999	16.05.2011	31.12.2011
109.	Mr. Justice Md. Shamsul Huda	22.02.2001	16.05.2011	02.11.2012
110.	Mr. Justice N. K. Chakravartty *	28.05.2000		27.05.2002●
111.	Mr. Justice A. K. M. Shafiuddin	28.05.2000		27.05.2002●
112.	Mr. Justice A. F. M. Mesbahuddin	28.05.2000		27.05.2002●
113.	Mr. Justice Munsurul Haque Chowdhury	28.05.2000		27.05.2002●
114.	Mr. Justice Altaf Hossain Khan*	22.02.2001		10.07.2002□□
115.	Mr. Justice Md. Abdul Hye (M.A. Hye)	22.02.2001		13.12.2011
116.	Mr. Justice Faruque Ahmed	22.02.2001		30.12.2011
117.	Mr. Justice Mohammad Marzi-ul-Huq*	22.02.2001		23.09.2012
118.	Mr. Justice Md. Abdur Razzaque	22.02.2001		01.09.2014
119.	Mr. Justice Mohammad Anwarul Haque	03.07.2001	31.03.2013	09.04.2014
120.	Mr. Justice AHM Shamsuddin Choudhury	03.07.2001	31.03.2013	02.10.2015
121.	Mr. Justice Mohammad Bazlur Rahman*	03.07.2001	08.02.2016	01.01.2017□□
122.	Mr. Justice Sheikh Rezowan Ali	03.07.2001		31.01.2013
123.	Mr. Justice Nozrul Islam Chowdhury	03.07.2001		13.12.2015
124.	Mr. Justice Khondker Musa Khaled	03.07.2001		02.03.2013
125.	Mr. Justice Siddiqur Rahman Miah	29.07.2002	31.03.2013	02.06.2013
126.	Mr. Justice Abdus Salam Mamun	29.07.2002		13.02.2005●
127.	Mr. Justice Mir Hashmat Ali	29.07.2002		01.10. 2012
128.	Mr. Justice Mashuque Hosain Ahmed	29.07.2002		30.11. 2012
129.	Mr. Justice A.K.M. Fazlur Rahman	29.07.2002		14.01.2013
130.	Mr. Justice Abdul Awal	29.07.2002		19.08.2013
131.	Mr. Justice Sharif Uddin Chakladar	29.07.2002		19.01.2016
132.	Mr. Justice Syed Shahid-ur-Rahman	27.04.2003		20.04.2004□
133.	Mr. Justice Afzal Hossain Ahmed	27.04.2003		09.05.2012
134.	Mr. Justice A.F.M. Ali Asgar	27.04.2003		01.01.2015
135.	Mr. Justice Nirmolendu Dhar*	23.08.2004		22.08.2006●
136.	Mr. Justice A. B. M. Hatem Ali	23.08.2004		22.08.2006●
137.	Mr. Justice Faisal Mahmud Faizee	23.08.2004		12.07.2007**

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of death. ● Performed as Additional Judge.



SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
138.	Mr. Justice Syed Abu Kowser Md. Dabirush-Shan	23.08.2004		31.12.2011
139.	Mr. Justice Shahidul Islam	23.08.2004		01.09.2015
140.	Mr. Justice Md. Abdul Hye	23.08.2004		31.01.2016
141.	Mr. Justice Md. Delwar Hossain	16.11.2008		15.11.2010●
142.	Mr. Justice Md. Azizul Haque	16.11.2008		15.11.2010●
143.	Mr. Justice Md. Abdus Samad	16.11.2008		15.11.2010●
144.	Madame Justice Syeda Afsar Jahan	16.11.2008		15.11.2010●
145.	Mr. Justice A.B.M. Altaf Hossain	14.06.2012		13.06.2014●
146.	Mr. Justice J.N. Deb Choudhury*	12.02.2015		15.12.2016□□●

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of death. ● Performed as Additional Judge.



Honorable Chief Justice is inaugurating Judges' Corner Bakery



Honorable Chief Justice along with other Honorable Judges inspecting the facilities of judges' Corner Gymnasium

The Supreme Court Registrar General and the Registry

Under Article 113 of the Constitution of the People's Republic of Bangladesh, the Supreme Court of Bangladesh, with previous approval of the President, may make rules providing for the appointment of officers and staff of the Court and for their terms and conditions of employment. Accordingly, Bangladesh Supreme Court Appellate Division's Officer and Staff Appointment Rules, 2000 and Bangladesh Supreme Court, High Court Division's (Officer and Staff) Appointment Rules, 1987 have been framed.

Composition:

The Registry of the Supreme Court provides administrative services to the court to facilitate its day to day judicial function smoothly in accordance with the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and Supreme Court (High Court Division) Rules, 1973. The total work of the Registry has been divided into various categories and the work assigned to one of these categories is known as "Section". Transaction of all administrative works relating to the conditions of service and conduct of Court's employees is made under direct and over all supervision of the Registrar General who renders such duty under the direction of the Chief Justice of Bangladesh.

Organizational set-up:

In the area of organizational set-up the Registry consists of the following position:

Names of the post	Number of post		Remarks
	Appellate Division	High Court Division	
Registrar General	1		For both Divisions and appointed from Judicial Service (on deputation).
Registrar	1	1	For both Divisions appointed from Judicial Service (on deputation).
Additional Registrar	1	3	For both Divisions appointed from Judicial Service (on deputation).
Special Officer		1	Appointed from Judicial Service (on deputation).
Deputy Registrar	1	8	For Appellate Division appointed from employees of Supreme Court through promotion; For the High Court Division appointed 3 from Judicial Service (on deputation) 5 from employees of Supreme Court through promotion.
Assistant Registrar	3	11	For Appellate Division appointed from employees of Supreme Court through promotion; For the High Court Division appointed 5 from Judicial Service (on deputation) 6 from employees of Supreme Court through promotion.
Research & Reference Officer	1		Appointed from Judicial Service (on deputation).
Secretary of the Chief Justice	1	1	Appointed from Judicial Service (on deputation)/ Employees of Supreme Court through promotion.
PS to Registrar General	1		Appointed from Judicial Service (on deputation).
Other employees of different level	140	More than 1347	Employees appointed by the Supreme Court.

¹ The Supreme Court (Appellate Division) Rules, 1973 has been substituted by the Supreme Court of Bangladesh (Appellate Division) Rules, 1988.



Functions:

In rendering administrative service to the Court for carrying out its judicial functions, in accordance with the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and the Supreme Court (High Court Division) Rules, 1973, the Registry also carries out the following functions:

1. to prepare the cause list in order to intimate the parties and the Advocates about the fixation of their case for hearing or other matter for fixing before a bench;
2. to provide the necessary assistance and information to the court processing for cases pending before the Court;
3. to require any petition of appeal, petition or other matters presented to the Court to be amended in accordance with the practice and procedure of the Court;
4. to fix the dates of hearing of appeals, petitions or other matters and issue notices thereof;
5. to settle the index in cases where the record is to be prepared under the supervision of the Registry;
6. to ensure that necessary documents are included and all legal and procedural formalities have been complied with before a case made ready for hearing;
7. to direct any formal amendment of record;
8. to make an order for change of Advocate-on-Record with the consent of the Advocate-on-Record;
9. to grant leave to inspect and search the records of the Court and order to grant of copies of documents to parties to proceedings;
10. to allow from time to time on a written request any period or periods not exceeding twenty-eight days in aggregate for furnishing information or for doing any other act necessary to bring the plaint, appeal, petition or other proceeding in conformity with the rules and practice of the Court;
11. to implement Court judgments and orders ;
12. to maintain the records;
13. to maintain the record of senior Advocates of the Supreme Court, Advocates and Advocate-on-record; and
14. to perform any other functions subject to any general or special order, issued by the Chief Justice of Bangladesh.



Officers working in the Supreme Court Registry

(First row sitting, from left to right) Mohammad Anishur Rahman, Arunava Chakraborty, Md. Jabid Hossain, Md. Zakir Hossain, Syed Aminul Islam (Registrar General), Abu Syed Diljar Hussain, Hosne Ara Akter, Md. Sabbir Faiz and S. M. Arshadul Alam (2nd row, from left to right) Begum Sultana, Md. Nurul Islam, Md. Siddiqur Rahman, Md. Bulbul Ahmed Patwary, Md. Ismail Hossain, Farjana Yesmin, Sanjida Sarwar, Md. Azizul Haque, Mohammad Kamal Hossain Sikder, Mohammad Moein Uddin Chowdhury, Md. Shamim Sufi, Syed Mostafa Reza Noor, Abu Taher Bhuiyan, James Richard Cruze (3rd row, from left to right) Md. Mehedi Hasan, Abu Md. Salahuddin, Md. Harun-Or-Rashid, Khandaker Salahuddin, Md. Mobarak Ali Mia, Swapon Bikash Borua, Zahirul Alam Bhuiyan, Mohammad Saiful Islam Mia, Kazi Parvez Anwar, Motasim Billah, Shariful Alam Bhuiyan, Moshaddeque Minhaz, Md. Atikus Samad, Sohag Ranjan Paul and Md. Abbas Ali

Names of the Registrar Generals

SL. No.	Name	Duration
1.	Mr. Syed Aminul Islam	In Office Since 14.06.2015

Names of the Registrars

SL. No.	Name	Duration
1.	Mr. Shahabuddin Ahmed	31.09.1967-20.01.1972
2.	Mr. Mohammad Abdul Khaleque	22.02.1972-20.07.1973
3.	Mr. Abdul Mumit Chowdhury	20.07.1973-02.03.1976
4.	Mr. Md. Abdul Ahad	19.04.1976-06.12.1976
5.	Mr. Mohammad Ali Khan	06.12.1976-05.10.1977
6.	Mr. K.F. Akbor	05.10.1977-29.01.1980
7.	Mr. Sheikh Khorshed Ali	08.05.1980-03.01.1981
8.	Mr. Khondker Badruddin Ahmed	05.01.1981-06.07.1982
9.	Mr. Naimuddin Ahmed	01.09.1982-21.01.1988
10.	Mr. Md. Hamidul Huq	03.02.1988-15.05.1990
11.	Mr. Md. Nurul Islam	15.05.1990-15.04.1992
12.	Mr. Kazi Golam Rasul	15.04.1992-30.04.1994
13.	Mr. Md. Ali Asgor Khan	30.04.1994-24.02.1997
14.	Mr. Md. Abdul Jalil	16.03.1997-30.12.1999
15.	Mr. Mohammad Marzi-ul-Huq	05.01.1999-21.02.2001
16.	Mr. Quamrul Islam Siddiqui	27.02.2001-22.08.2004
17.	Mr. Md. Fazlul Karim	07.09.2004-12.01.2007
18.	Mr. Ikter Ahmed	08.03.2007-31.07.2008
19.	Mr. Abu Bakar Siddiquee	22.09.2008-29.06.2009
20.	Mr. Md. Shawkat Hossain	09.08.2009-17.04.2010
21.	Mr. Md. Ashraful Islam	19.05.2010-07.06.2011
22.	Mr. A.K.M. Shamsul Islam	07.06.2011-10.09.2014
23.	Mr. S.M. Kuddus Zaman	04.12.2014-02.02.2015
24.	Mr. Farid Ahmed Shibli	02.02.2015-12.02.2015
25.	Mr. Syed Aminul Islam	15.02.2015-14.06.2015
26.	Abu Syed Diljar Hussain (High Court Division)	In Office Since 16.06.2015
27.	Md. Zakir Hossain (Appellate Division)	In Office Since 16.06.2015



Budget/Finance of the Supreme Court of Bangladesh

Parliament allocates funds for the Judiciary including Bangladesh Supreme Court by the National Budget. A preliminary draft budget is prepared by the Office of the Registrar General and submitted for the consideration of the Chief Justice of Bangladesh. Once approved, the draft budget is forwarded to the Government for incorporation in the National Budget. It is finally adopted by the Parliament after approval of the Government.

Article 88(b)(ii) of the Constitution of People's Republic of Bangladesh, provides for the remuneration of the Judge of Supreme Court of Bangladesh and article 88(c) of the Constitution provides for the administrative expenses of the Supreme Court, including salary, payable to officers and the staff of the Supreme Court, shall be charged upon the Consolidated Fund.

The budget allocation (Non-development and Development) For FY 2014-15 to FY 2016-17 and the proposed allocation (Non-Development and Development) for FY 2017-18 of the Supreme Court are shown below:

Financial year		Non - Development	Development	Total
2014 - 15	Revised budget	100,94,00,000/ -	13,00,00,000/ -	113,94,00,000/ -
2015 - 16	Revised budget	135,02,40,000/ -	0	135,02,40,000/ -
2016 - 17	Proposed Revised budget	194,64,00,000/ -	0	194,64,00,000/ -

It is to be noted that the Judiciary including the Supreme Court of Bangladesh is the only head in the National Budget whose revenue collection exceeds its budgetary allocation manifold other than National Board of Revenue (NBR).

The Registrar General, being ex-officio Chief Accounting officer, is responsible for expenditure of the amount sanctioned in the budget of the Supreme Court under the guidance of the Honorable Chief Justice. The Registrar General has to ensure the proper use of the funds allocated. He is also authorised to appropriate and re-appropriate from one head to another shown in the budget without the sanction of the Government but can not exceed the amount approved in the budget. The accounts of the Court are audited every year by the Auditors of the Office of the Comptroller and Auditor General of Bangladesh.



Children are playing at the Day Care Centre of the Supreme Court of Bangladesh

Names of the Attorney Generals for Bangladesh from 1972

SL	Name	Tenure
1.	Mr. M.H. Khandker	21-01-1972 to 17-12-1972
2.	Mr. Fakir Shahabuddin Ahmed	18-12-1972 to 21-03-1976
3.	Mr. Syed Ishtiaq Ahmed	22-03-1976 to 06-05-1976
4.	Mr. K.A. Bakr	10-05-1976 to 13-03-1985
5.	Mr. Md. Nurullah	14-03-1985 to 06-04-1990
6.	Mr. Rafique-ul-Huq	07-04-1990 to 17-12-1990
7.	Mr. Aminul Huq	18-12-1990 to 13-07-1995
8.	Mr. Md. Nurullah	26-07-1995 to 22-06-1996
9.	Mr. Kazi Shahidun Nabi (K. S. Nabi)	31-07-1996 to 29-05-1998
10.	Mr. Mahmudul Islam	16-07-1998 to 09-10-2001
11.	Mr. Abu Fayez Hasan Arif	14-10-2001 to 30-04-2005
12.	Mr. A.J. Mohammad Ali	30-04-2005 to 24-01-2007
13.	Mr. Fida Md. Kamal	05-02-2007 to 16-07-2008
14.	Mr. Salahuddin Ahmed	20-07-2008 to 12-01-2009
15.	Mr. Mahbubey Alam	From 13-01-2009 till date



Office of the Attorney General



The Supreme Court Bar Association

All practicing Advocates of both Divisions of the Supreme Court of Bangladesh including the Advocates-on-Record are the members of the Supreme Court Bar Association. The Supreme Court Bar Association always plays active and vital role in protecting the supremacy, dignity and integrity of the Supreme Court of Bangladesh. The Association is housed in two buildings one is known as the main building which is 2 (two) storied and the other one is known as the annex building which is 3 (three) storied. The present Association has the legacy of the then Dhaka High Court Bar Association, housed in the old building of the then High Court of Judicature at Dhaka, established after the creation of Pakistan in 1947. In 1967 the then High Court of Judicature at Dhaka was shifted to the present main building; 4 rooms of the main Building on the western side were allowed for use of the learned members of the Association. The present main building of the Association was inaugurated in November, 1975 by the then Hon'ble President Mr. Justice Abu Sadat Muhammad Sayem, the first Chief Justice of Bangladesh. In both the buildings, rooms are allotted to the members of the Association to have their private sitting arrangements in carrying out their works against monthly payments to the Association and such rooms are known as cubicles. Presently, there are 489 cubicles, apart from 3 (three) big hall rooms. The learned members of the Association, who can not be provided with cubicles, sit in the hall rooms. The Association has a modern auditorium. The Association has also a Medical Care Centre in the ground floor of the main building, where a doctor sits regularly on the working days and provides medical treatment to its members.

The library of the Association is in the main building and has a rich and versatile collection of books, law journals and law reports of USA, UK, Australia, Common Wealth, India, Pakistan and Supreme Court of Bangladesh.


The Supreme Court of Bangladesh is consisted of two Divisions namely: (a) The Appellate Division and (b) The High Court Division. In order to practice in each of the Divisions one has to be enrolled as an Advocate of the said Division and also has to become a member of the Supreme Court Bar Association. Both the Divisions have separate enrolment procedures.

Advocate of the Appellate Division:

There are three categories of Advocates who are entitled to practice law before the Appellate Division, viz. Senior Advocate, Advocate and Advocate-on-Record. Enrolment of these 3 (three) categories of Advocates is guided by Order IV of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 (Rules, 1988). Order IV, Rule 11 of the Rules, 1988 deals with the enrolment as Senior Advocates. The said Rule provides that the Chief Justice and the Judges may, on application or otherwise, select from time to time, from among those whose names are on the Roll of the Advocates, and who are judged as person, by their knowledge, ability and experience, to be worthy, as Senior Advocates. If any Advocate is granted with the status of a Senior Advocate, he or she shall assume the said status on signing the Roll of Senior Advocates. In the said Rule it has further been provided that the Chief Justice and the judges may, before selecting an Advocate as Senior Advocate, consider whether he/she could show sufficient appearance before the Court so as to be entitled to get the status of Senior Advocate. Rule 12 of Order IV of the Rules, 1988 has provided that a fee of taka ten thousands shall be paid by a Senior Advocate before he signs the Roll.

Enrolment as an Advocate of the Appellate Division is guided by Rules 3, 4 and 5 of Order IV of the Rules, 1988. In order to be enrolled as an Advocate of the Appellate Division, one must be:

- (a) an Advocate in the High Court Division for not less than 5 (five) years.
- (b) certified in a duly authenticated form by the Bangladesh Bar Council that he is an enrolled Advocate of the High Court Division.
- (c) certified by the Judges of the High Court Division that he is a fit and proper person to appear and plead as an Advocate before the Appellate Division.



But the Chief Justice and the Judges may grant enrolment to an Advocate, not qualified as aforementioned, if in their opinion, he is qualified by knowledge, ability and experience to be enrolled as an Advocate of that Division. The power may also be delegated to the Enrolment Committee. In order to be enrolled as an Advocate of the Appellate Division an application for enrolment has to be made in such form as may be prescribed by the Court from time to time and shall be accompanied by the following documents:

- (i) a certificate of the Bangladesh Bar Council as mentioned in (b) above;
- (ii) bio-data of the applicant giving full particulars of his/her qualifications and any previous employment or engagement for gain;
- (iii) a list of cases, in which he/she appeared before the High Court Division;
- (iv) an affidavit by the applicant that he/she is eligible and not disqualified to be enrolled as an Advocate in the Appellate Division of Bangladesh Supreme Court; and
- (v) six recent passport size photographs of the applicant.

The application for enrolment shall be considered by an Enrolment Committee consisting of at least two Judges to be nominated by the Chief Justice and the Committee may call the applicants for interview and call for any record. If the Enrolment Committee grants the application, the applicant shall be allowed to sign the Roll of Advocates on payment of taka 5,000/00 (five thousand).

Qualification for enrolment as an Advocate-on-Record has been laid down in Rule 17 of Order IV of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 which are as under:

No person shall be qualified for being enrolled as an Advocate-on-Record unless, he/she-

- (a) has been for not less than seven years enrolled as an Advocate of the Courts subordinate to the Appellate Division of the Supreme Court including at least three years standing as an Advocate of the High Court Division;
- (b) has an office at the seat of the Registry of the Court;
- (c) has telephone installation at his office at the seat of the Registry of the Court;
- (d) signs the Roll of Advocate-on-Record maintained for the purpose.

Provided that the Chief Justice and the Judges may grant enrolment of a person not qualified as aforementioned, if, in their opinion, he is qualified by knowledge, ability and experience to be enrolled as an Advocate-on-Record. This power may, be delegated to the Enrolment Committee. Such application for enrolment as an Advocate-on-Record shall be made in such form as may be prescribed by the Court from time to time. Rule 18 of Order IV of the Rules, 1988 has provided that the application shall have to be accompanied by-

- (i) an authenticated copy of the applicant's first enrolment as an Advocate on the roll of Bangladesh Bar Council;
- (ii) a certificate from the Bar Association, where the applicant first joined to practice the profession of law mentioning the date of commencement of his membership of the Bar Association;
- (iii) an authenticated photostat copy of his certificate of enrolment as an Advocate of the High Court Division of the Supreme Court;
- (iv) a certificate in a duly authenticated form by the Supreme Court Bar Association that he is still an Advocate of the High Court Division of the Supreme Court;
- (v) bio-data of the applicant giving full particulars of his qualification and any previous employment for gain;
- (vi) a list of cases in which he appeared before the High Court Division;



- (vii) an affidavit by the applicant that he is eligible and not disqualified to be enrolled as an Advocate-on-Record in the Appellate Division of the Supreme Court; and
- (viii) six recent passport-size photographs of the applicant.

Rule 19 of Order IV of the Rules, 1988 has further provided that an application for enrolment as an Advocate-on-Record shall be considered by an Enrolment Committee consisting of at least two judges to be nominated by the Chief Justice and the committee may call the applicants for interview and call or ask for any record. If the Enrolment Committee grants the application, the applicant shall be allowed to sign the Roll of Advocate-on-Record on payment of fee of taka 2,000.

Rule 7 of Order IV of the Rules, 1988 has clearly provided that a Senior Advocate, an Advocate and an Advocate-on-Record shall be entitled to appear and plead before the Court on signing his respective Roll. Rule 33 has provided that the Attorney General for Bangladesh shall have precedence over all the Advocates and Senior Advocates. In Rule 34 it has further been provided that the Attorney General for Bangladesh and Additional Attorney General shall, by virtue of their offices, have the status and precedence of a Senior Advocate of the Court notwithstanding that their names are not contained in the Roll of Senior Advocates. The Deputy Attorney General and Assistant Attorney General shall, by virtue of their office, have the status of an Advocate of the Court notwithstanding that their names are not contained in the Roll of Advocates of the court.

Advocates of the High Court Division:

The enrolment in the High Court Division is controlled by the Bangladesh Bar Council under the provisions of the Bangladesh Legal Practitioners and Bar Council Order, 1972 (the Order, 1972) and the Rules framed thereunder, namely, The Bangladesh Legal Practitioners and Bar Council Rules, 1972 (the Rules, 1972).

Article 21 of the Order provides that no Advocate other than an Advocate permitted to practice before the High Court immediately before the commencement of the Order, shall be permitted to practice before the High Court Division unless-

- (a) he has practiced as an Advocate before subordinate courts in Bangladesh for a period of two years;
- (b) he is a law graduate and has practiced as an Advocate before any Court outside Bangladesh notified by government in the official gazette;
- (c) he has, for reason of his legal training or experience been exempted by the Bar Council from the forgoing requirements of this clause on the basis of the prescribed criteria.

Rules 65A of the Rules, 1972 has given power to the Bar Council to grant exemption under article 21(1)(a) requiring practice for a period of 2 (two) years before seeking permission to practice in the High Court Division on the basis of the following criterion-

- (i) Advocates who were called to the Bar in U.K. or who have obtained higher 2nd class in LL.M. (at least 50% marks in aggregate) from any recognized University and further worked with a Senior Advocate of the Supreme Court in his Chamber for at least one year [since his enrolment as Advocate under Rule 62(1)]; and
- (ii) Persons holding a degree in law and have held a judicial office (i.e. office of a Civil Judge) for a total period of at least 10 years do not require to appear for written test as per sub-rule (2) hereof but he shall have to appear before the interview Board.

Enrolment to practice in the High Court Division is done by an Enrolment Committee consisting of 5 persons, namely:

- (a) Chairman to be nominated by the Chief Justice from amongst the Judges of the Appellate Division
- (b) One member to be nominated by the Chief Justice from amongst the Judges of the High Court Division.

(c) Attorney General for Bangladesh.

(d) Two members elected by the Bar Council from amongst its members.

(2) The procedure for the enrolment of Advocates and the business of the Enrolment shall be regulated by the Enrolment Committee in such manner as may be determined by it.

Rule 65A (1) of the Rules, 1972 has provided that all applications for permission to practice in the High Court Division shall be made in prescribed form as appended to the Rules, accompanied by the papers detailed in clause (a) (b) (c) and (d) thereof. Of the above 3 (three) clauses clause (b) provides that a list of at least 25 cases either civil or criminal or both in which the Advocate appeared before the concerned Courts must be submitted. Presently after an Advocate fulfills the requirement to apply for permission to practice, written test is taken on the syllabus for the same as mentioned in sub-article (3) of Rule 65 A. The qualifying mark for written test is 12 out of 25 and for oral test is 12 out of 25, but the aggregate marks of the two tests must be at least 25 (that is 12 + 13).



Building of the Supreme Court Bar Association.



Names of the President and the Secretary of the Supreme Court Bar Association from 1972 to 2016

Period	Names of the President and the Secretary	
1971-1972:	President	Mr. Asaduzzaman Khan and Mr. M.H. Khondker
	Secretary	Mr. Tufail Ahmed and Mr. Mohammad Yeasin
1972-73:	President	Mr. Ahmed Sobhan
	Secretary	Mr. Shamsul Huq Choudhury
1973-74:	President	Mr. Mirza Golam Hafiz
	Secretary	Mr. Mohammad Yeasin
1974-75:	President	Dr. Aleem-Al-Razee
	Secretary	Mr. Mohammad Yeasin
1975-76:	President	Mr. Tafazzal Ali (T. Ali)
	Secretary	Mr. A.K.M. Shafiqur Rahman
1976-77:	President	Mr. Ahmed Sobhan
	Secretary	Mr. H.K. Abdul Hye
1977-78:	President	Mr. T.H.Khan
	Secretary	Mr. Shah Md. Sharif
1978-79:	President	Mr. Syed Ishtiaq Ahmed
	Secretary	Mr. M. Hafizullah
1979-80:	President	Mr. Khondker Mahubuddin Ahmed
	Secretary	Mr. Syed Abul Mokarrum
1980-81:	President	Dr. Rafiqur Rahman
	Secretary	Mr. Md. Ruhul Amin
1981-82:	President	Mr. Mohammad Yeasin
	Secretary	Mr. Habibul Islam Bhuiyan
1982-83:	President	Mr. Serajul Huq
	Secretary	Mr. Md. Fazlul Karim
1983-84:	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Giusuddin Ahmed
1984-85:	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Abu Sayeed Ahammad
1985-86:	President	Mr Shamsul Huq Choudhury
	Secretary	Mr. A.Y. Masihuzzaman
1986-87:	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Abdul Baset Majumder
1987-88:	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Abdul Baset Majumder
1988-89	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Md. Abdul Wahhab Miah (M.A. Wahhab Miah)
1989-90:	President	Mr. Syed Ishtiaq Ahmed
	Secretary	Mr. Md. Abdul Wahhab Miah (M.A. Wahhab Miah)
1990-91:	President	Dr. Kamal Hossain
	Secretary	Mr. Md. Fazlul Haque
1991-92:	President	Dr. Rafiqur Rahman
	Secretary	Mr. A.F.M. Mesbahuddin



Period	Names of the President and the Secretary	
1992-93:	President	Mr. Khondker Mahhubuddin Ahmed
	Secretary	Mr. A.F.M. Ali Asgar
1993-94:	President	Mr. Kazi Golam Mahbub
	Secretary	Mr. Mahbubey Alam
1994-95:	President	Mr. M. Hafizullah
	Secretary	Mr. Mohammad Ozair Farooq
1995-96:	President	Mr. T.H. Khan
	Secretary	Mr. S.M. Munir
1996-97:	President	Mr. Shaukat Ali Khan
	Secretary	Mr. Nozrul Islam Chowdhury
1997-98:	President	Mr. Nazmul Huda
	Secretary	Mr. Zainul Abedin
1998-99:	President	Mr. Habibul Islam Bhuiyan
	Secretary	Mr. Abdul Awal
1999-2000:	President	Mr. Shafique Ahmed
	Secretary	Mr. Md. Saidur Rahman
2000-2001:	President	Mr. Mainul Hosein
	Secretary	Mr. Md. Shahidul Karim Siddique.
2001-2002:	President	Mr. Abdul Baset Majumder
	Secretary	Mr. Md. Momtazuddin Fakir
2002-2003:	President	Mr. Mohammad Ozair Farooq
	Secretary	Mr. M. A Hafiz
2003-2004:	President	Mr. Rokanuddin Mahmud
	Secretary	Mr. Md. Mahbub Ali
2004-2005:	President	Mr. Rokanuddin Mahmud
	Secretary	Mr. Bashir Ahmed
2005-2006:	President	Mr. Mahbubey Alam
	Secretary	Mr. M. Enayetur Rahim
2006-2007	President	Mr. M. Amir-ul-Islam
	Secretary	Mr. A.M. Amin Uddin
2007-2008:	President	Mr. M. Amir-ul-Islam
	Secretary	Mr. A.M. Amin Uddin
2008-2009:	President	Mr. Shafique Ahmed
	Secretary	Mr. Md. Nurul Islam Sujan
2009-2010	President	Mr. A.F.M. Mesbahuddin
	Secretary	Mr. S.M. Rezaul Karim (শ. ম. রেজাউল করিম)
2010-2011:	President	Mr. Khandker Mahbub Hossain
	Secretary	Mr. Bodruddoza Badal
2011-2012:	President	Mr. Khandker Mahbub Hossain
	Secretary	Mr. Bodruddoza Badal
2012-2013:	President	Zainul Abedin
	Secretary	Momtazuddin Ahmed (Mehedi)
2013-2014	President	A.J. Mohammad Ali
	Secretary	A.M Mahbub Uddin Khokon
2014-2015	President	Mr. Khondker Mahbub Hossain
	Secretary	A.M Mahbub Uddin Khokon
2015-2016	President	Mr. Khondker Mahbub Hossain
	Secretary	A.M Mahbub Uddin Khokon
2016-2017	President	Mr. Mohammad Yusuf Hussain Humayun
	Secretary	A.M Mahbub Uddin Khokon

South Asia Judicial Conference on Environment and Climate Change 2016

(Organized by the Supreme Court in collaboration with ADB, held in Dhaka)



Honorable President Md. Abdul Hamid delivering speech in the inaugural session of the conference

South Asia is home to Mount Everest, the Thar Desert, the world's largest mangrove forest, Cox's Bazar Beach, some of the world's largest river systems, four biodiversity hotspots, and the Maldives' coral reefs, which are arguably the world's most complex coral reef systems. The region's incredible biodiversity faces serious environmental challenges. The South Asia Environment Outlook 2014, published by South Asian Association for Regional Cooperation (SAARC), United Nations Environment Programme (UNEP) and the Development Alternatives (DA), cited climate change, deforestation, land degradation, air and water pollution, and biodiversity loss as the major environmental issues of the region. The report identified industrialization, rapid urbanization, population growth, and demographic transitions as the major contributors to environmental degradation.

Deforestation is a major issue in South Asia. It is one of the least forested regions in the world and has a per capita forest area of about 0.05 hectares, less than one-tenth of the global per capita forest area. Diminished forest cover reduces critical habitats for the royal Bengal Tiger, Greater one-horned rhinoceros, Asiatic elephant, and a further 179 mammal species that are categorized as threatened species. The region is also home to 14% of the world's remaining mangroves and the highest percentage of threatened South Asia Sub regional Report: Asia-Pacific Forestry Sector Outlook Study II, 2012 wetlands in the world, 82 of which are in Bangladesh. Bhutan stands as a bright exception to the region's deforestation, with 72% of its land covered by forest and 42.7% of the country categorized as a Protected Area. It has also been declared as one of the 10 global hotspots for conservation of biodiversity.

Six of the world's mega cities are in South Asia, with an estimated urban population of 130 million, which is projected to increase to nearly 250 million in 2030. South Asian cities have failed to maintain livability conditions and rank at the bottom of the Economist Intelligence Unit's (EIU) 2016 rankings, with Karachi and Dhaka ranking 134 and 137 respectively out of 140 cities.



The recent increase in intensity of smog and Asian Brown Cloud (ABC) has become a major concern for some South Asian countries. The ABC is caused by large amount of aerosols produced in the combustion of fossil fuels and biomass. Indeed, at the time this background paper was written, 1,800 schools in Delhi, India had been shut down due to concerns regarding air pollution stemming from heavy smog. Current estimates state that more than 150,000 people die annually in South Asia as a result of air pollution, which is approximately 1.4% of total morbidity. A 2008 report by the World Health Organization stated that outdoor air pollution killed 168,601 people in India, 45,300 people in Pakistan, and 10,300 people in Bangladesh annually.

South Asia's major river systems are extremely polluted, affecting most of the region's river cities. The Ganges is ranked as the most polluted river of the world, Dhaka's major rivers have been declared biologically dead, 9 and efforts to restore Kathmandu's Bagmati River continue to struggle.

Against these backdrops, the Supreme Court of Bangladesh and the Asian Development Bank (ADB) jointly organized the Fifth South Asia Judicial Conference on Environment and Climate Change, held in Dhaka, Bangladesh on 25-26 November, 2016. The conference aimed to promote environmental adjudication, enforcement, and justice in South Asia, as well as discussion regarding the key environmental concerns and climate change challenges and needed regulatory and judicial responses. One of the objectives of the conferences was to create an opportunity for the judges and the environmental practitioners to develop a common understanding of the issues and available legal solutions.

Speech of the Honorable Chief Justice of Bangladesh Mr. Justice Surendra Kumar Sinha at the "South Asia Judicial Conference on Environment and Climate Change" held at Radisson Hotel, Dhaka on November 25th, 2016

His Excellency Mr. Md. Abdul Hamid, Hon'ble President of the People's Republic of Bangladesh;
Esteemed Chief Justices of Afghanistan, Bhutan, Myanmar, Nepal, Sri Lanka and United Kingdom;
Hon'ble Minister for Law, Justice and Parliamentary Affairs, Mr. Anisul Huq, M.P
Hon'ble Minister for Environment and Forest, Mr. Anwar Hossain Manju, M.P
Beloved Justices;

Ms. Deborah Stokes, Vice-President for Administration and Corporate Management, ADB;
Dr. Saleemul Huq, Senior Fellow, International Institute for Environment and Development;
Distinguished Guests, Judges Delegates and Participants from home and abroad;
Representatives of the Print and Electronic Media;
Ladies and Gentlemen.
Namasker/Very Good Morning.

Before embarking on my discussion, I express my subterranean gratitude to Hon'ble President of the People's Republic of Bangladesh for his gracious presence. Undoubtedly, his kind presence has added special dimension and glorified the inaugural session of the seminar. My beloved Chief Justices, delegates and other Justices of different South Asian Countries have come to Dhaka after incurring their valuable time and energy. I express my profound gratitude to them for their kind participation to make the seminar an echoing success. I hope they will have a pleasant stay in Bangladesh.

2. The presence of the Hon'ble Ministers shows the firm commitment of the government to protect, preserve and all out supports for the cause of environment. They deserve high appreciation. Continuous and ardent support of Asian Development Bank is also laudable. My colleague Justices, officials of ADB and Supreme Court also deserve appreciation for their relentless efforts to make the seminar happen. Special thanks to key note speakers for preparing thought provoking articles relating to latest status of environment and climate change. Thanks to the representative of the print and electronic medias and all stakeholders for their continuous support and encouragement.

3. The Environment is viewed as a resource base for the survival of the present and future generations. Environmental protection is an increasingly pressing issue all over the world. Ozone depletion, green



house effect, global climate changes or global warming, etc, are the main issues concerning the environment. In recent years, many countries and various organizations have paid more attention to environmental protection. It is unrealistic to expect individual nations to make independently, the sacrifices necessary to prevent environment changes. None can deny that International leadership and worldwide cooperation are essential if we expect to protect the world for the future generations.

4. Human rights abuses are worsened by environmental degradation for several reasons:

- a) the exhaustion of natural resources leads to unemployment and emigration to cities;
- b) this degradation poses new problems such as environmental refugees. They suffer from significant economic, socio-cultural and political consequences;
- c) environmental degradation worsens existing problems suffered by developing and developed countries. Air pollution, for example, accounts for about 3 million of deaths annually and 90% of these are from the developing and least developed countries.
- d) environmental conditions contribute to a large extent, to the spread of infectious disease. About 60% out of 5000 million people who live in the least developed and developing countries lack basic health care services and almost or third of these people have no access to safe water supply.

5. Global climate change will affect people and the environment in many ways. Some of these impacts, like stronger hurricanes and severe heat waves, could be life threatening. Others, like spreading weeds, will be less serious. And some effects, like longer growing seasons for crops, might even be good! However, as the Earth keeps getting warmer, the negative affects are expected to outweigh the positive ones. The more we learn about how climate change will affect people and the environment, the more we can see why people need to take action to reduce the greenhouse gas emissions that are causing climate change. We can also take steps to prepare for the changes we know are coming.

6. Since the Stockholm conference in 1972, international environmental law has developed to such extent that even the domestic environments of states has been internationalized. In the light of the breadth of international law and the manner in which it intrudes into every aspect of environmental protection in an international sense and notwithstanding the concept of state sovereignty, it is argued that it is unnecessary to have a separate human right to a decent environment.

7. Environmental law has in many parts of the globe, suffered from the problem of standing. Due to this barrier, it is often difficult for individuals or groups to challenge infringements of environmental law, treaties or directives, as the case may be.

8. The Supreme Court of Bangladesh is playing very proactive role on the degradation of environment to make it friendly for the people. It has been playing very impressive role for its judicial activism either by suo motu or on the basis of PIL and progressive interpretation of some constitutional and other legal provisions. The judiciary applied international recognised environmental concepts in its different landmark judgments regarding environment and climate change issues. It has expanded the locus standi so that social action litigation may be filed easily to protect environment and climate change.

9. In compliance with a directive given by the Supreme Court, Government enacted the National River Saving Commission Act, 2013 for establishing a Commission for saving the dying rivers of the country. It also directed the owner of a ship breaking industry to make afforestation on the coastal land where he set up industry afresh; to realize the costs of demolition and the costs of afforestation from him and the other persons who were connected with the ship breaking business in the disputed lands through the process of law and directed the government not to lease out the notified area of the reserve forest to any person or company or organization for any purpose. Accordingly, all unauthorized constructions, including some constructions made for the purpose of installation of ship breaking equipment in the coastal land, were removed and recovered possession of all Coastal Forest Lands and also planted trees on a portion thereof. As per the direction of the Supreme Court, Ministry of Environment has framed Rules titled 'Dangerous and Hazardous Wastage and Ship Breaking Wreck Management Rules, 2011' and the 'Ship Breaking and Recycling Rules, 2011'. Consequently the deforestation has been stopped and afforestation is going on in full swing and no more casualties at ship breaking yards will be without remedy and the workers are



performing their duties in a safe condition.

10. The Supreme Court issued some directives upon the different departments of government with regard to Ship Breaking yards operating without prior clearance certificates. The Court inter alia directed the Ministry of Environment and the Department of Environment to take immediate steps to ensure closure of all ship breaking yards which are operating without necessary Environmental Clearance as required by law and also directed the Ministry of Environment to frame Rules and Regulations for the proper handling and management of hazardous materials and wastes, keeping in view the Environment Conservation Act, 1995.

11. The main cause for environment degradation is lack of effective enforcement of various laws relating to human rights, preservation and protection of forest, protection of rivers, canals, water reservoirs, haors (swamp) etc. The Supreme Court on another occasion issued some ground breaking order to the concerned authority for removing all structures /encroachments within the original areas of rivers- the Buriganga, Turag, Sitalakhya, etc.

12. Metro Makers and Developers Limited (MMDL), a private company undertook a development project and started earth-filling in the project area which was earmarked as Sub- Flood Flow Zone (FFZ) by RAJUK. It was challenged by Bangladesh Environmental Lawyers' Association (BELA). The Court in that case clearly held that the right to life as guaranteed by the Constitution includes the rights to protection and improvement of the environment and ecology and, therefore, the said project of Metro Makers and Developers Limited was declared unlawful. The court further directed the Metro Makers to restore the wet-lands of that area to its original state.

13. The Bangladesh Garment Manufacturers & Exporters Association (BGMEA) Bhaban, as the city dwellers know it well, was built by filling up a portion of a once major lake of Dhaka. That reduced its water-holding capacity, hampering its water flow. In the mid-80s, Hatirjheel and Begunbari canals, which ran from the backside of the present Sonargaon Hotel to Gulshan, was thought to be designated as a flood-flow zone in the Dhaka Metropolitan Development Plan for development of a large planned water body with facilities of water sports, boating and promenade on its sides. The Supreme Court suo motu issued rule. Upon hearing directed to dismantle or demolish the BGMEA Bhaban within 90 days from the date of receipt of the judgment only for protecting environment and ecological balance.

14. Hazaribagh is home to between 90 and 95 percent of all tanneries in Bangladesh and, as a result, holds an important place in Bangladesh's increasingly lucrative leather industry. Considering the devastating effects of tanneries on environment the apex court of the country issued direction to shift those tanneries within the time fixed by the court. As the tanneries were not shifted within the stipulated time the court directed to 154 tannery owners at Hazaribagh Dhaka to pay the government Tk 10,000 par day as fine.

15. I am tempted to inform you that in the recent past the Supreme Court on many occasions has given directives and guidelines to the government to demarcate the rivers as per their original borderline and to restore free flow of water restraining the illegal attempts of their encroachments and to save them from dying. Many Housing companies and land developers found engaged in changing the nature of lands and rivers by filling the wet-lands have already been stopped because of the proactive role of the judiciary in Bangladesh. I think, even after all those endeavours we have a long way to go. We must be persistent in our efforts to build public awareness and to legislate suitable laws to cope with the needs of the changing society, otherwise it would be difficult for us to protect the bountiful treasures of nature and ensure environmental security without which the lives of our future generations will be at stake. Those who are driven by greed and profiteering must be made to realize that the judiciary cares more for their offspring and the future generations of this country.

16. It is necessary to emphasize that problem of environmental degradation can be tackled only by concerted efforts by every person, organization and institution and by stringent enforcement of the laws. We have to educate, spread awareness, involve and motivate every person in the country to conserve the local flora and fauna, soil and water resources and all other gifts of God which are national properties.

Thank you all for a patient hearing.



Honorable Chief Justice of Bangladesh Justice Surendra Kumar Sinha delivering speech at the inaugural session of the conference



Honorable Justice Md. Abdul Wahhab Miah delivering speech at the inaugural session of the conference



Honorable Justice Muhammad Imman Ali is speaking in one of the working sessions of the conference



Honorable Justice Syed Refaat Ahmed is speaking at the interactive session 1 of the conference



Interactive Session 2 of the conference



The Rt. Hon. Lord Carnwath, a Judge of the Supreme Court of UK, is speaking at the technical session 3 of the conference



Honorable Chief Justice of Supreme Court of Afghanistan Justice Sayed Yousuf Halim and Honorable Chief Justice of Federal Court of Malaysia Justice Tun Arifin bin Zakaria are taking part in one of the conference sessions



A portion of the Honorable Judges of the Supreme Court taking part in the Conference



A portion of the Honorable Judges of the Supreme Court taking part in the Conference



Honorable Chief Justice of Bangladesh Justice Surendra Kumar Sinha, Judges of the Supreme Court of Bangladesh, Chief Justices and Judges from different countries and other participants pose for a photo at the conference



Honorable Chief Justice of Bangladesh hosted a farewell dinner and a colorful cultural soiree at the Supreme Court premises for the guests taking part in the conference



A portion of the Honorable guests enjoying cultural soiree organized by the Supreme Court of Bangladesh



National Judicial Conference 2016




Inaugural session of the National Judicial Conference 2016

National Judicial Conference, 2016 took place on 24-25 December, 2016 at Bangabandhu International Conference Centre and at Supreme Court of Bangladesh, Dhaka. Existing bottlenecks and problems in the Judiciary and solution to them were discussed and addressed in the conference. On the first day the speakers took holistic approach in discussion whereas on the second day they discussed topic-wise. The speakers also put up their recommendations on relevant subjects. The aim of the program was to ensure justice through development and strengthening of the Judiciary and reducing case backlog.

Judge of the Appellate Division Honorable Mr. Justice Md. Abdul Wahhab Miah presided over the inaugural session of the conference where the Honorable Chief Justice of Bangladesh Mr. Justice Surendra Kumar Sinha graced the occasion as Chief Guest. Special Guests were Former Chief Justice of Bangladesh Honorable Mr. Justice Mahmudul Amin Choudhury; Honorable Minister Mr. Shamsur Rahman Sherif, MP, Ministry of Land and Honorable State Minister Mr. Zunaid Ahmed Palak MP, Information and Communication Technology Division. The speakers identified various impediments that hinder smooth functioning of Judiciary and increase case backlog. They also discussed about lack of facilities, training and security of the judges, infrastructural development needed, absence of application of information technology etc. They all emphasized on the use of information technology to find out a solution to seemingly insurmountable backlog of cases.

The Honorable Chief Justice inaugurated “National Judicial Portal” in the opening session. In his speech, he emphasized on the independence of Judiciary and marked the efficiency of judiciary as the parameter of the civilization. He mentioned elaborately about the highest contribution of the Judiciary to strengthen the democratic system and rule of law in the country. He also spoke about the infrastructural problems, backlog of cases, and scarcity of the number of the judges in the Judiciary etc. Like other speakers, he too emphasized on the use of modern technology.

At the concluding session of the first day of the conference 12 Judicial Officers from the subordinate Judiciary delivered speeches. They identified various bottlenecks to achieve judicial excellence while performing their duties that result in huge case backlog. Along with others, they put emphasis to find out



solutions to infrastructural problems and shortage of Judges. They are of the view that until and unless the number of Judges, facilities and resources are increased, the future of piled up cases remain bleak. They also put stress on concerted effort by all stakeholders to increase access to justice for the poor and vulnerable people.

Honorable Chief Justice at his concluding speech gave some directions to the Judicial Officers. He highlighted that in spite of acute accommodation and logistic crisis, the Judges should remain vigilant about their duties and responsibilities and should not compromise with the quality of judicial work. His lordship inspired the officers and asked them to be careful while doing judicial work so that the common people do not lose hope and trust on the judiciary. At the end he promised that he would take every possible measure to increase the facilities of the Judges, infrastructural development and digitalization of the judiciary.

The second day of the program was comprised of an inaugural session, one specialized session on GO-NGO cooperation on legal aid, four specialized working sessions and one concluding session.

Honorable Judge of the Appellate Division, Mr. Justice Md. Abdul Wahhab Miah presided over the inaugural session. Honorable Chief Justice Mr. Justice Surendra Kumar Sinha, was the Chief Guest at the inaugural program of the second day of the conference. Honorable Judge of the Appellate Division Mr. Justice Muhammad Imman Ali was also present in the session.

Following the inaugural session, specialized session on, 'Role and Mutual Co-operation of the Government and Non-Government Organizations in regard to Legal Aid' took place at which Honorable Mr. Justice M. Enayetur Rahim presided over. The Speakers stressed on more cooperation between GO and NGO in making legal aid program successful.

The first working session was held on 'The way to increase the efficiency of the Court Administration' which was presided over and conducted by Mr. Justice Quamrul Islam Siddique. A keynote paper on the topic was presented. The speakers emphasized on Court administration and efficiency of the staff of the Court. The matters of explicitness, specificity and uniformity of the Court administration were mainly highlighted in the keynote paper. Also they mentioned about the transparency and independence of the judiciary, training of the staff, updating the rule regarding appointment of the staff etc.

The second working session was held on 'Problems and Solutions in implementing Nari-o-Shishu Nirjaton Daman Ain, 2000' which was presided over and conducted by Honorable Judge of the Appellate Division Mr. Justice Imman Ali. Honorable Judges of the High Court Division Mr. Justice M. Enayetur Rahim and Madam Justice Naima Haider were also present there as Special Guests. The speakers mentioned various problems regarding implementation of the law i.e. excessive numbers of false allegations, lack of uniformity in case of sentencing, non-existence of any relief regarding sexual harassment of boy-children etc. Recommendations were made separately for the problems i.e. introduction of rehabilitative legal aid provision for rape victims, bringing uniformity in relation to sentencing etc.

The third working session was held on "Problems and Challenges of Land Survey Tribunal and Remedies". This session was presided over by the Honorable Judge of the High Court Division Mr. Justice Md. Ashfaul Islam. Honorable Mr. Justice Md. Ruhul Quddus was present there as Special Guest. The speakers identified various weakness of the Land Survey Tribunal. They also recommended introducing rules, establishing appellate tribunal, establishing tribunal in proportion with number of litigations etc.

The last working session was held on "The impediments to effective application of Alternative Dispute Resolution (ADR) and the ways to overcome them". This session was presided over by Honorable Judge of the High Court Division Mr. Justice Soumendra Sarker. Honorable Judges of the High Court Division, Mr. Justice Obaidul Hassan and Mr. Justice Quazi Reza-Ul Hoque were present as Special Guests. A keynote paper was presented in which success of tackling backlog of cases by implementing ADR in USA, reflection of ADR in the law of Bangladesh and role of National Legal Aid Services Organization in implementing ADR were discussed. The Speakers discussed about the obstacles of implementing ADR under S.89A of the Code of Civil Procedure. They also recommended creating awareness regarding ADR, reforming the laws relating to ADR, introducing ADR in case of Criminal Procedure etc.

In the Concluding session Honorable Judge of the Appellate Division Mr. Justice Md. Abdul Wahhab Miah wrapped up the conference by delivering his concluding speech. He conveyed thanks to the Judges and gave some directions. He expressed confidence that the discussions held in the conference would have a positive impact on the subordinate court's administration.



Honorable Chief Justice of Bangladesh Justice Surendra Kumar Sinha addressing the participants at the conference.



Honorable former Chief Justice of Bangladesh Justice Mahmudul Amin Choudhury speaking at the conference as a special guest.



Honorable Minister, Ministry of Land delivered speech at the conference as a special guest.



Honorable Justice Md. Abdul Wahhab Miah delivered speech at the conference as the chair of the inaugural session



Honorable State Minister for ICT Division delivering his speech as a special guest



Honorable Justice Moyeenul Islam Chowdhury gave a speech in the conference



Honorable Judges of the Supreme Court are seen participating in the conference



A portion of the Honorable Judges of the High Court Division is seen participating in the conference



Honorable Chief Justice of Bangladesh Justice Surendra Kumar Sinha inaugurated "National Judicial Portal" at the conference



Honorable Justice Md. Abdul Wahhab Miah inaugurated "e-Application" software at the conference



Honorable Chief Justice of Bangladesh unveiled the cover of the souvenir published at the conference



A portion of the Judges of the subordinate Judiciary attending the conference



One of the working sessions on the 2nd Day of the conference



One of the working sessions on the 2nd Day of the conference



One of the working sessions on the 2nd day.



One of the working sessions on the 2nd day.



Main Building of the Supreme Court



Annex Building of the Supreme Court



Old High Court Building



Side view of the Supreme Court



Administrative Building of the Supreme Court