



Annual Report 2018



Supreme Court of Bangladesh

Annual Report 2018

SUPREME COURT OF BANGLADESH

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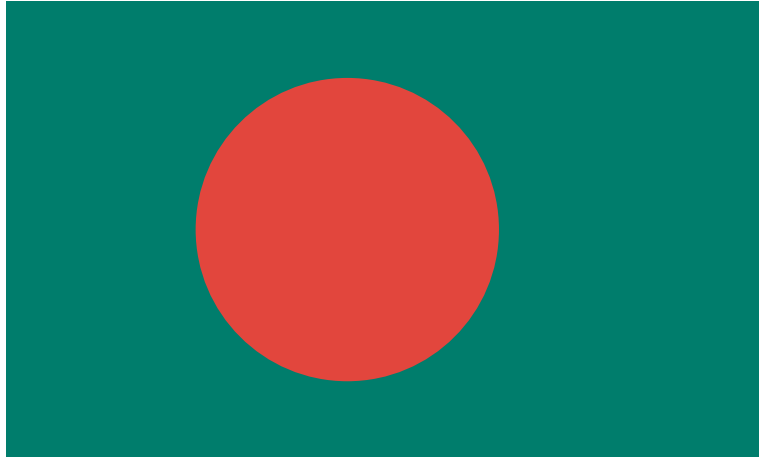
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National Flag of Bangladesh



Emblem of the Supreme Court of Bangladesh



Flag of the Honourable Chief Justice of Bangladesh



Flag of the Honourable Judges of the Supreme Court of Bangladesh



The Supreme Court of Bangladesh at a Glance

Established	:	On 16.12.1972 A.D. under article 94 of the Constitution of the People's Republic of Bangladesh. Commenced functioning on 18.12.1972.
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.
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 during 2018	:	(i) Appellate Division: 07 (Seven) Judges including the Chief Justice. (ii) High Court Division: 95 (Ninety Five) Judges.
Tenure of Office of the Judges	:	Until attaining 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 has 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 lies; (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; and (b) by leave of the Appellate Division. (B) The Appellate Division also has advisory jurisdiction under article 106 of the Constitution. (C) The High Court Division has such original, appellate and other jurisdictions, powers and functions as are or may be conferred on it by the Constitution or any other law.
Court Rooms	:	The Appellate Division : 03 (Main Building) The High Court Division : 22 (Main Building) : 33 (Annex Building) : 04 (Old Building) Total = 62
Contact	:	The Registrar General, Supreme Court of Bangladesh, Shahbag, Dhaka-1000 Phone : (+88 02) 9562785 Fax : (+88 02) 9565058 Website : www.supremecourt.gov.bd Email : rg@supremecourt.gov.bd



Side view of the Court Room of the Honourable Chief Justice of Bangladesh



Court Room of the Honourable Chief Justice of Bangladesh



Court No. 2 of the Appellate Division of the Supreme Court of Bangladesh



Court No. 8 of the High Court Division of the Supreme Court of Bangladesh



Mr. Justice Syed Mahmud Hossain
Chief Justice of Bangladesh

From the Desk of the Chief Justice of Bangladesh

Justice Syed Mahmud Hossain



Supreme Court
Dhaka-1000.

Annual Report is the mirror of our activities of the past one year. It embodies the organizational system, structure and functions of the Supreme Court of Bangladesh. It is a conspectus of various information about this Court. It helps us recollect our achievements and throws light on our desired future endeavours in the process. It is a matter of immense pleasure for me to present the Annual Report, 2018 of the Supreme Court as the Chief Justice of Bangladesh.

The beauty of the Constitution of the People's Republic of Bangladesh is that the entire edifice of the country is based thereupon. It is the very pillar upon which the democracy of Bangladesh stands.

Judicial independence is one of the essential elements of rule of law. Every civilized society has acknowledged the need for an impartial and independent Judiciary. The principle of judicial independence has acquired renewed significance, since the Constitution of Bangladesh has conferred on the Judiciary the power of judicial review. Ours is a written Constitution. Judicial review is the soul of the Judiciary in a written Constitution. However, keeping in mind the doctrine of separation of powers, the Judiciary has to exercise considerable restraint to ensure rule of law and democracy. The Judiciary needs to work in the arena delineated by the Constitution.

Proper administration of justice, being one of the main Constitutional goals, has to be in consonance with the expectations of the society. Administration of justice, per se, takes within its ambit judicial experience and expertise in determining disputes between the parties as per law.

The Constitution of Bangladesh which is the solemn expression of the will of the people has not only bestowed upon this Court the judicial power of the Republic, but also the challenging task of superintendence and control of the Subordinate Judiciary upon it. The Judiciary is the epitome of justice. But for the confidence of the citizenry in it, the statehood cannot sustain.

As the guardian of the Constitution and interpreter of laws, this Court is the embodiment of the conscience of the nation. The various constraints in the Judiciary should not hinder



our progress towards judicial excellence. We should be on our guard against misuse or abuse of any law. A very famous political philosopher Baron De Montesquieu once said, “There is no crueller tyranny than that which is perpetuated under the shield of law and in the name of law”. From its very inception, this Court has always been crucial in dispensing even-handed justice to all in accordance with law and only in accordance with law. There is no manner of doubt that the Judges are accountable to the people and their accountability must be judged by their conscience and oath of office.

My heartfelt thanks and appreciation are to my fellow brother and sister Judges for their sincere support, unstinted co-operation and whole-hearted dedication for maintaining the high standard and keeping the dignity of this hallowed institution above board. I commend the officers and staff of the Supreme Court Registry for their continuous support. I do acknowledge the assistance of the Members of the Bar in upholding the honour, majesty and prestige of this apex Court.

In fine, echoing the words of Alexander Solzhenitsyn, I must say that justice is conscience, not a personal conscience but the conscience of the whole of humanity.

(Justice Syed Mahmud Hossain)
Chief Justice of Bangladesh



Editorial Committee of the Annual Report, 2018 of the Supreme Court of Bangladesh (From left) Mr. Justice Obaidul Hassan, Mr. Justice Md. Ashfaqul Islam, Madam Justice Salma Masud Chowdhury, Mr. Justice Mirza Hussain Haider, Mr. Justice Muhammad Imman Ali, Mr. Justice Tariq ul Hakim, Mr. Justice Syed Refaat Ahmed, Mr. Justice Moyeenul Islam Chowdhury and Madam Justice Naima Haider



Editorial Committee at one of its meetings



Oath taking ceremony of Mr. Justice Syed Mahmud Hossain as the 22nd Chief Justice of Bangladesh. The oath was administered by the Honourable President of Bangladesh Mr. Md. Abdul Hamid on 3 February, 2018



Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain paying tribute to the Martyrs of Liberation War at National Martyrs' Memorial at Savar



Honourable Prime Minister of the People's Republic of Bangladesh Sheikh Hasina exchanging Eid greetings with Honourable Speaker of the Jatiya Sangsad Dr. Shirin Sharmin Chaudhury and Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain at Gana Bhaban



Honourable Prime Minister of the People's Republic of Bangladesh Sheikh Hasina exchanging greetings on Eid day with the Honourable Chief Justice of Bangladesh and Judges of the Supreme Court at Gana Bhaban



Honourable Judges of the Appellate Division of the Supreme Court of Bangladesh

(From left) Mr. Justice Abu Bakar Siddiquee, Mr. Justice Mirza Hussain Haider, Mr. Justice Muhammad Imman Ali, Mr. Justice Syed Mahmud Hossain, Honourable Chief Justice of Bangladesh, Mr. Justice Hasan Foez Siddique, Madam Justice Zinat Ara and Mr. Justice Md. Nuruzzaman



***Profile of
the Honourable Chief Justice of Bangladesh and
Honourable Judges of the Appellate Division of the
Supreme Court of Bangladesh***





Mr. Justice Syed Mahmud Hossain
Chief Justice of Bangladesh

Father's name : Late 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 and African Studies (SOAS) and the Institute of Advanced Legal Studies, both part of University of London.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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 High Court Division on 22.02.2003.

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

Took oath as the 22nd Chief Justice of Bangladesh on 03.02.2018.

Attended the '4th International Summit of High Courts-Transparency in Judicial Process' organized by Court of Cassation, Turkey on 11-12 October 2018 in Istanbul, Turkey. Participated in the Panel Discussions among the Heads of Judiciaries of the BIMSTEC countries and attended the Constitution Day programme of India held in New Delhi in November 2018.

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.

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



Mr. Justice Md. Abdul Wahhab Miah

(Performed the functions of the Chief Justice of Bangladesh from 03.10.2017 to 02.02.2018)

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 the Supreme Court of Bangladesh 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.

Performed the functions of the Chief Justice of Bangladesh from 03.10.2017 to 02.02.2018.

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 the Supreme Court of Bangladesh 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.

Secretary General of Penal Reform International based in London. Council Member of the International Association of Youth Family Judges and Magistrates (IAYFJM).

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 Bangkok in May 2015; Conference on Child Abuse in Kuala Lumpur, Malaysia in October 2015.

Attended the 2nd UNCITRAL Asia- Pacific Judicial Summit in October 2017.

Took part in U.N. Expert Group Meeting on "Children of Returning Terrorists Fighters" held in New York in April 2018.

Led the 'Exposure Visit Programme' of the Supreme Court Special Committee on Child rights to Sri Lanka in April-May 2018 and delivered a lecture on "The effect of corporal punishment on children" in Jaffna, Sri Lanka.

Presented paper at the World Congress on "Justice for Children" held in Paris in May 2018.

Took part in the "Regional Judicial Dialogue on Women's Human Rights and the Right to a Safe, Clean, Healthy and Sustainable Environment" held in Nepal in September 2018.

Participated in 'Training of Trainers' on child rights for Judges in the Maldives in December 2017.

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

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

Visited France, Germany, Belgium, Holland, Luxemburg, United Arab Emirates, 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 : Late 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 Advisor 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.

Assumed the Office of the Chairman of Bangladesh Judicial Service Commission on 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; 17th International Conference of Chief Justices of the World held in Lucknow, India in 2016 and 2nd China ASEAN Justice Forum held in China in 2017.

Visited China, 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 the Supreme Court of Bangladesh 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, the Philippines (2010).

Represented the Chief Justice of Bangladesh in the 14th SAARC Law Conference and 11th SAARC Chief Justices Conference held in Sri Lanka in October, 2017.

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



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. Elevated As Judge of the Appellate Division of the Supreme Court of Bangladesh on 09.10.2018.

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, France, Turkey, Czech Republic and Austria.



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 the University of Rajshahi.

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. Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 09.10.2018.

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. from the University of Dhaka. Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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.

Elevated as Judge of the Appellate Division of the Supreme Court of Bangladesh on 09.10.2018.

Appointed as the Chairman of enrolment Committee of the Bangladesh Bar Council in October 2018. The Honourable President of the People's Republic of Bangladesh, on 23 January, 2012 nominated him as a Member of Search Committee (first of this type) for selection of the Chief Election Commissioner and the Commissioners of the Election Commission. The Honourable President also appointed him as a Member of the Judicial Service Pay Commission on 17 December, 2014 and as a Member of Bangladesh Judicial Service Commission.

Participated in the Liberation War of Bangladesh 1971 as freedom fighter and liberated many places of the then Sunamganj, Netrokona and Kishoreganj 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.



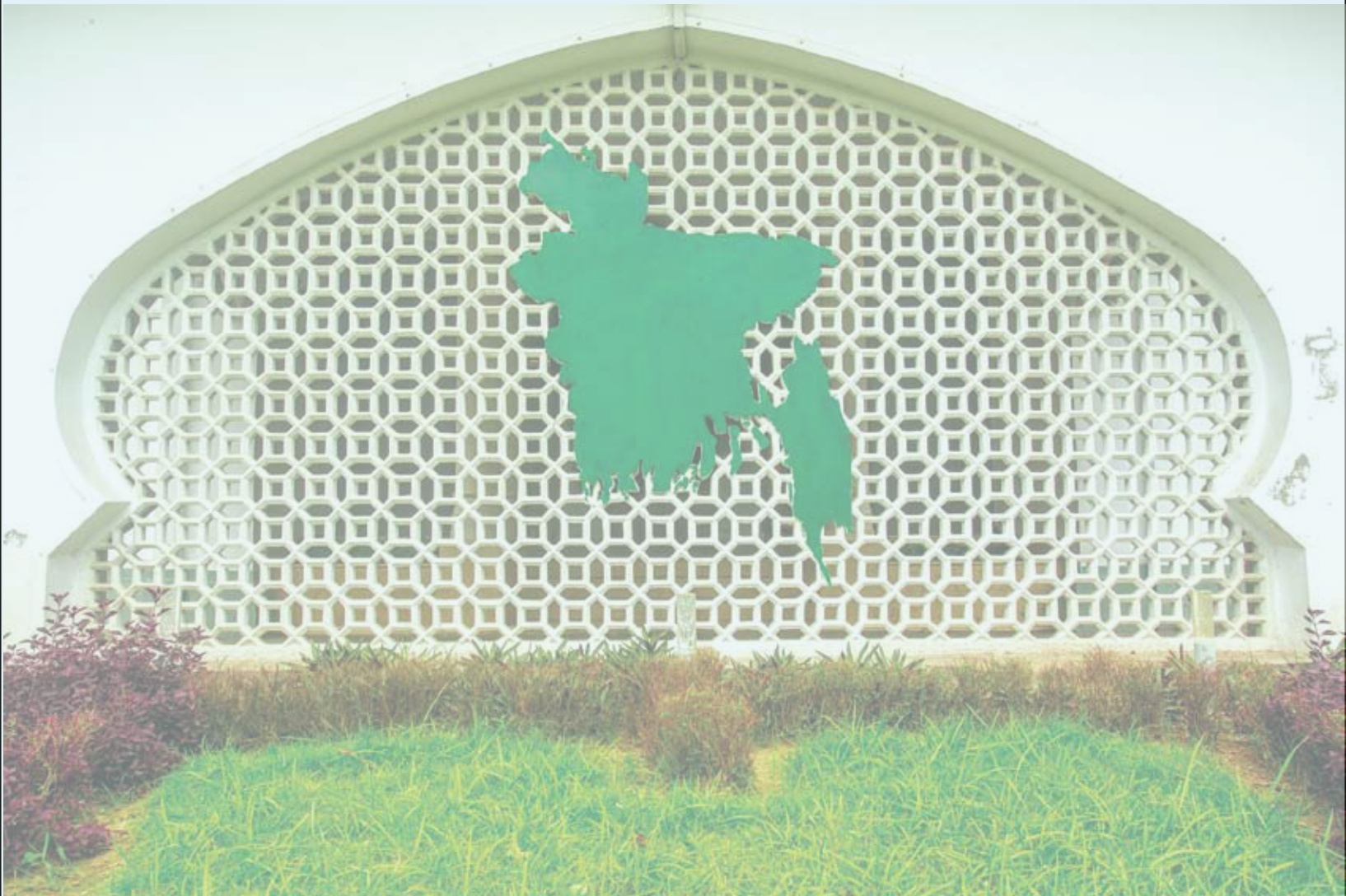
Three Honourable Judges of the High Court Division (from left) Mr. Justice Md. Nuruzzaman, Madam Justice Zinat Ara and Mr. Justice Abu Bakar Siddiquee with Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain after their oath on 9 October, 2018 as Judges of the Appellate Division



Main Building Staircase



***Profile of
the Honourable Judges of the High Court Division
of the Supreme Court of Bangladesh***



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 the Supreme Court of Bangladesh 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, United Arab Emirates, Nepal, Taiwan, Thailand, India and South Africa.



Mr. Justice Tariq ul Hakim

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

Mother's name : Late Nessima Hakim

Date of birth : 20.09.1953

Obtained M.Sc. from University of London. 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 the Supreme Court of Bangladesh 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 several International Seminars, Workshops and Law Conferences.





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 the Supreme Court of Bangladesh 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 A.F.M. Abdur Rahman

Father's name : Late Dr. Abdul Gaffer Khan

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 the Supreme Court of Bangladesh 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 Seminars and Workshops held in UK, on "European Laws on Human Rights" organized by Inns of Court, School of Law, London, UK, in the year 2001, and "International Conference on Environment and Climate Change" held in New Delhi in the year 2015, 2016 and 2017, organized by National Green Tribunal, India and ADB and also participated in "South Asia Judicial Conference on Environment and Climate Change" held in Dhaka in November, 2016 organized by the Supreme Court of Bangladesh and ADB.

Author of a Handbook on the privileges and daily life of the Judges of the Supreme Court of Bangladesh under the title "The Judge", a Handbook on Admiralty Court in Bangladesh and "Bangladesh Laws on Christian, foreigner and inter religious Marriage and Divorce".

Author of few books on practicing Islam, Bangladesh Laws on Muslim Marriage and Divorce, on "Law and Proceeding of Recovering Money of Dishonored Cheque", on mass education, and a Novel on Freedom Fighting and on Poetry.

Visited India, Nepal, UK, Malaysia, Singapore, Indonesia, Saudi Arabia (Mecca, Medina and 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 the University of Dhaka 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 the Supreme Court of Bangladesh 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, United Arab Emirates, Malaysia, Singapore, Thailand and India.

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



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 the University of Dhaka.

Enrolled as an Advocate of the Dhaka District Court and the High Court Division of the Supreme Court of Bangladesh 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 Programme 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) (First Class, First in order of merit), 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.

Was Ford Foundation Fellow in Public International Law at The Fletcher School.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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.

Is Founder Member, Global Judicial Institute on the Environment, Brazil.

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

Visited Brazil, USA, UK, Ireland, the Netherlands, France, Monaco, Spain, Portugal, Germany, Switzerland, Italy, the Vatican, Greece, Turkey, Qatar, United Arab Emirates, Pakistan, India, Nepal, Sri Lanka, Myanmar, 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 the Supreme Court of Bangladesh 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 the University of Rajshahi.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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 the Commonwealth Secretariat South Asian Judges Regional Forum on "Economic and Financial Crime" at Colombo, Sri Lanka from 13-15th May, 2011.

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



Mr. Justice Md. Ashfaqu Islam

Father's name : Late Justice A.K.M. Nurul Islam
Former Vice-President, People's 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 the Supreme Court of Bangladesh 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 International Criminal Court and held discussion with its Judges with a delegation led by the Chief Justice of Bangladesh in 2017.

Visited USA, Canada, UK, China, France, Italy, India, Turkey, Switzerland, Austria, Belgium, The Netherlands, Czech Republic, Indonesia, Malaysia, Singapore, Thailand, Pakistan, Nepal, Bhutan, United Arab Emirates 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

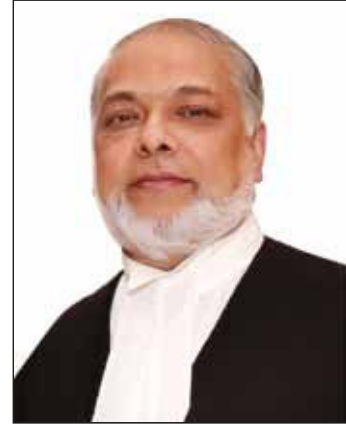
Date of birth : 18.05.1961

Obtained LL.B. (Hons), LL.M. from the University of Dhaka, LL.M. in International Law (UK).

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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. 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 : Late 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 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 Filipino Judges in Manila.

Visited India, Saudi Arabia, Singapore, Nepal 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 the University of Rajshahi. 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, various countries of Europe, USA and Canada.





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 the Supreme Court of Bangladesh 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 the University of Rajshahi.

Enrolled as an Advocate of the Rajshahi District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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 : Late 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 the Supreme Court of Bangladesh 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 the Supreme Court of Bangladesh 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, Canada and Morocco.





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 the Supreme Court of Bangladesh 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 the University of Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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 the University of Rajshahi.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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, Saudi Arabia 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 the Supreme Court of Bangladesh 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 the Supreme Court of Bangladesh 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 the University of Dhaka.

Enrolled as an Advocate in the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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 the Supreme Court of Bangladesh 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, Myanmar and Federal Republic of Germany.



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 the Supreme Court of Bangladesh 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, the Netherlands and Belgium.



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 the 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 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 of International Crimes Tribunal-2, respectively.

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.

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

Visited China, India, Pakistan, Nepal, Malaysia, Singapore, Thailand, Saudi Arabia, France, the Netherlands, Belgium, Argentina, United Kingdom, Switzerland, Turkey and United Arab Emirates.



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 the 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 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 [From 24.02.2014 to 15.09.2015].

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

Elected as the Secretary of the Bar Association of the Supreme Court of Bangladesh [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 the 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 the Supreme Court of Bangladesh 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 (M.R. 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 the Supreme Court of Bangladesh 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 the US Congress, of the US Supreme Court, 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)

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).

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

He has attended "Conference on Corporate Governance" held at Manila organized by the ADB.

He has contributed many articles (on legal matters) in the journal section of the law reporters and in the reputed weeklies 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 the 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 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 the Supreme Court of Bangladesh 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 the 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 the University of Chittagong.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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 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.

Participated in the South Asia Judicial Conference on Environment and Climate Change, 2016.

Visited India, Bhutan, Thailand and United Kingdom.



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 the Supreme Court of Bangladesh 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 Honourable President of the People's Republic of Bangladesh.

Visited India, France, United States of America, Singapore, Malaysia, Nepal, Bhutan, United Kingdom and Middle East Countries.





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 the Supreme Court of Bangladesh 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. (Hons) and LL.M from the University of Rajshahi.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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, the 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 the Supreme Court of Bangladesh 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 appointed 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, Sydney, Rockhampton and 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 the Supreme Court of Bangladesh 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, The Maldives, Saudi Arabia, France, Belgium, the Netherlands, Argentina, Myanmar, Cambodia and Vietnam.





Mr. Justice Sheikh Md. Zakir Hossain

Father's name : Late Kanchan Sheikh

Mother's name : Late Noorjahan Begum

Date of birth : 02.03.1962

Obtained LL.B. from the University of Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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.



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 the University of Chittagong.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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, United Arab Emirates, Saudi Arabia, Thailand, Vietnam, Cambodia and Myanmar.



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 the 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 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 ICSL, 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 the University of Rajshahi.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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 : A F M Azizur Rahman

Mother's name : Rahela Khatun

Date of birth : 07.12.1962

Justice Md. Ruhul Quddus was elevated as an Additional Judge of the High Court Division of the Supreme Court of Bangladesh on 04.11.2010 and as a Judge thereof on 15.10.2012.

Justice Quddus did his B.A. and M.S.S. from the University of Rajshahi, and LL.B. under the same University. He was elected as the General Secretary of Rajshahi University Central Students Union for consecutive two terms. He was enrolled with Bangladesh Bar Council as an Advocate on 19.04.1993 and started law practice. He was permitted to practice in the High Court Division on 29.09.1996 and the Appellate Division on 15.01.2009. He was the Legal Adviser to Bangladesh Legal Aid and Services Trust (BLAST), a leading human rights and legal aid organization, and also to the Board of Intermediate and Secondary Education, Rajshahi till his elevation. He was an active public interest litigant and General Secretary of the Association for Democratic and Constitutional Advancement of Bangladesh (ADCAB).

Justice Quddus participated in International conferences, workshops, trainings and orientation programmes on Human Rights, Public Interest Litigation and Police Reform held in India, Nepal and USA. He represented the Supreme Court of Bangladesh as one of its two delegates in the 2nd China-ASEAN Justice Forum held on 6-10 June, 2017 in Nanning, China.



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 the Supreme Court of Bangladesh 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 the Supreme Court of Bangladesh 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 the University of Rajshahi.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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 in 2009.

Participated in the Launching Event of the Global Judicial Integrity Network, a platform to assist judiciaries in strengthening judicial integrity and preventing corruption within the Judicial system, held in Vienna, Austria in 2018.

Participated in the Exposure Visit Programme of the Supreme Court Special Committee on Child Rights to Sri Lanka in April-May 2018.

Visited India, Egypt, Libya, Qatar, Australia, Thailand, Malaysia, Sri Lanka, Singapore, Austria, France, Germany and Turkey.



Mr. Justice Bhabani Prasad Singha

Father's name : Late Sudhir Chandra Singha

Mother's name : Late Brishabhanu 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.

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, Chattogram.

Participated in the UNCITRAL Asia Pacific Judicial Summit held in Hong Kong from 26 to 29 October, 2015.

Visited India.



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 the University of Dhaka.

Enrolled as an Advocate of Dhaka District Court and the High Court Division of the Supreme Court of Bangladesh 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, Nepal and Saudi Arabia.



Mr. Justice Md. Ashraf 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 the 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 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, The 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 the 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 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, Kingdom of Saudi Arabia, Sweden, Denmark and Finland.



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 the 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 the Supreme Court of Bangladesh on 26.10.1987 and 09.10.1990 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, Nepal, Kingdom of Saudi Arabia, United Kingdom and United Arab Emirates.



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 the University of Rajshahi.

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, Thailand and Canada.



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. from the 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 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 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 programme in Washington D.C in 2016.

Participated in the South Asia Judicial conference on Environment and Climate Change, held in Bangladesh in 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. (Hons) and LL. M. from the University of Rajshahi.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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.



Mr. Justice Muhammad Khurshid Alam Sarkar

Father's name : 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 the Supreme Court of Bangladesh 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, Malaysia 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 Alhejja Jahan Ara Begum

Date of birth : 29.12.1955

Obtained LL.B. (Hons) and LL.M. the University of Dhaka. Ex BCS (Judicial).

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh 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, Singapore and Kingdom of Saudi Arabia.



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 the 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 : Late Dr. Md. Helal Uddin Hossain
 Mother's name : S. Begum
 Date of birth : 01.02.1959
 Obtained LL.B. (Hons), LL.M from the University of Dhaka.
 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, District and Session's Judge of Dhaka, D.G (Director General) of Anti-Corruption Commission.

Worked as Regional Administrator and as Judge in the Court of (UNTAET) under United Nation's. While working as the Regional Administrator of East Timor, ran general administration of the region and supervised the functions of GO'S and NGO's working in the areas of development. Maintained liaison between relevant GO'S (Police, Army, Civil Administrator) of United Nations.

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 seminars held in UN, Qatar, Bhutan and Nepal.



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 the 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 the Supreme Court of Bangladesh 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 : Late Gayatri Das

Date of Birth : 29.01.1958

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

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 (2011-2012).

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 the University of Chittagong.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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, Thailand, Indonesia and United States of America.





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 the Supreme Court of Bangladesh 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, United Arab Emirates and Thailand.



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 the 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 the Supreme Court of Bangladesh 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 the University of Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh 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, The Maldives, in 2010.

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



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 the University of Rajshahi. 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-3, 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 served as a Member of International Crimes Tribunal-1 [ICT-BD-1] and since 11.10.2017 he has been serving as its Chairman.

He 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]. Also participated in an international conference in April 2018 organised by Institute for Genocide and Mass Atrocity Prevention [IGMAP] Binghamton University, NY USA and presented a paper titled "Prevention Through Prosecuting International Crimes in a Domestic Tribunal: Bangladesh". He also presented a paper titled "Militarization in Bangladesh: How it Endorsed a Culture of Impunity and Abuse of the Rule of Law" in an international conference in November 2018 organised by the Institute for Asia and Asian Diasporas [IAAD], Binghamton University, NY USA. 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, Nepal, Uzbekistan, Hungary, Czech Republic and Austria.



Mr. Justice S.M. Mozibur Rahman

Father's Name : Late Fazlur Rahman

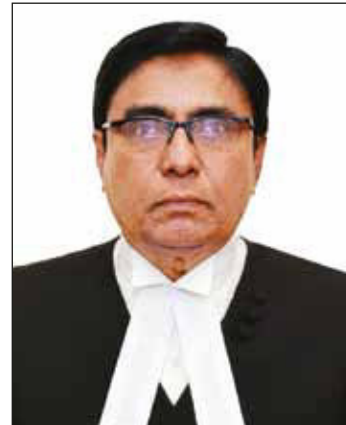
Mother's Name : Late Foyezun Nesa Begum

Date of Birth : 12.07.1955

Obtained B.A. (Hons) in Education, and LL.B. degree from the University of Chittagong. 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 and appointed Judge of the same Division on 12.02.2017.

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, Chattogram; District and Sessions Judge, Potuakhali and Metropolitan Sessions Judge, Chattogram.



Mr. Justice Amir Hossain

Father's Name : Alhaj Abdus Samad

Mother's Name : Alhaj Syedunnesa

Date of Birth : 30.11.1957

Obtained LL.B. (Hons), LL.M. from the 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 and appointed Judge of the same Division on 12.02.2017. On 11 October 2017, the Government of Bangladesh appointed him as a member of the International Crimes Tribunal-1, Bangladesh.

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 the 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 and appointed Judge of the same Division on 12.02.2017.

Visited England, France, Belgium, Germany, Turkey, the Netherlands, Malaysia, Indonesia, Thailand, India, Nepal, Bhutan, Singapore, Vietnam, United Arab Emirates, 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 (Hons), 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 and appointed Judge of the same Division on 12.02.2017.

Visited India.



Mr. Justice Bishmadev Chakraborty

Father's Name : Keshab Chakraborty

Mother's Name : Suniti Chakraborty

Date of Birth : 02.07.1967

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 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 and appointed Judge of the same Division on 12.02.2017.

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 and India.



Mr. Justice Md. Iqbal Kabir

Father's Name : Dr. Md. Tojammal Hoque

Mother's Name : Most. Ayasha Khatoon

Date of Birth : 10.11.1967

Obtained LL.M. from the 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 and appointed Judge of the same Division on 12.02.2017.

Acted as Vice Principal of Dhanmondi Law College.

Visited India, Pakistan, Nepal, Sri Lanka, Bhutan, Iran, Dubai, Kenya, Tanzania, Korea, the Philippines, Mexico, USA, Germany, Swaziland, Australia, Canada, Hong Kong, Finland, Sweden, Switzerland, Turkey, The 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 and appointed Judge of the same Division on 12.02.2017.

Participated in International Conference of "Hi-Tech Crime Technological Challenges and Practical Solution" conducted by Commonwealth Secretariat held in The 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, the Maldives, Nepal, Singapore, United Arab Emirates and USA.





Mr. Justice Md. Shohrwardi

Father's Name : Late Md. Edrish Ali
Mother's Name : Late Jumela Khatoon
Date of Birth : 05.12.1970

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 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 and appointed Judge of the same Division on 12.02.2017.

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.

Worked as a Member of International Crimes Tribunal-1, Bangladesh.



Mr. Justice Md. Abu Ahmed Jamadar

(He is a Freedom Fighter)

Father's Name : Alhaj Noor Hossain Jamadar
Mother's Name : Alhaj Ameena Khanam
Date of Birth : 16.06.1957

Obtained M.Sc./LL.B.

Enrolled as an Advocate of the Tangail Bar Association in the year 1983.

Joined the Judicial Service as Munsif on 22.02.1984 and promoted as District and Sessions Judge on 06.10.2008.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in Training Programme at German Federal Parliament, 1994. Training Programme on Regional Food Security, Thailand, 2010. 2nd Meeting of Governing Board of SAARC Arbitration Council, Pakistan, 2011. Training Programme on International Arbitration System, Singapore, 2012. Exposure visit in UK on 'Improvement of the Prisons in Bangladesh', 2012. Joint Study Mission in UK to look at restorative justice approaches by police and judiciary, 2014. 29th Joint Colloquium on International Arbitration in Washington DC, USA, 2012. 'Workshop on Countering Use of Internet for Terrorist Purposes', India, 2012. 4th ICC International Conference on Mediation, France, 2013. Study Tour on Corruption Prevention activities in Hong Kong, 2013. Training Programme on Court Referred Mediation in Hong Kong, 2014. IAACA 7th Annual Conference and 5th Conference of the State Parties to the UNCAC, Republic of Panama, 2013. Regional Workshop on Promoting and Strengthening National Frameworks for the Support of Victims of Terrorism and Related Cooperation Nepal, 2014.

Visited the Netherlands, the Kingdom of Saudi Arabia, United Arab Emirates, Qatar and Malaysia.

He was the National Project Director, Justice Reform and Corruption Prevention (JRCP) Project supported by GIZ.



Mr. Justice A.S.M. Abdul Mobin

Father's Name : Late A. Hye, Advocate

Mother's Name : Musammat Shamsunnessa Khanam

Date of Birth : 05.02.1959

Obtained B.A., LL.B.

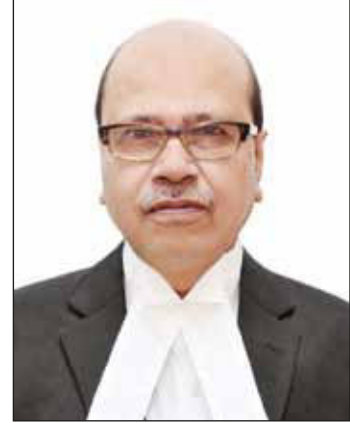
Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 08.03.1985, 26.02.1989 and 13.12.2009 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in the International Seminars and Training Programmes held in India, Nepal, Bhutan, Thailand, Singapore, Malaysia, U.K., France, Switzerland and South Korea.

An article on criminal administration of justice was published in 48 DLR Journal 52.

Another article on Nari 'O' Shishu Nirjatan Daman (Bishesh Bidhan) Ain 1995 was published in 49 DLR Journal 55.



Mr. Justice Md. Mostafizur Rahman

Father's Name : Late Zainal Abedin

Mother's Name : Monjuara Begum

Date of Birth : 13.02.1959

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

Enrolled as an Advocate of the District Court on 26.09.1984.

Joined the Judicial Service as Munsif on 15.01.1985 and promoted as District and Sessions Judge on 08.09.2011.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in trainings, workshops and study tours held in India, Thailand, Cambodia, Malaysia, Singapore, South Korea, Malawi (Africa), England, Germany and Australia.





Madam Justice Fatema Najib

Father's Name : Md. Abdul Basir Chowdhury

Mother's Name : Late Hosne Ara Begum

Date of Birth : 11.07.1959

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

Joined the Judicial Service as Munsif on 12.11.1984 and promoted as District and Sessions Judge on 26.09.2011.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in International Training in KOICA, Republic of Korea, participated in consultation Programmes 'on concept of violence against women' held in the Netherland and India organized by 'International Womens' Judges Association'.

Visited India, Korea, Thailand, the Netherlands and Hong-Kong.



Mr. Justice Md. Kamrul Hossain Mollah

Father's Name : Late Mizanur Rahman Mollah

Mother's Name : Late Zebun Nesha Begum

Date of Birth : 01.01.1960

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

Enrolled as an Advocate of the District Court in the year 1983.

Joined the Judicial Service as Munsif on 22.02.1984 and promoted as District and Sessions Judge on 28.04.2009.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in an international seminar on Law and Justice organized by United Nations Organization (UNO) at New York, USA in the year 1999. Attended in a training Programme on United Nations Convention against Corruption (UNCAC) at Kuala Lumpur, Malaysia in the year 2011.



Mr. Justice S M Kuddus Zaman

Father's Name : S M Hamiz Uddin

Mother's Name : Hamida Begum

Date of Birth : 12.08.1960

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

Joined the Judicial Service as Munsif on 22.02.1984 and promoted as District and Sessions Judge on 09.10.2006.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in the International Seminars and Training Programmes held in India, Singapore, Turkey, Thailand, USA, UK, Australia, New Zealand, Sudan, East Timur, United Arab Emirates, Cania (Maldova), Canada and Malawi.



Mr. Justice Md. Atoar Rahman

Father's Name : Late Alhaj Minhaj Uddin

Mother's Name : Late Lutfun Nesa

Date of Birth : 04.05.1961

Obtained LL.B. (Hons) and LL.M. in the year of 1983 and 1984 respectively from the University of Dhaka.

Joined the Judicial Service as Munsif on 22.02.1984 and promoted as District and Sessions Judge on 09.10.2006.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in a study tour on 'Urban Management', organized by the Government of Thailand (2002).

Completed a course on 'Municipal Services Project' from the University of Malaya, Malaysia (2002).

Attended an International Conference, organized by the Government and Judiciary of Malta as well as permanent Bureau of Hague Conference on 'Private International Law' in Malta (2009).

Participated in a Training Programme on 'Strengthening Subordinate Judiciary Management', organized by Western Sydney University, Australia (2018).

Visited Australia, India, Kingdom of Saudia Arabia, Malaysia, Malta (Europe), Thailand and United Arab Emirates.





Mr. Justice Khizir Hayat

Father's Name : Shahid Abdul Kader Molla

Mother's Name : Jamila Khatun

Date of Birth : 24.01.1967

Obtained B.S.S. (Hons), M.S.S. (Political Science), DU, M.Phil (Human Rights and Rule of Law) DU, LL.B. (DU) and Ph.D fellow from Dhaka University.

Enrolled as an Advocate of the Dhaka District Court and the High Court Division of the Supreme Court of Bangladesh on 06.08.1997 and 09.02.2001 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.



Mr. Justice Sashanka Shekhar Sarkar

Father's Name : Manindra Nath Sarkar

Mother's Name : Sushila Prova Sarkar

Date of Birth : 06.06.1968

Obtained LL.B. (Hons), 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 15.09.1992, 22.01.1994 and 28.12.2010 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.



Mr. Justice Mohammad Ali

Father's Name : Mohammad Anwar

Mother's Name : Mrs. Badiuzzamel

Date of Birth : 15.12.1969

Obtained LL.B. (Hons), LL.M. from the 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, 07.03.1996 and 20.03.2018 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Visited United Kingdom for study.

Also visited Indonesia and India.



Mr. Justice Mohi Uddin Shamim

Father's Name : Late Tofail Ahmed Miah

Mother's Name : Late Umdatun Nesa

Date of Birth : 19.05.1970

Obtained LL.B. (Hons), LL.M. from the University of Dhaka, LL.B. (Hons) University of Wolverhampton, UK, Barrister-at-Law of Lincoln's Inn.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 01.04.1995 and 20.04.2005 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Visited UK, USA, Canada, Switzerland, India, Indonesia and Qatar.





Mr. Justice Md. Riaz Uddin Khan

Father's Name : Bazlur Rahman Khan
Mother's Name : Ummey Kulsum Anwara Begum
Date of Birth : 15.12.1970

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

Obtained Special Training on Human Rights and International Law, arranged by Humanist and Ethical Association of Bangladesh (HEAB) in 1996.

Enrolled as an Advocate of the Dhaka District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 01.04.1995, 29.09.1996 and May 2011 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Presented Keynote Papers on various subjects such as:- "200-years Bad Effect of Law of Permanent Settlement 1793 and Land Tenure System in Bangladesh" organized by Society for Legal Studies, University of Dhaka; "Human rights in Hindu Law: International, India, Pakistan and Bangladesh perspective".

Attended Seminars and Symposiums on "International conference on public interest Litigation", International conference on Economic, Social and Cultural Rights.

Visited Thailand and India.



Mr. Justice Md. Khairul Alam

Father's Name : Md. Abdul Mazed Miah
Mother's Name : Mst. Sufia Khatun
Date of Birth : 15.11.1971

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 03.03.1997 and 30.10.1997 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.



Mr. Justice S.M. Maniruzzaman

Father's Name : Late Kosim Uddin

Mother's Name : Late Aklima Begum

Date of Birth : 01.02.1972

Obtained LL.B. (Hons), 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 13.04.1996, 30.10.1997 and 01.03.2018 respectively. Appointed as Assistant Attorney General and appointed as Deputy Attorney General for Bangladesh on 20.04.2009 and 10.04.2011 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Awarded "Certificate of Merit" by the World Customs Organization for rendering exceptional service to the International Customs Community, 2014.

Participated in the International Legal Consortium Seminar on "Tobacco Control Legal Issue" held on 28th-29th October, 2017, Bangalore, India.

Visited Nepal, Indonesia and India.



Mr. Justice Ahmed Sohel

Father's Name : Late Justice Muhammad Ansar Ali

Mother's Name : Mrs. Raushan Ara Begum

Date of Birth : 13.03.1972

Obtained B.Sc (Hons), M.Sc in Geography and Environment from the University of Dhaka, LL.B. (Hons) from University of Wolverhampton, UK, Barrister-at-law ICSL, Lincoln's Inn, UK, Post Graduate Diploma in Legal Skills from City University, London, UK.

He started his legal profession in 2002 in the United Kingdom in a Law Firm called 'MaliK & Michael'. During that period he regularly appeared before various Tribunals and Courts in the UK. Thereafter in Bangladesh after being enrolled as an Advocate, he started his practice before the Hon'ble High Court Division and later on before the Hon'ble Appellate Division of the Supreme Court of Bangladesh till elevation to the Bench.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in many International Seminars, Workshops and Conferences held in United Kingdom on Human Rights, Legal Aid, Pro Bono Legal Services and on International Arbitration. Attended Rotary International Conference in Bhutan. Delivered speech as a Chief Guest on 19.09.2018 in the 4th Advance Training on International Arbitration and Mediation' jointly organized by Bangladesh International Mediation Society (BIMS) and Kovise Foundation, India held in Dhaka Bangladesh.

Received 'The Rotary Foundation District Service Award' from the Rotary Club of 'Dhaka Water Bridge'.

Recognised as 'Paul Harris Fellow' by Rotary International Club, USA for contribution towards the welfare of the society.

Founder Secretary of 'British-Bangladesh Lawyers Association' UK.

Elected as Executive Committee Member of 'Barristers Association of Bangladesh' in the year of 2006-2007.

Written a good number of articles on different topics of law in particular on Cyber Crime, International Arbitration, Environmental Law and on different legal problems relating to 'Judiciary'. All these articles were published in different law journals and also in National Newspapers.

Visited England and Wales, France, Switzerland, Belgium, the Netherlands, Australia, Singapore, Malaysia, Thailand, India, Nepal and Bhutan.





Mr. Justice Sardar Md. Rashed Jahangir

Father's Name : Late Sardar Md Janangir

Mother's Name : Begum Rawshan Akter Banu

Date of Birth : 05.12.1972

Obtained LL.B. (Hons), 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 12.10.1995, 10.07.1999 and 29.03.2018 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in the Regional Meeting for South and South East Asian countries on effective Central Authorities for international Judicial cooperation in terrorist cases, including cases involving Foreign Terrorist Fighters, held in Kandooma, the Maldives on 7-9, November 2017, organized by UNODC and CTED.



Mr. Justice Khandaker Diliruzzaman

Father's Name : Late Khandaker Habibur Rahman

Mother's Name : Late Nurjahan Khandaker

Date of Birth : 23.04.1973

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

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 12.12.1999 and 09.02.2001 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Participated in the Commonwealth Secretariat prosecution Training Programme Asia/Pacific in May 2009.

Visited U.S.A., Australia and India.



Mr. Justice K.M. Hafizul Alam

Father's Name : K.M. Amir Hossain

Mother's Name : Hasina Begum

Date of Birth : 03.03.1974

Obtained LL.B. (Hons), LL.M.; PhD

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 29.01.2002, 27.04.2003 and 29.03-2018 respectively.

Elevated as Additional Judge of the High Court Division on 31.05.2018.

Visited United Kingdom, Malaysia, Thailand, India, Nepal and Qatar.



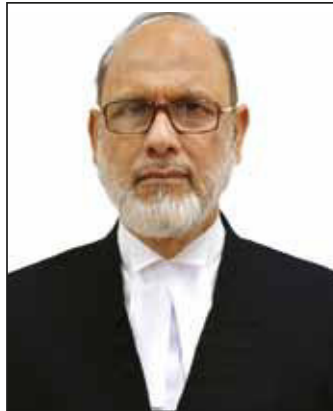
Newly appointed eighteen Honourable Judges of the High Court Division with Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain after taking oath on 31 May, 2018

(From left) Mr. Justice Khandaker Diliruzzaman, Mr. Justice Ahmed Sohel, Mr. Justice Md. Khairul Alam, Mr. Justice Mohi Uddin Shamim, Mr. Justice Sashanka Shekhar Sarkar, Mr. Justice Md. Atoar Rahman, Mr. Justice Md. Kamrul Hossain Mollah, Mr. Justice Md. Mostafizur Rahman, Mr. Justice Md. Abu Ahmed Jamadar, Mr. Justice A.S.M. Abdul Mobin, Madam Justice Fatema Najib, Mr. Justice S M Kuddus Zaman, Mr. Justice Khizir Hayat, Mr. Justice Mohammad Ali, Mr. Justice Md. Riaz Uddin Khan, Mr. Justice S.M. Maniruzzaman, Mr. Justice Sardar Md Rashed Jahangir, Mr. Justice K.M. Hafizul Alam



JUDGES RETIRED IN 2018

Appellate Division



Mr. Justice Md. Abdul Wahhab Miah
Performed the functions of the Chief Justice of Bangladesh
From 03.10.2017 to 02.02.2018
(Resigned on 2 February, 2018)

High Court Division



Mr. Justice Syed Muhammad
Dastagir Husain
(Retired on 17.09.18)



Mr. Justice A.F.M. Abdur
Rahman
(Retired on 04.07.18)



Mr. Justice Md. Fazlur
Rahman
(Retired on 31.01.18)



Mr. Justice M. Moazzam
Husain
(Retired on 31.01.18)



Mr. Justice S.H. Md.
Nurul Huda Jaigirdar
(Retired on 29.11.18)



We Mourn



D.M. Ansaruddin Ahmed
(Died on 16.11.2018)



Mr. Justice Amirul Kabir
Chowdhury
(Died on 01.05.18)



Mr. Justice Gour Gopal
Shaha
(Died on 03.09.18)



Mr. Justice Abdul Aziz
(Died on 17.10.18)



Mr. Justice Quamrul
Islam Siddique
(Died on 18.09.18)

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, the Appellate Division and the High Court Division. The High Court Division has original, appellate and other jurisdictions, powers and functions conferred 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 Honourable 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 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.



Honourable Chief Justice of Bangladesh along with the Editorial Committee of 2017 submitting the Annual Report, 2017 of the Supreme Court of Bangladesh to the Honourable President of Bangladesh Mr. Md. Abdul Hamid

4R-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 1 August, 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: Honourable Justice Quamrul Islam Siddique)

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


Use of Distinctive Flag by Judges:

The Judges of the then High Court of Judicature East Pakistan in Dhaka had been using flag on 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, the judges of the Supreme Court of Bangladesh started using flag on their cars inscribing the official emblem of the Supreme Court with an additional word "Justice". "Scales", 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 on their cars, with the efflux of time, has become a great heritage. The judges carry this heritage while 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 of Bangladesh"



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 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 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 7 (Seven) judges including the Chief Justice and the High Court Division has 95 (Ninety five) judges up to 31st December 2018.



Jurisdiction of the Supreme Court of Bangladesh

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 the 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 confirmed a sentence of death or sentenced 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 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 the 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; Wills and Probate under the 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 that 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 during the long vacation of the Supreme Court (which started on 16.08.2018 and ended on 30.09.2018) six Honourable Judges, appointed by the Honourable Chief Justice, inspected all Courts and Tribunals in 13 Districts.

The table below shows the names of the Districts in which District and Sessions Judge Courts and Courts subordinate to it (including Chief Judicial Magistrate Court), and various Tribunals were inspected by the Honourable Judges of the High Court Division in 2018:

SL.	Name of the Honourable Judges	Names of the Districts
1.	Mr. Justice Syed Refaat Ahmed	Rajshahi, Naogaon, Chapai Nawabganj, Pabna
2.	Mr. Justice Moyeenul Islam Chowdhury	Dhaka
3.	Mr. Justice Mamnoon Rahman	Cumilla, Chandpur
4.	Mr. Justice Obaidul Hassan	Gazipur, Netrokona, Sherpur
5.	Mr. Justice Md. Shawkat Hossain	Rangpur, Thakurgaon
6.	Mr. Justice S.M. Mozibur Rahman	Barguna

- f. **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 under Chapter II of the Supreme Court (High Court Division) Rules, 1973.



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

Full Court Meeting:

Four Full Court Meetings of the Supreme Court for the year 2018 were held on 14.02.2018, 08.08.2018, 22.11.2018 and on 13.12.2018 wherein decisions were taken in various issues including consideration of recommendations of the General Administration Committee (G.A. Committee) in respect of promotion, suspension and imposition of punishment in departmental proceedings to the Judges of the subordinate Judiciary. Honourable Chief Justice of Bangladesh presides over the Full Court Meetings.

Different Committees of the Supreme Court: Different Committees of the Supreme Court comprised of Honourable 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 2018. Some of the Committees and their composition along with the task assigned to them have been discussed below:

(i) **Annual Report, 2018 Editorial Committee:** The Committee prepared the Annual Report 2018 in 2019 which is published by the Supreme Court. The Committee is as follows:

- | | |
|--|------------|
| (1) Mr. Justice Muhammad Imman Ali | - Chairman |
| (2) Mr. Justice Mirza Hussain Haider | - Member |
| (3) Mr. Justice Tariq ul Hakim | - Member |
| (4) Madam Justice Salma Masud Chowdhury | - Member |
| (5) Mr. Justice Syed Refaat Ahmed | - Member |
| (6) Mr. Justice Md. Ashfaqu Islam | - Member |
| (7) Mr. Justice Moyeenul Islam Chowdhury | - Member |
| (8) Mr. Justice Obaidul Hassan | - Member |
| (9) Madam Justice Naima Haider | - Member |

(ii) **Advisory Board on Preventive Detention:** The Advisory Board consists of members including the following Judges gives opinion as to the extension of the period of detention more than six months of the persons detained under section 9 of the Special Powers Act, 1974.

- (1) Madam Justice Zinat Ara (Up to 09.10.2018)
- (2) Mr. Justice M. Moazzam Husain (Up to 01.02.2018)

(iii) **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. The Committee is as follows:

- (1) Mr. Justice Mirza Hussain Haider
- (2) Madam Justice Zinat Ara
- (3) Mr. Justice Syed Muhammad Dastagir Husain (Up to 18.09.2018)
- (4) Mr. Justice Syed Refaat Ahmed
- (5) Mr. Justice Md. Miftah Uddin Choudhury
- (6) Mr. Justice A. K. M. Abdul Hakim



- (iv) 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. The Committee is as follows:
- (1) Mr. Justice Md. Nuruzzaman (Up to 09.10.2018)
 - (2) Madam Justice Salma Masud Chowdhury
 - (3) Mr. Justice Moyeenul Islam Chowdhury
 - (4) Mr. M. Enayetur Rahim
 - (5) Mr. Justice Md. Shawkat Hossain
- (v) 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 necessary amendments. The Committee is as follows:
- (1) Mr. Justice Moyeenul Islam Chowdhury
 - (2) Mr. Justice Md. Emdadul Huq
 - (3) Mr. Justice Bhabani Prasad Singha
- (vi) 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 Committee is as follows:
- (1) Mr. Justice Syed Mahmud Hossain (Up to 03.02.2018)
 - (2) Mr. Justice Mirza Hussain Haider
 - (3) Mr. Justice A.F.M. Abdur Rahman (Up to 04.07.2018)
 - (4) Mr. Justice Obaidul Hassan
 - (5) Mr. Justice M. Enayetur Rahim
 - (6) Mr. Justice Gobinda Chandra Tagore
- (vii) 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 establish a CNG re-fueling station, a vehicle pool and a modern printing press in the Supreme Court premises. The Committee is as follows:
- (1) Mr. Justice Md. Abdul Wahhab Miah (Up to 02.02.2018)
 - (2) Mr. Justice A.K.M. Asaduzzaman
 - (3) Mr. Justice Moyeenul Islam Chowdhury
- (viii) 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 Committee is as follows:
- (1) Mr. Justice Mirza Hussain Haider
 - (2) Mr. Justice Syed Refaat Ahmed
 - (3) Mr. Justice Md. Emdadul Huq
 - (4) Mr. Justice Md. Abu Zafor Siddique
 - (5) Mr. Justice Sheikh Hassan Arif
- (ix) Criminal Rules and Orders amendment Committee:** The Committee is working for amending Criminal Rules and Orders 2009. The Committee is as follows:
- (1) Mr. Justice Moyeenul Islam Chowdhury
 - (2) Mr. Justice Md. Emdadul Huq
 - (3) Mr. Justice Bhabani Prasad Singha



(xi) **Judges' Corner Committee:** The Committee oversees management of the Judges's Corner. The Committee is as follows:

- (1) Mr. Justice Md. Abdul Wahhab Miah - Chairman (Up to 02.02.2018)
(Performed the functions of the Chief Justice of Bangladesh)
- (2) Mr. Justice Syed Mahmud Hossain - Chairman (From 03.02.2018)
Honourable Chief Justice of Bangladesh - Executive Chairman (Up to 02.02.2018)
- (3) Mr. Justice Mirza Hussain Haider - Executive Chairman (From 07.02.2018)
- Vice Chairman (Up to 06.02.2018)
- (4) Mr. Justice Tariq ul Hakim - Member
- (5) Madam Justice Salma Masud Chowdhury - Vice Chairman
- (6) Mr. Justice A.F.M. Abdur Rahman - Vice Chairman (From 07.02.2018)
- Member (Up to 07.02.18)
- (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 Ruhul Quddus - Member (From 07.02.2018)
- (14) Mr. Justice Md. Ashraful Kamal - Member
- (15) Mr. Justice Md. Jahangir Hossain - Member
- (16) Mr. Justice Ashish Ranjan Das - Member

(xii) **Judges' Library Committee (Appellate Division):** The Committee discusses regarding improvement of the Appellate Division Library and procurement of books. The Committee for 2018 is as follows:

- (1) Mr. Justice Md. Abdul Wahhab Miah (Up to 02.02.2018)
- (2) Mr. Justice Muhammad Imman Ali
- (3) Mr. Justice Hasan Foez Siddique (From 28.03.2018)

(xiii) **Judges' Library Committee (High Court Division):** The Committee takes measures regarding improvement of the Libraries and procurement of books. The Committee is as follows:

- (1) Madam Justice Zinat Ara (Up to 09.10.2018)
- (2) Mr. Justice Syed Muhammad Dastagir Husain (Up to 18.09.2018)
- (3) Madam Justice Naima Haider
- (4) Mr. Justice Quazi Reza-ul Hoque

(xiv) **Judges' Privileges Committee:** The Committee is entrusted with the duty to submit reports time to time to the Honourable Chief Justice of Bangladesh identifying admissible privileges to the Judges of the Supreme Court. The Committee is as follows:

- (1) Mr. Justice Zubayer Rahman Chowdhury
- (2) Mr. Justice Obaidul Hassan
- (3) Mr. Justice Md. Shawkat Hossain
- (4) Mr. Justice Md. Ruhul Quddus
- (5) Mr. Justice Shahidul Karim



(xv) **Judges' Welfare Foundation Executive Committee:** The Supreme Court Judges' Welfare Foundation was registered in 2016 under the Societies Registration Act, 1860. The Judges' Welfare Foundation Committee oversees the welfare, facilities and benefit of the Judges of the Supreme Court. The Committee supervises the activities of the Judges Corner Committee. The Committee is as follows.

- (1) Mr. Justice Md. Abdul Wahhab Miah - Chairman (Up to 02.02.2018)
(Performed the functions of the Chief Justice of Bangladesh)
- (2) Mr. Justice Syed Mahmud Hossain - Chairman (From 07.02.2018)
(Honourable Chief Justice)
- (3) Mr. Justice Muhammad Imman Ali - Vice Chairman (From 07.02.2018)
- (4) Mr. Justice Hasan Foez Siddique - Member (From 07.02.2018)
- (5) Mr. Justice Mirza Hussain Haider - Member
- (6) Madam Justice Zinat Ara - Member (From 21.10.2018)
- (7) Mr. Justice Syed Muhammad Dastagir Husain - Member (Up to 18.09.2018)
- (8) Mr. Justice Tariq ul Hakim - Member (From 21.10.2018)
- (9) Mr. Justice A.F.M. Abdur Rahman - Member (Up to 04.07.2018)
- (10) Mr. Justice Md. Ashfaqul Islam - Member (From 21.10.2018)
- (11) Mr. Justice A.K.M. Abdul Hakim - Secretary
- (12) Mr. Justice Obaidul Hassan - Member
- (13) Mr. Justice M. Enayetur Rahim - Member
- (14) Mr. Justice Jahangir Hossain - Member
- (15) Mr. Justice Sheikh Hassan Arif - Member
- (16) Mr. Justice Bhabani Prasad Singha - Member
- (17) Mr Justice Shah Abu Naeem Mominur Rahman (Rtd.) - Member
- (18) Mr. Justice Md. Awlad Ali- (Rtd.) - Member

(xvi) **Museum Committee:** This Committee recommends measures for increasing the collection of the museum of the Supreme Court of Bangladesh. The Committee is as follows:

- (1) Mr. Justice Syed Refaat Ahmed
- (2) Mr. Justice Obaidul Hassan
- (3) Madam Justice Naima Haider
- (4) Mr. Justice Ashish Ranjan Das

(xvii) **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 Committee is as follows:

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

(xviii) **Performance of the Judges of the Subordinate Judiciary Evaluation Committee:** The committee evaluates the performance of the Judges of the Subordinate Judiciary and recommends necessary measures:

- (1) Madam Justice Zinat Ara
- (2) Mr. Justice Md. Shawkat Hossain



(xix) **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. The Committee is as follows:

- (1) Mr. Justice Muhammad Imman Ali
- (2) Madam Justice Zinat Ara
- (3) Mr. Justice Syed Refaat Ahmed
- (4) Mr. Justice Moyeenul Islam Chowdhury
- (5) Mr. Justice Md. Rezaul Hasan
- (6) Mr. Justice Md. Abu Zafor Siddique

(xx) **Special Committee for giving opinion as to conducting preliminary inquiry on the complaint brought against the Judges of the Subordinate Courts:** The Committee is as follows:

- (1) Justice Syed Refaat Ahmed
- (2) Justice M. Enayetur Rahim
- (3) Justice Md. Shawkat Hossain

(xxi) **Special Committee for Child Rights:** The Committee looks after the implementation of the Children Act, 2013. The Committee is as follows:

- (1) Mr. Justice Muhammad Imman Ali
- (2) Madam Justice Naima Haider
- (3) Mr. Justice Sheikh Hassan Arif
- (4) Mr. Justice Md. Nazrul Islam Talukder
- (5) Mr. Justice Khizir Ahmed Choudhury

(xxii) **Supreme Court Day Observance Committee:** This Committee takes measures to observe Supreme Court Day in each year. The Committee is as follows:

- (1) Mr. Justice Mirza Hussain Haider
- (2) Mr. Justice Syed Refaat Ahmed
- (3) Mr. Justice Moyeenul Islam Chowdhury
- (4) Mr. Justice Obaidul Hassan
- (5) Mr. Justice M. Enayetur Rahim
- (6) Mr. Justice Sheikh Hassan Arif

(xxiii) **Vehicles Purchase Consultative Committee:** The Committee supervise the purchase of all vehicles for the Supreme Court of Bangladesh. The Committee is as follows:

- | | |
|--|------------|
| (1) Mr. Justice Mirza Hussain Haider | - Chairman |
| (2) Mr. Justice Abu Bakar Siddiquee (Up to 04.11.2018) | - Member |
| (3) Mr. Justice Md. Nuruzzaman (Up to 04.11.2018) | - Member |
| (4) Madam Justice Salma Masud Chowdhury | - Member |
| (5) Mr. Justice Md. Ashfaqul Islam | - Member |
| (6) Mr. Justice Mamnoon Rahman | - Member |
| (7) Mr. Justice Obaidul Hassan | - Member |



Major Activities of the Supreme Court of Bangladesh in 2018

The Supreme Court of Bangladesh is the guardian of the Constitution. It has supervisory authority over the subordinate courts and tribunals of Bangladesh. In discharging its duties, the Supreme Court of Bangladesh has taken a series of initiatives to strengthen the capacity of the Judges of the subordinate judiciary as well as to improve the skills of its own employees so that desired speedy disposal of cases both in higher Courts and subordinate Courts can be achieved. All these activities were undertaken keeping in view the Strategic Plan of the Supreme Court prepared under the supervision of the Special Committee for Judicial Reforms.

1. Sending the Judges of the Subordinate Judiciary to the National Judicial Academy of India for Training:

The Supreme Court of Bangladesh, in collaboration with Government of Bangladesh and India, has signed an MoU with the National Judicial Academy of India situated at Bhopal, Madhya Pradesh to train the Judges of the subordinate Judiciary in matters relating to appreciating evidence and conducting civil and criminal trials. They also gained knowledge about how information and communication technology can play an effective role both in evidence recording and in publishing cause list and ensuring speeding up and maintaining transparency in judicial proceedings. In 2018, four batches of Judicial Officers comprising 40 Judges in each batch were sent to the NJA, Bhopal. Each batch also received training from another State Judicial Academy of India.

2. Distribution of Laptop Computers among the Judges of the Subordinate Judiciary:

The government is committed to build 'Digital Bangladesh' where all services to the people will be delivered, as far as possible, digitally. In this respect, the government has achieved remarkable progress. The Supreme Court of Bangladesh, keeping in view the target of Digital Bangladesh, has procured and distributed 1500 Laptop Computers of high configuration among the Judges of the subordinate Courts to facilitate judgment writing and evidence recording. A Laptop Distribution programme was organized on 28 January 2018 presided by Mr. Justice Md. Abdul Wahhab Miah who was at that time performing the functions of the Chief Justice of Bangladesh. As a result of this initiative, the performance of Judges of subordinate court has increased substantially.

3. Divisional Consultation Meeting on the Children Act, 2013 and its effective implementation:

The Dhaka Divisional Consultation Meeting on the Children Act, 2013 and its effective implementation was held in the auditorium of the Supreme Court of Bangladesh on 17.02.2018. This was to find out the ways of effective implementation of the Children Act, 2013. The programme was organised by the Supreme Court Special Committee for Child Rights led by its Chairman Honourable Justice Muhammad Imman Ali. Among others the Honourable Judges of the Committee and Divisional Commissioner of the Dhaka Division were present in the programme. The programme was highly successful as various issues regarding implementation of the Children Act, 2013 at the field level were discussed by several stakeholders and those were resolved by the Honourable Judges of the Committee.

4. Training on Computer, Information and Communication Technology:

A training programme on Computer, Information and Communication Technology was organised by the Supreme Court in collaboration with the USAID's Justice for All programme. The training started on 16 April 2018 and lasted for several days. The target groups for that training was the staff of the Supreme Court at various levels. The training aimed to improve the computer skills of the employees of the Supreme Court who work in the Benches and the Sections of the Supreme Court. The successful completion of the training resulted in enhanced performance of the staff of the Supreme Court. A certificate awarding programme was also organised on 15 May 2018.



5. Organising a view exchange programme on Legal Aid and role of the lawyers in conducting Jail Appeal Cases:

An exchange of opinion programme on Legal Aid and role of the lawyers in conducting Jail Appeal Cases organised by the Supreme Court Legal Aid Committee was held on 12 May 2018 at the Supreme Court Auditorium. The Chief Guest of the programme was Honourable Chief Justice of Bangladesh, Mr. Justice Syed Mahmud Hossain. The senior most Judge of the Appellate Division of the Supreme Court Honourable Mr. Justice Muhammad Imman Ali was the Special Guest of the programme. Honourable Mr. Justice M. Enayetur Rahim, the Chairman of the Legal Aid Committee of the Supreme Court, presided over the meeting. The programme was organised in collaboration with Manusher Jonno Foundation. Different stakeholders took part in the discussion and recommendations were noted for implementation.

6. Iftar Mahfil:

On the occasion of the holy month of Ramadan, the Supreme Court of Bangladesh organised an iftar mahfil at the Supreme Court premises on 24 May 2018. The Honourable President of the Republic Mr. Md. Abdul Hamid attended the Iftar Mahfil. During the event, the Honourable President and the Chief Justice of Bangladesh looked round different tables set for the guests, exchanged pleasantries with them and enquired of their wellbeing prior to the iftar. A special munajat was offered seeking divine blessings for the continued peace, progress and prosperity of the nation. Speaker Dr Shirin Sharmin Chaudhury, Cabinet members, including Mr. Anisul Huq MP, Minister for Ministry of Law, Justice and Parliamentary Affairs, Finance Minister Mr. AMA Muhith and Mr. Amir Hossain Amu, Minister for Ministry of Industries attended the iftar mahfil. Amongst other, former Chief Justices, former Judges, incumbent Judges of the both Divisions, Attorney-General for Bangladesh, senior lawyers, and high civil and military officials also attended the iftar mahfil.



(From left) The Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain, the Honourable President of Bangladesh Mr. Md. Abdul Hamid, Honourable Speaker of the Jatiya Sangsad Dr. Shirin Sharmin Chaudhury and Mr. Anisul Huq MP, Honourable Minister for Ministry of Law, Justice and Parliamentary Affairs at the iftar mahfil.

7. Observing National Mourning Day:

The Supreme Court of Bangladesh observed National Mourning Day on 15 August 2018, marking the 43rd anniversary of the assassination of Father of the Nation Bangabandhu Sheikh Mujibur Rahman. Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain paid homage to the father of the nation by placing floral wreaths in the morning at the portrait of Bangabandhu, in front of the Bangabandhu Memorial Museum at Dhanmondi Road No 32 in Dhaka. A Munajat was offered, seeking eternal peace for the departed souls of the August 15 carnage at the Supreme Court Auditorium. The Supreme Court of Bangladesh also organised a blood donation camp at the Supreme Court premises as a part of observation of the National Mourning Day.





8. Legal and ICT Training for Capacity Development of Supreme Court Staff for Efficient Case Management:

For the staff of the Appellate Division of the Supreme Court of Bangladesh a training programme on Legal and ICT Training for Capacity Development was organised in September 2018 with the support from UNDP Bangladesh. The training was conducted on the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and on different ICT issues. A certificate awarding ceremony was organised on 23 September 2018 where the Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain attended as Chief Guest. The senior most Judge of the Appellate Division of the Supreme Court Honourable Mr. Justice Muhammad Imman Ali was the Special Guest of the Programme. Country Director of UNDP Mr. Sudipto Mukerjee was also present in the program.



(From left) Mr. Justice Muhammad Imman Ali, Appellate Division of the Supreme Court of Bangladesh, the Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain, Country Director of UNDP Mr. Sudipto Mukerjee at the certificate giving ceremony for Legal and ICT Training for Capacity Development programme.

9. Workshop on Legal Aid and Law Journalism:

A workshop on Legal Aid and Law Journalism was organised by the Legal Aid Committee of the Supreme Court in collaboration with Manusher Jonno Foundation on 26 September 2018 at the Conference Room of the Supreme Court of Bangladesh. The Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain was the Chief Guest of the programme. Honourable Mr. Justice M. Enayetur Rahim, the Chairman of the Legal Aid Committee of the Supreme Court, presided over the workshop. Distinguished Journalists of different print and electronic media took part in a lively discussion at the workshop.



Honourable Chief Justice of Bangladesh, Mr. Justice Syed Mahmud Hossain delivering speech at the workshop on Legal Aid and Law Journalism

10. Observing the Supreme Court Day:

The Supreme Court of Bangladesh decided to celebrate its founding day of 18 December of 1972 as the Supreme Court Day. On the 2 January, 2018, the ‘Supreme Court Day 2017’ was observed for the first time. Honourable President of the Republic Mr. Md. Abdul Hamid was present as the Chief Guest. A commemorative book was published on this grand occasion recollecting to the Supreme Court. On 18 December, 2018 the Supreme Court of Bangladesh celebrated the ‘Supreme Court Day 2018’ for the second time. The Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain graced the occasion as Chief Guest. An edited bilingual version of the commemorative book was published portraying the chronological history of the Supreme Court.

11. Judges’ Welfare Foundation:

Supreme Court Judges’ Welfare Foundation organised and undertook a number of events including cultural programme, family day programme and sport events for the Judges of Supreme Court of Bangladesh in 2018. Renovation works and adornments were done in Judge’s corner alongside Supreme Court Sports Complex to make it a complete recreation centre for the Judges in their leisure.



Honourable Chief Justice of Bangladesh chaired a Farewell Programme of the retired Honourable Chief Justices and retired Honourable Judges of the Appellate Division of the Supreme Court of Bangladesh arranged by the Supreme Court Judges’ Corner



Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain delivering his speech on the Farewell Programme of the retired Honourable Judges of the High Court Division of the Supreme Court of Bangladesh.




Honourable Chief Justice of Bangladesh along with other Honourable Judges of the Supreme Court of Bangladesh inaugurating the Annual Internal Sports Competition Programme.



Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain, delivering his speech at the First General Meeting of the Supreme Court of Bangladesh Judges' Welfare Foundation Programme



Honourable Judges of the Supreme Court led by the Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain placing floral wreaths at the Shaheed Minar on 21 February, 2018



(x) **General Administration Committee (G.A. Committee):** As many as nine G.A. Committee meetings were held in 2018 on 25.01.2018, 07.02.2018, 13.02.2018, 08.04.2018, 14.05.2018, 30.05.2018, 02.07.2018, 31.07.2018 and on 04.11.2018. G.A. Committee meetings were presided over by the Honourable Chief Justice of Bangladesh.

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 2018 is as follows:

- (1) Mr. Justice Md. Abdul Wahhab Miah, Honourable Judge, Performed the functions of the Chief Justice (Presided over in the meeting from 25.01.2018 to 07.02.2018)
- (2) Mr. Justice Syed Mahmud Hossain, Honourable Chief Justice (Presiding over in the meeting from 07.02.2018)
- (3) Mr. Justice Md. Ashfaqu Islam (Discharged duties up to the meeting held on 04.11.2018)
- (4) Mr. Justice Soumendra Sarker (Discharged duties up to the meeting held on 04.11.2018)
- (5) Mr. Justice Md. Nuruzzaman (Discharged duties up to 09.10.2018 before being elevated to the Appellate Division)
- (6) Mr. Justice Mamnoon Rahman (Discharging duties from the meeting held on 04.11.2018)
- (7) Mr. Justice Md. Shawkat Hossain (Discharging duties from the meeting held on 04.11.2018)
- (8) Mr. Justice Md. Nazrul Islam Talukder (Discharging duties from the meeting held on 04.11.2018)

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.



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

1. Statement of filing of new cases, disposal and pending cases (from 01.01.2018 to 31.12.2018)

1.1. Petitions

Cases	Carried over	New filing	Total	Disposal	Pending on 31.12.2018
Civil	4442	4809	9251	2880	6371
Criminal	1308	1562	2870	483	2387
Civil Review	1252	679	1931	397	1534
Criminal Review	113	47	160	26	134
Jail Petition	122	17	139	0	139
Grand Total	7237	7114	14351	3786	10565

1.2. Miscellaneous Petitions

Cases	Carried over	New filing	Total	Disposal	Pending on 31.12.2018
Civil Misc. Petition	3375	1303	4678	1499	3179
Criminal Misc. Petition	2909	1826	4735	1116	3619
Contempt Petition	108	38	146	17	129
Grand Total	6392	3167	9559	2632	6927

1.3. Appeals

Cases	Carried over	New filing	Total	Disposal	Pending on 31.12.2018
Civil	2130	239	2369	254	2115
Criminal	774	45	819	23	796
Jail	32	07	39	0	39
Grand Total	2936	291	3227	277	2950

1.4. Consolidated statement of cases (from 01.01.2018 to 31.12.2018) in the Appellate Division of the Supreme Court of Bangladesh

Cases	Carried over	New filing	Total	Disposal	Pending
Petition	7237	7114	14351	3786	10565
Misc. Petition	6392	3167	9559	2632	6927
Appeals	2936	291	3227	277	2950
Grand Total	16565	10572	27137	6695	20442

Consolidated statement for all cases from 01.01.2018 to 31.12.2018

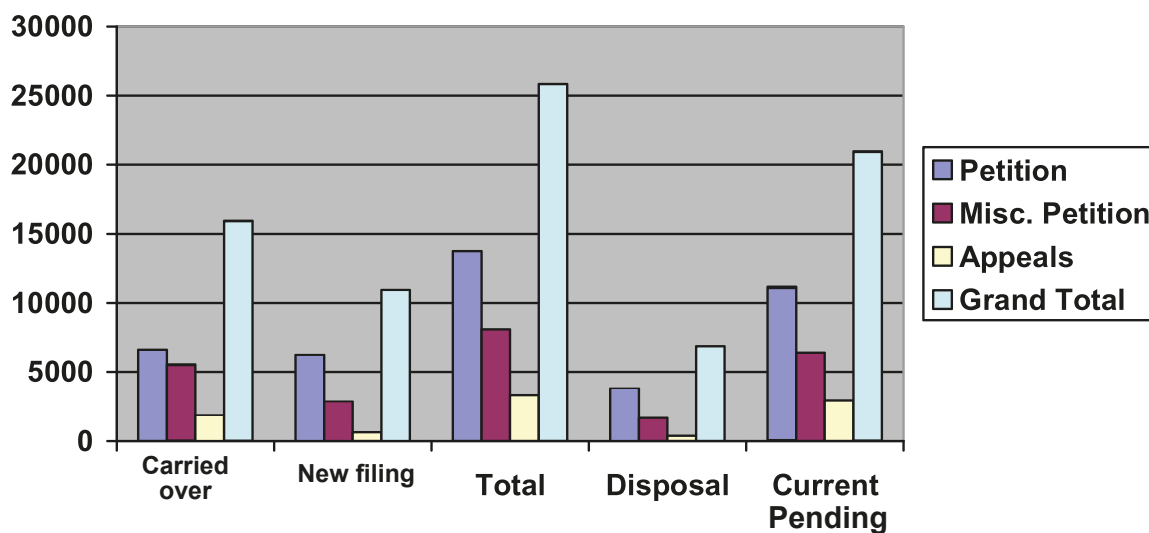


Figure 1: New Filing, pendency and disposal of cases in the years 2018 in the Appellate Division of the Supreme Court of Bangladesh.



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

2. Year-wise filing of new cases, disposal and pendency of cases from the year 1972 to 2018.

Year	New filing	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
2017	11484	8591	16565
2018	10572	6695	20442

3. Some visible trends

3.1. Trend of filing of new cases, disposal and pendency from the year 1972 to 2018

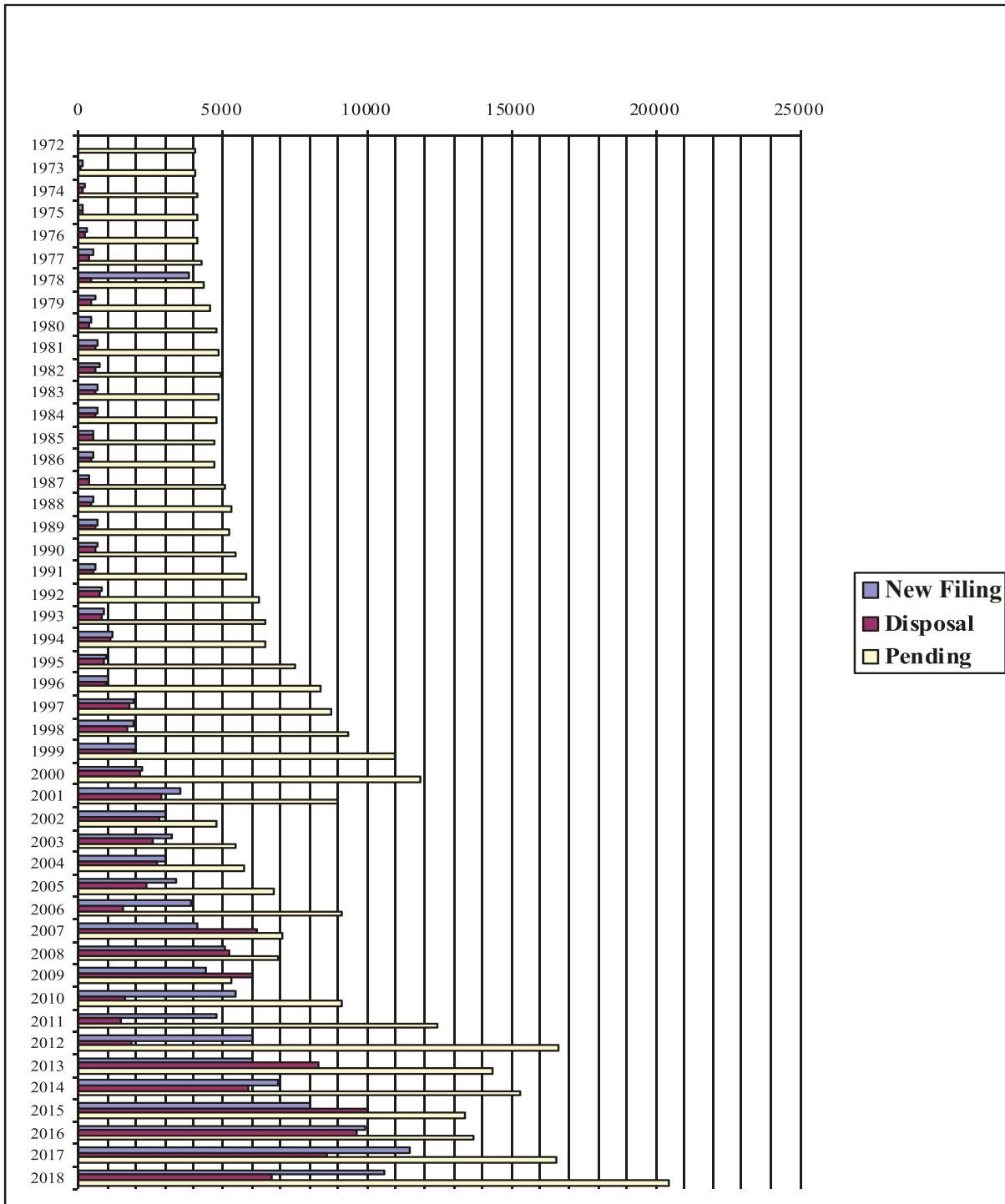


Figure 2: Horizontal Bar Chart of filing of new cases, disposal and pending cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2018.



3.2. Trend of new filing of cases from the year 1972 to 2018.

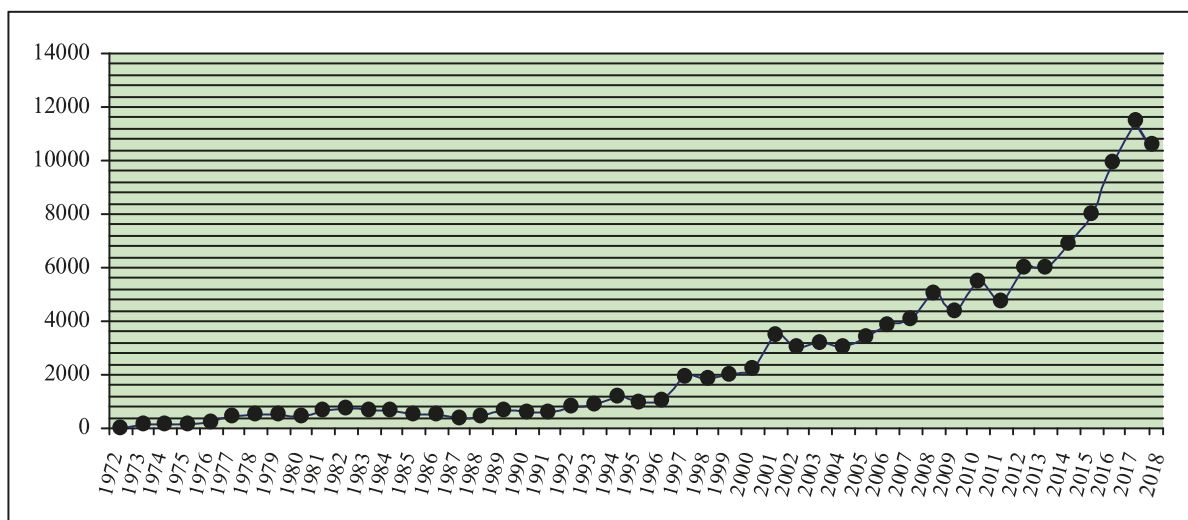


Figure 3: Line graph showing filing of new cases from the year 1972 to 2018.

3.3. Trend of disposal of cases from the year 1972 to 2018.

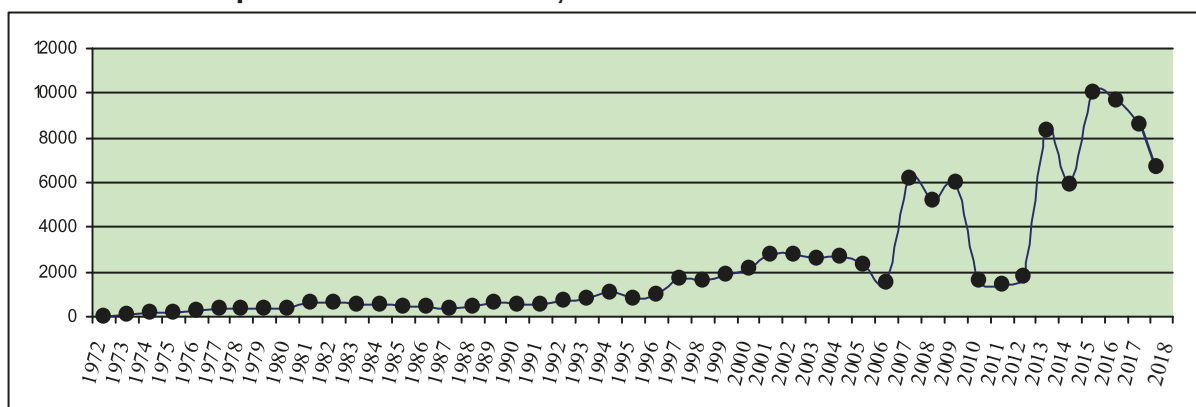


Figure 4: Line graph showing disposal of cases from the year 1972 to 2018.

3.4. Trend of pending cases from the year 1972 to 2018.

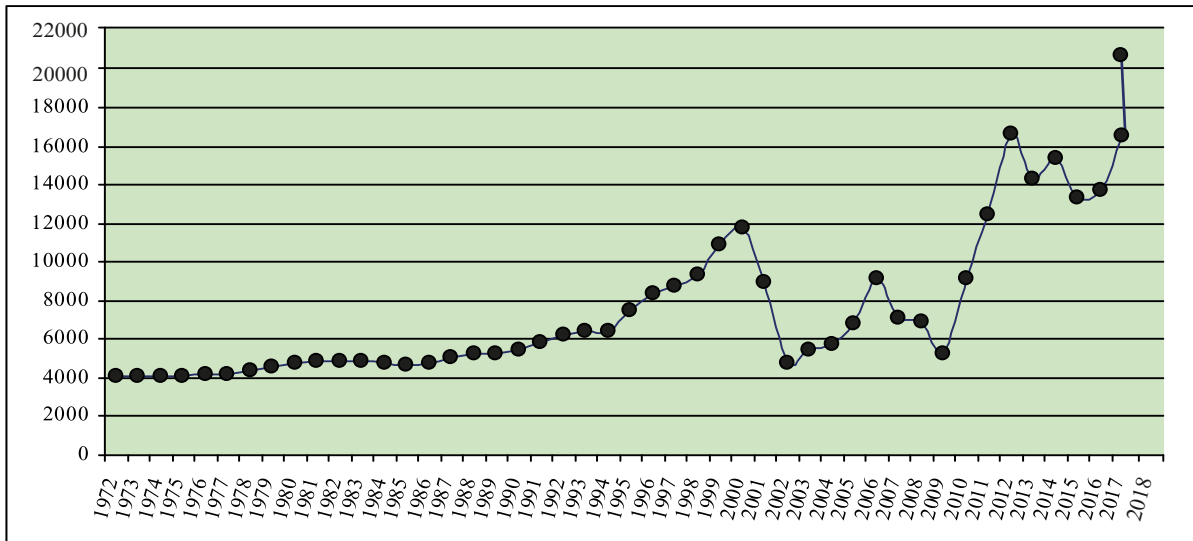


Figure 5: Line graph showing pending cases from the year 1972 to 2018.

3.5. Comparative chart of filing of new cases, disposal and pending cases from the year 1972 to 2018.

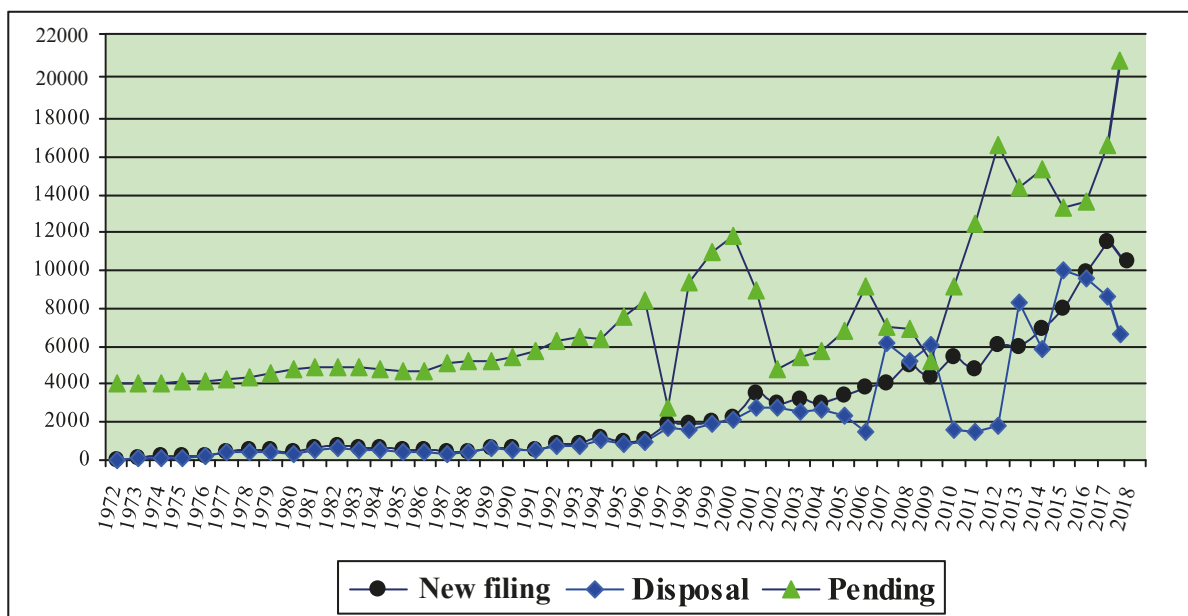


Figure 6: Line graph showing pending, disposal & new filing of cases from the year 1972 to 2018.



4. Pending Cases of the Appellate Division in 2018

The number of pending cases for the year 2018 is 20442, while the pending number for Petition is 10565, Misc. Petitions is 6927 and Appeals is 2950.

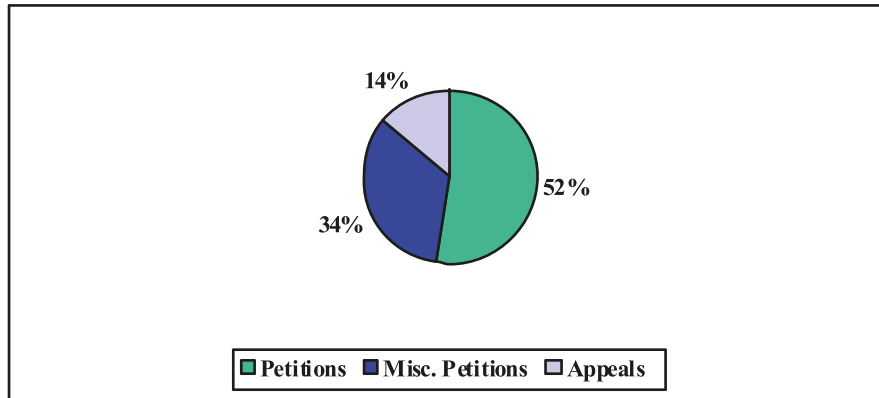


Figure 7: Pie Chart of all pending cases in the Appellate Division of Supreme Court of Bangladesh in the year 2018.

There are 52% Petition, 34% Misc. petition and 14% Appeals of all the pending cases.

4.1. Pending Petitions.

Carried over	New filing	Total	Disposal	Pending for disposal
7237	7114	14351	3786	10565

4.2. Pending Miscellaneous Petitions.

Carried over	New filing	Total	Disposal	Pending for disposal
6392	3167	9559	2632	6927

4.3. Pending Appeals.

Carried over	New filing	Total	Disposal	Pending for disposal
2936	291	3227	277	2950

5. Filing of new cases, disposal and pendency of cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2018.

5.1. Petitions.

Year	Carried over	New filing	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
2017	6600	7148	13748	6511	7237
2018	7237	7114	14351	3786	10565



5.2. Misc. Petitions.

Year	Carried over	New filing	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
2017	4382	3697	8079	1687	6392
2018	6392	3167	9559	2632	6927

5.3. Appeals.

Year	Carried over	New filing	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
2017	2690	639	3329	393	2936
2018	2936	291	3227	277	2950



6. Maximum number of Judges at a time during the year in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2018.

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
2017	8
2018	7

Statistics on the filing of new cases, disposal and pending cases in the High Court Division of the Supreme Court of Bangladesh

1. Statement of filing of new cases, disposal & pending cases (from 01.01.2018 to 31.12.2018)

1.1. Statement of cases (from 01.01.2018 to 31.12.2018) in the High Court Division of the Supreme Court of Bangladesh

Cases	Carried over	New filing	Restored	Total	Disposal	Pending	Remarks
Civil	93174	6382	89	99645	4021	95624	Increased by 2450
Criminal	297635	63596	27	361258	31923	329335	Increased by 31700
Writ	76770	17214	20	94004	12560	81444	Increased by 4674
Original	9171	1609	00	10780	531	10249	Increased by 1078
Grand Total	476750	88801	136	565687	49035	516652	Increased by 39902

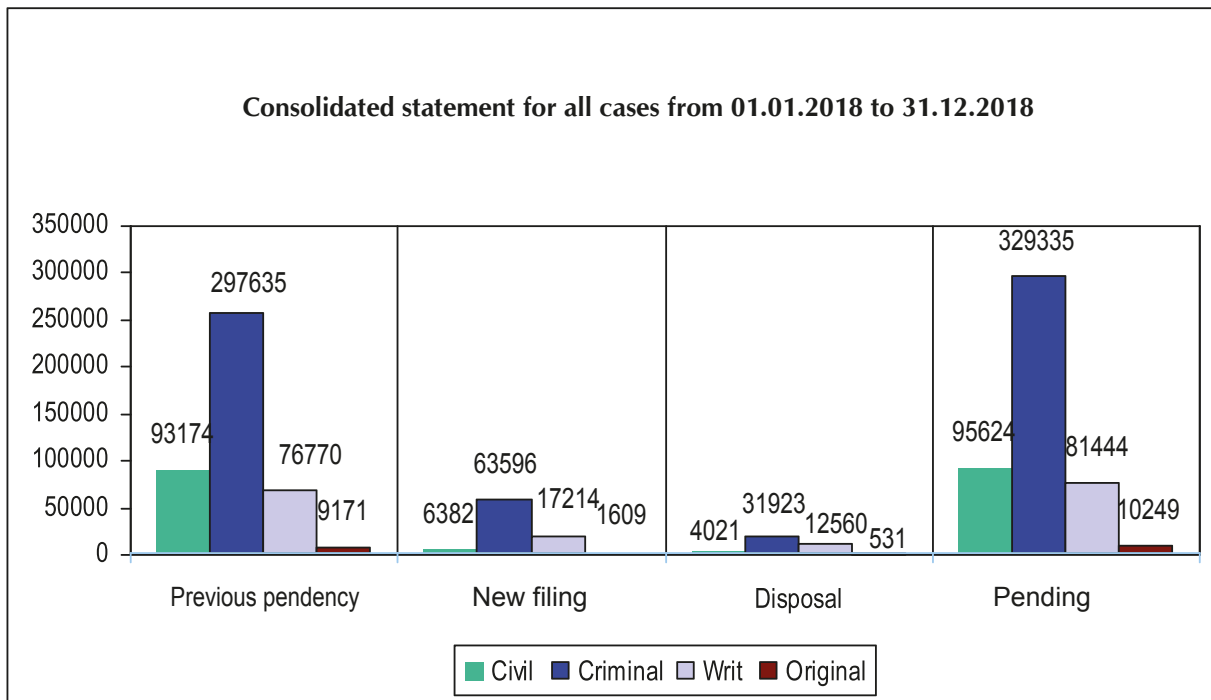


Figure 1: Vertical Bar Chart of pending, New Filing and disposal of cases in the year 2018 in the High Court Division of the Supreme Court of Bangladesh.



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

2. 1. Year-wise New Filing, disposal and pending cases from 1972 to 2018

Year	New filing	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
2017	87252	35496	476750
2018	88801	49035	516652

2.2. Some visible Trends

2.2.1. Trend of new filing, disposal and pendency (1972 to 2018)

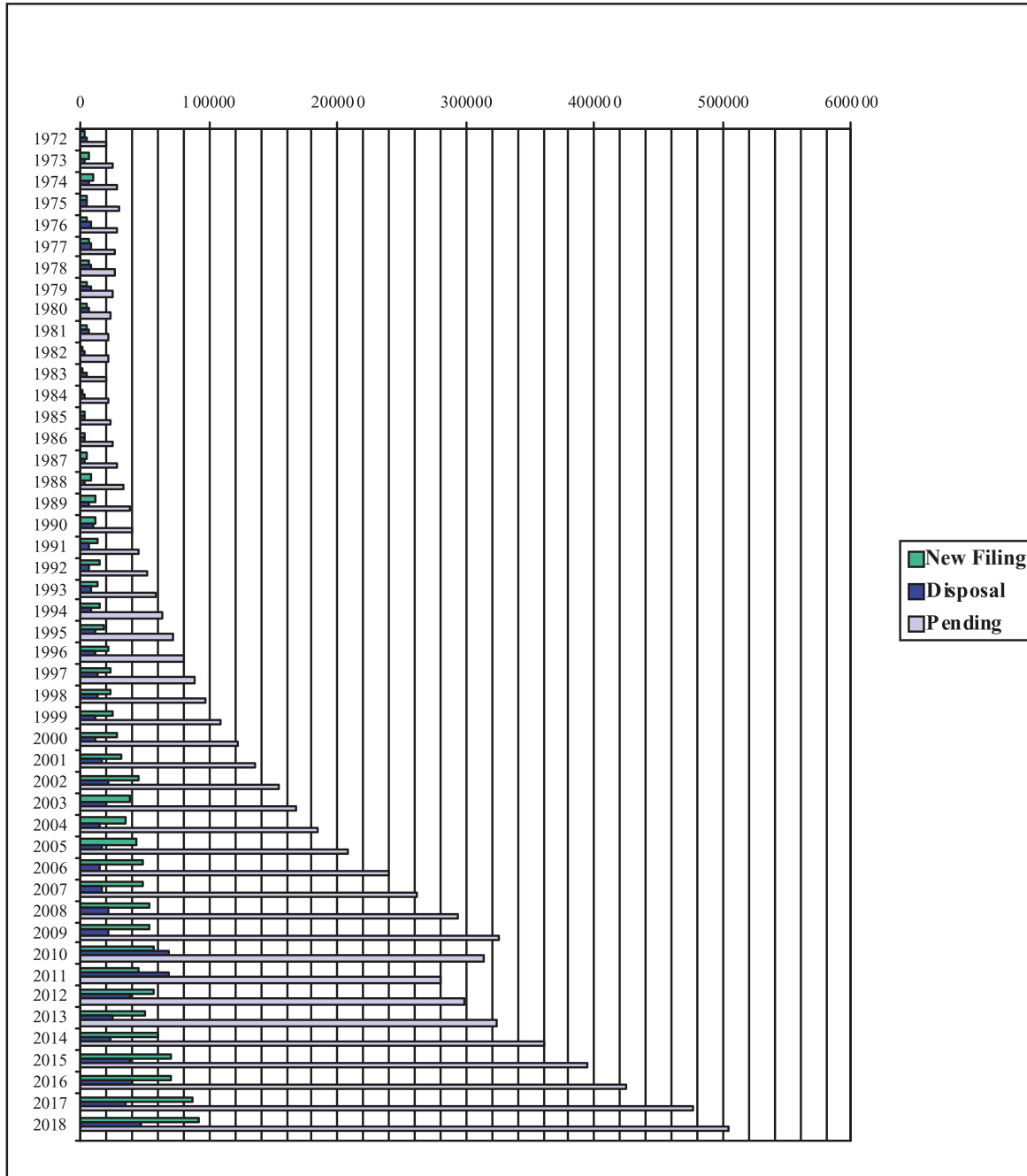


Figure 2: Horizontal Bar Chart of New filing, disposal and pending cases in the High Court Division of the Supreme Court of Bangladesh from the year 1972 to 2018



2.2.2. Trend of new filing of cases from the year 1972 to 2018

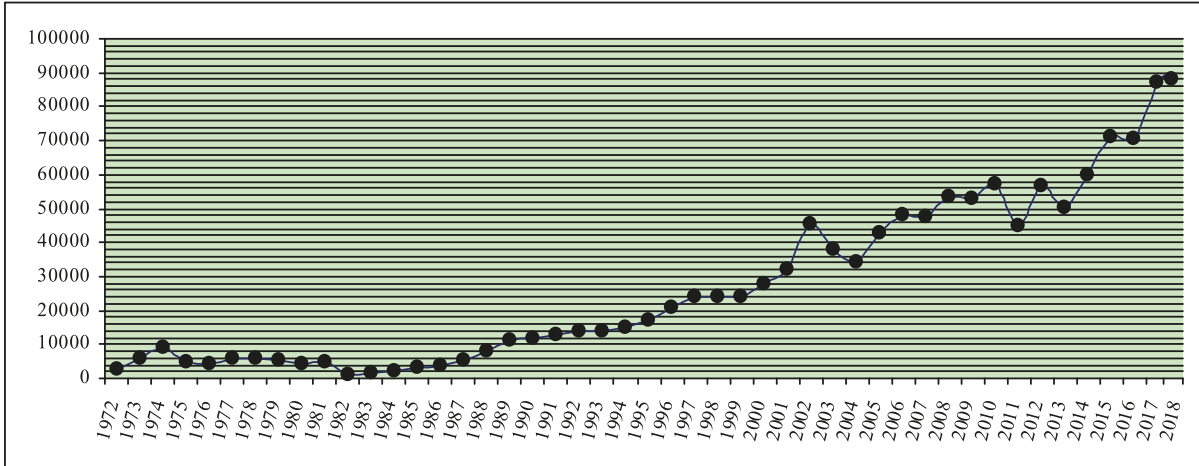


Figure 3: Line graph of new filing of cases from the year 1972 to 2018

2.2.3. Trend of disposal of cases from the year 1972 to 2018

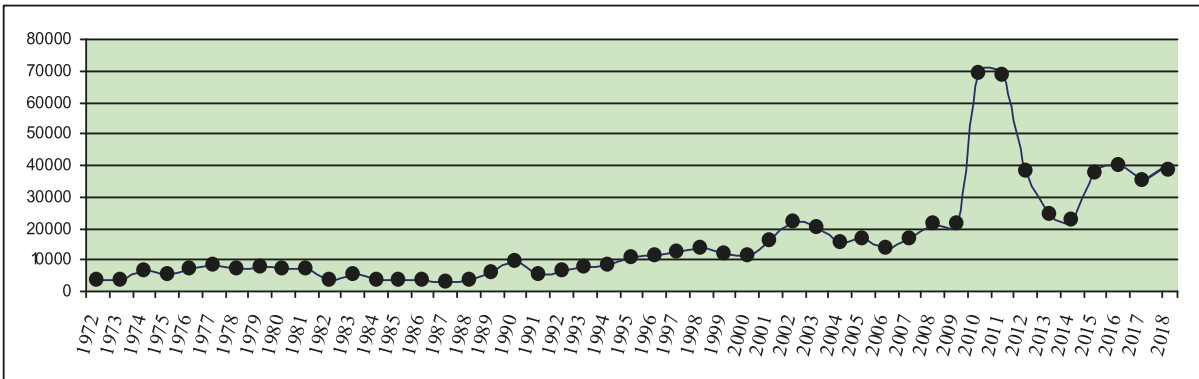


Figure 4: Line graph showing disposal of cases from the year 1972 to 2018

2.2.4. Trend of pending cases from the year 1972 to 2018

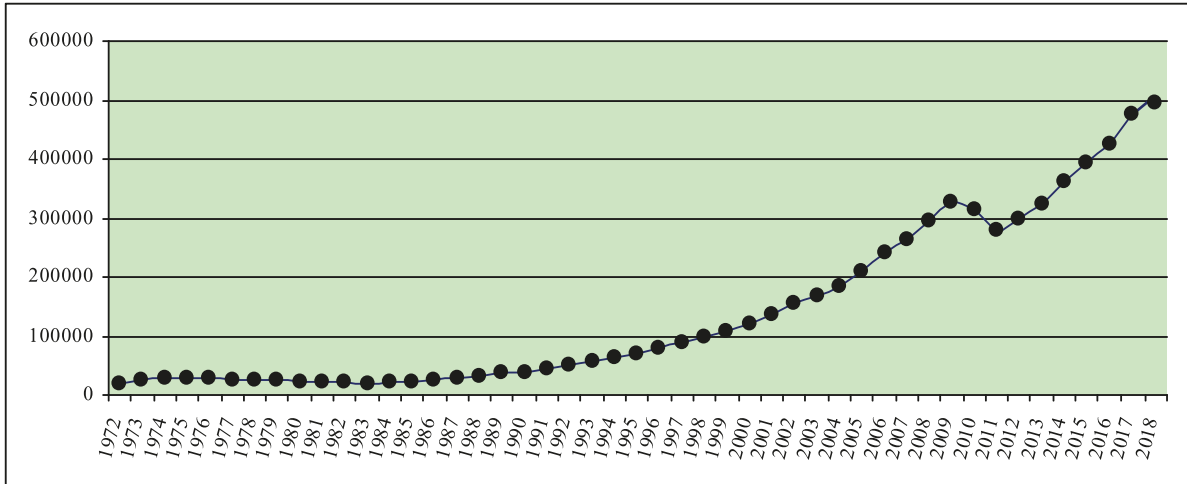


Figure 5: Line graph showing pending cases from the year 1972 to 2018

2.2.5. Comparative chart of new filing, disposal and pending cases from the year 1972 to 2018

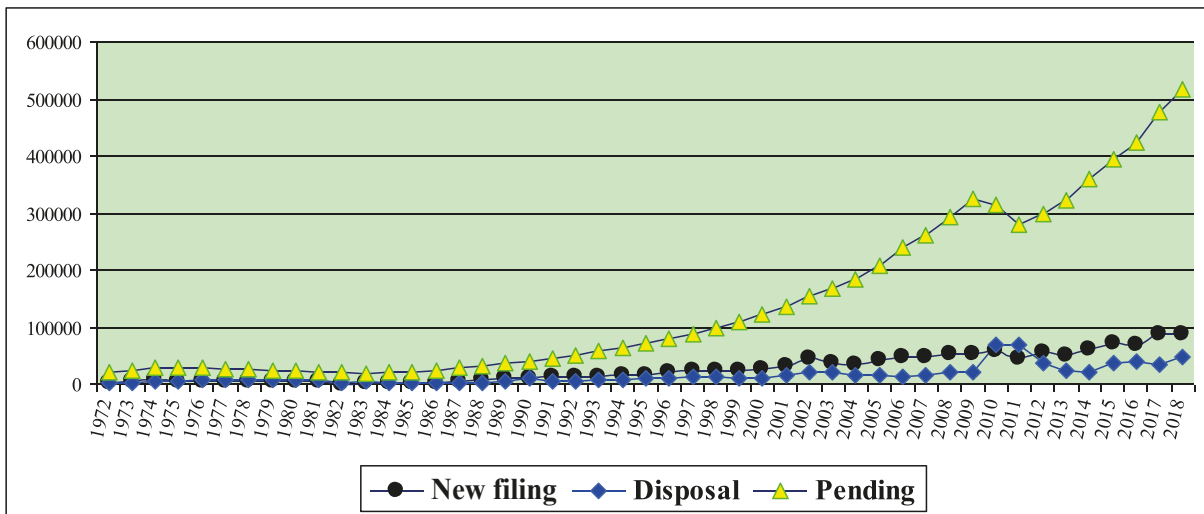


Figure 6: Line graph showing pending, disposal and new filing of cases from the year 1972 to 2018



3. Pending Cases of the High Court Division in 2018

The total Number of pending cases for the year 2018 is 516652, while the pending Number of Civil Cases is 95624, Criminal Cases is 329335, Writ is 81444 and Original Cases is 10249.

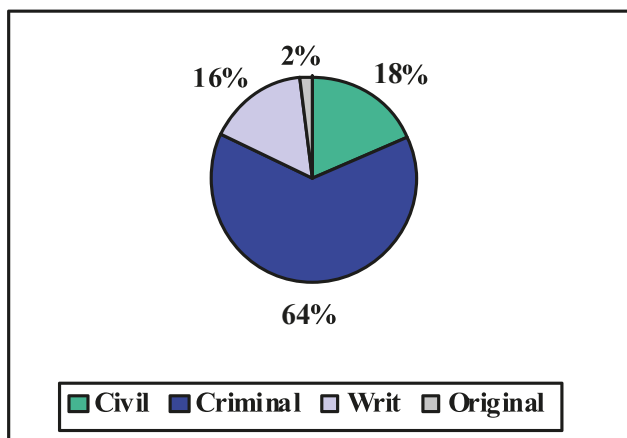


Figure 7: Pie Chart of all pending cases in the High Court Division in the year 2018.

There are 64% Criminal cases, 18% Civil cases, 16% Writ and 2% Original cases of all the pending cases.

3.1. Pending Civil Cases

Carried over	New filing and Restoration	Total	Disposal	Pending for disposal
93174	6471	99645	4021	95624

3.2. Pending Criminal Cases

Carried over	New filing and Restoration	Total	Disposal	Pending for disposal
297635	63623	361258	31923	329335

3.3. Writ

Carried over	New filing and Restoration	Total	Disposal	Pending for disposal
76770	17234	94004	12560	81444

3.4. Original

Carried over	New filing and Restoration	Total	Disposal	Pending for disposal
9171	1609	10780	531	10249

4. New filing and restoration, disposal and pendency of cases in the High Court Division from 1972 to 2018

4.1. Civil Cases.

Year	Carried over	New filing and Restoration	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
2017	90248	6431	96679	3505	93174
2018	93174	6471	99645	4021	95624



4.2. Criminal Cases.

Year	Carried over	New filing and Restoration	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
2017	257481	59491	316972	19337	297635
2018	297635	63623	361258	31923	329335

4.3. Writ.

Year	Carried over	New filing and Restoration	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
2017	69326	19563	88889	12119	76770
2018	76770	17234	94004	12560	81444



4.4. Original Cases.

Year	Carried over	New filing and Restoration	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
2017	7939	1767	9706	535	9171
2018	9171	1609	10780	531	10249

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 2018

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
2017	89
2018	95

Protection of Rights of Children-Role of the Judiciary*

Justice Muhammad Imman Ali



The Constitution of Bangladesh: the Supreme Law – Some Fundamental Rights

Children are citizens of this country from the day they are born and enjoy most of the rights enjoyed by adults as provided by the Constitution and all laws of the land. In addition they enjoy rights which are provided exclusively for them.

“Art. 27 All citizens are equal before law and are entitled to equal protection of law.

Art. 31 To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in

accordance with law.

Art.32 No person shall be deprived of life or personal liberty save in accordance with law.

34. (1) All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.”

On the other hand, the Constitution allows discrimination in favour of children:

Art. 28(4) of the Constitution provides: “Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.”

Under British rule we had the benefit of the Bengal Children Act, 1922. After independence we went one step further and enacted the Children Act, 1974 which was a statute far advanced for its time, and beneficial to children and promulgated as a direct manifestation of the Constitution¹. Since then we have the Children Act 2013, which professes to implement the provisions of the CRC. It covers the rights of children in all aspects of their lives and well-being—including neglect, subject to torture or ill treatment, use in criminal activities and those alleged to have committed criminal offences.

The watershed case of Roushan Mondal², was heard by the High Court Division in 2006. When dealing with this case, it was realised that persons concerned with the implementation of the Children Act, 1974, including the presiding judge and the lawyers involved in the case, were not aware of its provisions and were not dealing with the alleged offender and the case in accordance with the law. The trial Court designated itself as the Juvenile Court under that statute, but failed to give effect to the provisions contained in it. The alleged offender was admittedly a child and yet he was held in a prison during the trial and upon finding him guilty, sentenced him to death, which was prohibited under the law. While disposing of the case, the High Court Division gave a brief history of child rights and directions on implementation of the provisions of the 1974 Act and also recommended that the law should be amended or new laws formulated to update the Children Act incorporating the provisions of the CRC. This was again repeated in the case of State v Metropolitan Police Commissioner, 60 DLR 660. Ultimately, we got the Children Act, 2013.


Rights of Children in Bangladesh: the broad canvas

By now it is universally recognised that children are a vulnerable group, being physically weaker and mentally immature, whose interests are needed to be protected.

* Abridged text of the Barrister Syed Ishtiaq Ahmed Memorial Lecture, 2018 delivered by the author at the Asiatic Society of Bangladesh on Tuesday, 27 November, 2018.

¹Article 28(4) in Part III (Fundamental Rights).

²State vs Md. Roushan Mondal @ Hashem, (Death Reference No.5 of 2004), 59 DLR 72.



Now let us consider the present children justice system in the context of Bangladesh where about 45% of the 160 million-population comprises children and 56% of these children live below the poverty line of approximately \$2 per day disposable income. Is the prospect of ensuring their rights a reality?

Action taken by the Courts

In the case of **Bangladesh National Woman Lawyers Association (BNWLA) -VERSUS- The Cabinet Division (Writ Petition No.3598 of 2010), 31 BLD 265**, the High Court Division issued the following directions on the government on the various dimensions of child employment:

“1. In order to make the provision and concept of compulsory primary education to be meaningful, we direct the government to take immediate steps to prohibit employment of children up to the age of 12 from any type of employment, including employment in the domestic sector, particularly with the view to ensuring that children up to the age of 12 attend school and obtain the basic education which is necessary as a foundation for their future life.

2. Education/training of domestic workers aged between 13 and 18 must be ensured by the employers either by allowing them to attend educational or vocational training institutes or by alternative domestic arrangements suitable to the concerned worker.

3. We urge the government to implement the provisions mentioned in the National Elimination of Child Labour Policy 2010 published in the gazette dated 08.04.2010. In particular, we strongly recommend the establishment of a focal Ministry/focal point, Child Labour Unit and National Child Labour Welfare Council in order to ensure implementation of the policies as mentioned in the Policy, 2010.

4. We direct the government to include domestic workers within the definition of “worker” in the Labour Act, 2006 and also to implement all the beneficial provisions of the draft of Domestic Worker Protection and Welfare Policy 2010 as announced by the government.³

5. The cases relating to the violence upon the domestic workers must be monitored and prosecution of the perpetrators must be ensured by the government. We note with dismay the disinterested and sometimes motivated way in which the prosecution conducts the investigation and trial procedure resulting in the perpetrators being acquitted or discharged or even remaining untouched due to the high position, which they hold in the society. The government has a duty to protect all citizens of this country, be they rich or poor. It must not be forgotten that the domestic workers come from a poverty-stricken background and deserve all the more protection from the government and the authorities setup by the government.

6. In order to prevent trafficking, in particular, and also to maintain a track on the movement of young children from the villages to the urban areas, parents must be required to register at the local Union Parishad the name and address of the person to whom the child is being sent for the purpose of employment. The Chairman of the Union Parishad must be required to maintain a register with the details of any children of his union who are sent away from the locality for the purpose of being engaged in any employment. If any middleman is involved, then his/her name and other details must be entered in the register.

7. Government is directed to ensure mandatory registration of all domestic workers by all employers engaging in their household any child or other domestic worker and to maintain an effective system through the respective local government units such as Pourashava or Municipal Corporations in all towns and cities for tracking down each and every change of employment or transfer of all the registered domestic workers from one house-hold to another.

8. Government should take steps to promulgate law making it mandatory for the employers to ensure health check-up of domestic workers at least once in every two months.

9. The legal framework must be strengthened in order to ensure all the benefits of regulated working hours, rest, recreation, home-visits, salary etc. of all domestic workers.

³Sadly, that still remains to be done and more sadly no one cares, not even the organisations who fight for the rights of those for whom they stand before the courts!



10. Laws must also ensure proper medical treatment and compensation by the employers for all domestic-workers, who suffer any illness, injury or fatality during the course of their employment or as a result of it.”



Mr. Justice Muhammad Imman Ali, Honourable Judge, Appellate Division, Supreme Court of Bangladesh delivering speech on Protection of Rights of Children-Role of the Judiciary, Mr. Justice Syed Refaat Ahmed, Honourable Judge, High Court Division, Supreme Court of Bangladesh was also present at the Programme

Also in connection with education or lack of it due to the pressure upon children to work, the High Court Division made further observations and directions in the case of Ain O Salish Kendra (ASK), and another -VERSUS- Bangladesh, represented by the Secretary, Ministry of Labour and Manpower and others (Writ Petition No.1234 of 2004), 63 DLR 36:

“1. We are appalled by the revelation that in this day and age there is bonded labour (c)ice or servitude practised in the coastal fishing areas of the country and young children are the victims. We have no hesitation in directing the Ministry of Labour to take all necessary steps to put an end to such practice immediately and with the help of the law enforcing agencies to bring the perpetrators of such practice to justice. At the same time there must be a concerted effort on the part of the relevant Ministries and government departments to ensure full time education and necessary financial assistance to the parents/guardians of these children to enable them to desist from such illegal and harmful practices and to encourage them to educate their children.

2. In the light of our observations in the body of this judgment, we are of the view that the Ministry of Education must take the initiative to ensure that compulsory education provided by statute enacted under the mandate of Article 17 of the Constitution for all the children of Bangladesh becomes a realistic concept and not just lip-service. To that end steps must be taken to ensure that children can attend school without jeopardising the family’s food security. In other words, there must be financial provision for the family such that the child’s attendance at school should not result in the reduction of the family’s income earning capacity. To put it more plainly, the head of the family must be given the equivalent amount of benefit (cash or kind), which the child would have earned if he was not compelled to attend school. Moreover, to



ensure continuity of attendance, provisions must be made for necessary uniform and stationery for the child's use as well as any other costs that she or he may incur in the course of attending a school. In addition, a hot and nutritious meal provided for the child would be an added attraction for him or her as well as for the family and would ensure attendance throughout the day. Of course, such financial and other benefits would have to be closely monitored to ensure that attendance in the school is not a mere paper transaction, giving benefit only to the unscrupulous teachers and other officials.

3. The Ministry of Education must also ensure quality education for the children by providing good quality teachers who are dedicated and committed to providing curricular and extracurricular activities within the school premises for all-round development of the children, gearing them up for a meaningful and productive future. The teachers' wants must also be properly catered for to ensure their unfaltering and missionary-like dedication and commitment.

4. It appears to us that children share all their facilities with others and end up deprived of due benefits. We would suggest that a separate Ministry or Department be set up to cater for the needs of the children of this country. In addition, we strongly recommend setting up of an independent constitutional body to oversee the workings of all the agencies and government machinery engaged in serving the needs of the children community.

5. In the light of the matters raised by the instant writ petition, Respondent No.1 is hereby directed to ensure that all employers, particularly those engaging children as labourers, abide by the law and do not engage those under the legal age stipulated by statute, and provide all necessary facilities and equipment to ensure a healthy working atmosphere in their establishments for those who may be lawfully engaged in remunerated work. Needless to say prompt action must be taken against those who violate the provisions of law thereby creating unhygienic, cramped and unhealthy workplaces.

6. Respondent No.1 is directed to take appropriate measures against respondents No.3 to 5 to ensure that the working conditions within those establishments conform in every respect to the requirements of the law.

7. Bearing in mind the inherent health hazards of the tobacco industry, the manufactures must be compelled to provide adequate medical facilities and medical insurance for all employees.

8. In view of the inherent dangers to the health of children within the home, including the unborn and new-born and those who may be forced by their parents to join in the family 'avocation' of 'bidi' rolling, respondent No.1 is hereby directed to take immediate steps to phase out within a period of one year further 'home bidi rolling' by directing the 'bidi' factory owners not to allow working from home.

9. Respondent No.2 is directed to ensure that all factories and manufacturing establishments abide by the law in respect of maintaining a safe, healthy and hazard free working condition in accordance with the provisions of the Labour Act.

10. The existing sanctions provided by the law against the manufacturers are patently inadequate. We, therefore, direct respondent No.1 to take steps to ensure amendment of the law to include adequately deterrent punishment so that the perpetrators will heed the need to conform to the legal requirements. Steps must also be taken to make the prosecution effective.

11. The law must also be amended to set a reasonable remuneration to the workers engaged in the 'bidi' factories.

12. The government must take all necessary steps to gear up capacity building of the families by providing necessary financial assistance with a view to poverty eradication."

In a similar vein the High Court Division dealt with sexual harassment of girls on their way to schools and colleges. It was evident that the country was losing the opportunity to empower girls who were dropping out of education due to the menace of 'eve teasing'. In Bangladesh National Women Lawyers Association

(BNWLA) -VERSUS- Govt. of Bangladesh (Writ Petition No.8769), 31 BLD 324 the following directions were given by the High Court Division at the time of issuing the Rule:

“i) the Inspector General of Police (IGP) is hereby directed to take immediate steps to apprehend all stalkers/eve-teasers who physically, psychologically, emotionally or sexually abuse or harass women and children, in particular those against whom any allegation is made of harassing/stalking girls and women in any place including at their homes, in the streets, work places and other public places.

ii) the respondent No.1 is directed to issue immediate instructions to all the Deputy Commissioners throughout the country and all Upazilla Nirbahi Officers to be on high alert and to deal with this particular menace of stalking/eve-teasing and sexual harassment separately and independently of any other crime and to take appropriate and immediate action against the alleged offenders.


iii) the Secretary, Ministry of Home Affairs and the Inspector General of Police are hereby directed to take immediate steps to direct the Superintendent of Police of every District as well as the Officer-in-charge of the Police Stations to take appropriate and immediate steps for providing protection to the family members as well as the civil society who come forward to assist in the event of any eve teasing, to ensure that no harm may come to them through any reaction by the stalkers/eve teasers.

iv) the respondents No.3 and 4 are hereby directed to take steps to ensure that the media, including the electronic media, namely radio and television to broadcast the seriousness of the menace of eve-teasing and stalking and also to notify the severe consequence that may be brought upon the perpetrators. The respondents No.3 and 4 may also engage the NGOs and civil society in order to make the general public aware of the menace which now besieges us. The community must also be told how best to protect themselves.”

Right to life, limb and liberty – provided by the Constitution

The Constitution guarantees protection of life, limb and liberty to every citizen. Moreover, the Penal Code punishes anyone who infringes the law relating to offences against the human body.⁴ Children enjoy the same benefits under our Constitution and laws. So, who gives our teachers the right to mercilessly beat their pupils, or indeed to inflict any corporal punishment upon them? It is painful, humiliating and violates the dignity of the person. In July 2010 the High Court Division considered corporal punishment on children in the case of BLAST vs Secretary, Ministry of Education, 31 BLD 201. Numerous cases were brought to the notice of the Court where severe physical punishment was meted out to children of very tender age for very mundane transgressions such as not doing homework, answering questions incorrectly, failing to take crayons to school etc., which would otherwise not constitute any offence, and yet teachers were beating children with impunity to the extent of hospitalisation in some cases and even prompting suicide. Within a few days of the Rule being issued, the Government issued a Circular dated 08.08.2010 absolutely prohibiting corporal punishment in all educational institutions. Before the judgement was delivered Guidelines dated 31.10.2010 were published by the Government prohibiting physical and mental punishment of students. The High Court Division noting that article 28 of the Convention on the Rights of the Child prohibits corporal punishment upon children, held that “corporal punishment upon children must be prohibited in all settings including schools, homes and workplaces. Children who are subjected to corporal punishment or indeed psychological and emotional abuse cannot be expected to develop freely and properly and will not be able to give their best to this society. We cannot ignore the effects of physical and mental torture on the proper development of children which will lead to inadequate achievement resulting in lack of education and poor prospects of better living standards which in turn will stoke the poverty cycle.” The High Court Division directed the Ministry of Education to ensure inclusion of a provision within the Service Rules of all teachers of public and private institutions of the country, by incorporating the imposition of corporal punishment upon any students within the definition of ‘misconduct’. Thus the teacher imposing corporal punishment on any student would be liable to face both departmental proceedings as well as criminal proceedings. The High Court Division directed the

⁴Section 299 to 377 of the Penal Code 1860



government to immediately repeal all laws which permit corporal punishment to be awarded to offenders as being cruel and degrading punishment contrary to the fundamental rights guaranteed by the Constitution.

Children who are alleged to have committed an offence- ‘in conflict with the law’

Under the Constitution and Code of Criminal Procedure, the rights of all accused persons are safeguarded. International instruments and domestic laws provide extra safeguards for children who are alleged to have committed any offence.

The UNCRC provides a large body of rules which are bound to be followed by signatory States. The following articles are relevant, particularly with regard to children who come into conflict with the law:

- Art. 40(3)(a)—states to establish law setting a minimum age below which a child is not capable of committing an offence;
- Art. 1—definition of child to include any human being below the age of 18 years;
- Art. 37(a)—neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below eighteen years of age; and
- Art 37(b)—detention or imprisonment must be used as a last resort and for the shortest appropriate period.

Sections 82 and 83 of our Penal Code have been duly amended, incorporating the provisions with regard to age of criminal responsibility.⁵

The above provisions of the UN CRC have been incorporated in the Children Act, 2013 and the provisions of section 82 the Penal Code have been reiterated in section 44 of the Children Act, 2013, which provides that under no circumstances can a child below the age of 9 years be arrested or held in detention.

The Children Act, 2013 defines a child as one under eighteen years of age, which is almost universal, following the UNCRC.⁶ Our recommendation to incorporate the provisions of the CRC in either a new law or by amendment of the existing law came to fruition seven years after the judgment in Roushan Mondal through the enactment of the Children Act in August 2013. However, in the meantime, the High Court Division dealt with several cases of children being held in prisons unlawfully, particularly pending trial, and more alarmingly where the children were in fact below the age of criminal responsibility.

In the case of *The State vs The Secretary, Ministry of Home Affairs*⁷ the High Court Division noted that the court has no authority whatsoever to send any child during the pendency of a trial to be held in custody within any prison. It is the responsibility of the Department of Social Welfare to provide either a safe home, remand home or any other suitable place where children who have come into contact with the law may be kept during the pendency of their trial, if they are at all to be kept in custody. It was held that children in prisons, whose age is below 16 years, are being held there illegally and without lawful authority and are to be removed from prison forthwith.

I feel that it is our bounden duty to protect and nurture our children for our own sakes. If they are guided in the proper path, they become good citizens and an asset for the nation. If their nature and character is allowed to be contaminated and degenerated then they will become a liability on the State and a menace to society, endangering the peace and tranquillity of the general citizenry. In Roushan Mondal it was observed in relation to youthful offenders:

‘In the event that a child or juvenile does come into conflict with the law, then the aim is to provide a system of justice which is ‘child-friendly’ and which does not leave any psychological scar or stigma on the child, and, on the contrary, prepares him for a fruitful future. The state or the crown, as the case may be,

⁵Section 82. Nothing is an offence which is done by a child under 9 years of age. Section 83. Nothing is an offence which is done by a child above 9 years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

⁶For example in India: The Juvenile Justice (Care and Protection of Children) Act, 2000.

⁷19 BLT 376



stands in loco parentis and through the 'court' ensures that the unlawful activity of the child does not go unpunished and at the same time that the child is not exposed to the rigours of the criminal justice system with all its awe-inspiring paraphernalia and the stigma of criminality at the conclusion of the proceedings leading to a finding of guilt.'

Proper implementation of law

The High Court Division in several cases went to the extent of making recommendations as to how the persons responsible in the justice delivery system for children should apply the law at every stage of the proceedings.

In State -VERSUS- Secretary, Ministry of Law, Justice & Parliamentary Affairs and others (SUO MOTU RULE NO.5621 OF 2009), 29 BLD 656, the following general and specific recommendations were made:

"1. First and foremost, we feel that for proper appreciation of the provisions relating to justice for children, it is essential that all persons concerned with children, including the concerned Government officials of the relevant Ministries and officials of the concerned Government Departments, law enforcing agencies, the judiciary, personnel in the detention and penitentiary system as well as community leaders and local government officials must be aware and sensitised to the needs of children in contact with the law.

2. Initial training and all subsequent refreshers training/courses for Judges, Judicial Magistrates and Executive Magistrates should include the concept and practice of Justice for children as a separate topic giving it proper importance.

3. Establishment of child-specific courts in every district which will be dedicated to cases relating to children and will deal with cases involving children on a priority basis and other cases only if there is no outstanding case of a child.


4. There is a patent need for a child-sensitive, specifically trained Police force. Each Police Station shall have at least two officers, of whom one shall be a female, to deal with cases involving children in contact with the law. That officer shall be designated as a focal point for children in conflict/contact with the law who shall deal with all cases relating to children as far as practicable. The training courses of the members of the law enforcing agencies must include justice for children as a separate subject focusing on their duties and obligations under the law.


5. Detailed separate Rules under the Children Act, 1974 should be formulated and incorporated therein, which will deal with victim children and will specifically determine the duties and responsibilities of police officers, probation officers, the Court and others concerned in dealing with them.

6. It is time for Bangladesh to live up to its promises to set up a Children's Commission/Children's Ombudsman. Alternatively, a National Juvenile Justice Forum, which are in vogue in certain countries, may be set up under the Chairmanship of a senior sitting Supreme Court Judge. The practical benefit would be that the Forum may be empowered to issue directions and guidelines to the subordinate judiciary and other bodies regarding any issues relevant to justice for children. Such an institution shall be set up under the Constitution giving it specific powers to issue guidelines/handbook in relation to matters concerning justice for children. Such guideline shall be adopted by the Ministries concerned with justice for children and shall be translated into Bangla and disseminated to all the relevant bodies and institutions, including the police and other law enforcing agencies, probation service, prison service, Social Welfare Department, courts and tribunals.

7. A summary of the said guideline (to be followed by the members of the police and other law enforcing agencies with respect to the treatment of children in contact/conflict with the law) should be displayed in prominent places of police stations.

8. Each police station shall display in a prominent place the names and contact numbers of Probation Officers, Doctors on duty, places of safety, approved homes, certified institutions and NGOs working in the area.

- 
9. In the police station, children shall be kept separately from adult accused persons.
 10. Police officers should work in close cooperation with Probation Officers, the safe homes and NGOs working in the field in the local area so that protection, safety and well-being of a victim child can be provided without any delay.
 11. As soon as a victim child is brought before the police station, or the police are informed about the whereabouts of a victim child, the Probation Officer should be informed.
 12. The Probation Officer shall visit the victim child without any delay. He shall assist the police officer in determining whether the child needs medical treatment or examination and whether the child is safe with its parent or guardian. Where necessary the child shall immediately be taken to the nearest clinic or hospital. If medical examination cannot be done on the same day, the police officer concerned shall record reasons for the same.
 13. When a child is brought before the Police Station or the Court, it shall be the duty of the police officer or the Court to determine whether it is safe for the child to return with the parent or guardian. If required, the child shall be asked about these matters confidentially and without presence of its parent or guardian.
 14. A child shall not be separated from its parent or guardian save in exceptional cases. These will include cases where the parent or guardian is unavailable or where the threat comes from the parent or guardian or where the parent or guardian is unable to provide safety to the child from any impending threat.
 15. In the absence of a parent or guardian, a relative or other fit person may be entrusted to keep the child in safety.
 16. Where appropriate, the child may be taken to a place of safety by the Probation Officer himself under section 55 of the Children Act.
 17. The Government must provide sufficient number of places of safety, at least one in every district, so that such a place of safety is easily accessible from any part of the country.
 18. While separating the child from its parent or guardian, the police officer, the probation officer or the Court must record the reasons thereof.
 19. When it is necessary to separate a child from its parent or guardian, in exceptional cases and where the situation demands, the guidelines under sections 55 and 58 of the Children Act, should be strictly followed. Accordingly-
 - a) A probation officer or a police officer can take a child to a place of safety and detain the child for a period of not more than 24 hours before producing the child before the Court. (Section 55 of the Children Act).
 - b) Once produced before the Court in connection with any offence under the Children Act, before institution of proceedings, the Court may make such order as the circumstances may admit and require for the care and detention of the child (section 56 of the Children Act).
 - c) After institution of proceedings, the child shall be produced before the Court and the Court may commit the child to the care of any relative or fit person, or to a certified institute or approved home. The conditions as provided in section 58 of the Children Act shall be strictly followed.
 - d) Where the parent/guardian is fit, capable and willing to take custody of the child then the Court shall hand over custody to the parent/guardian. The reasons for not doing so must be clearly stated by the Judge.
 20. Under the Children Act, 1974 and under the system of justice for children there is no requirement for anyone, including the parent or guardian, to apply before the Court for any relief. It is the duty of the Court to ensure compliance of the law in the best interests of the child.
 21. Children shall be given special preference in getting legal aid under the আইনগত সহায়তা প্রদান আইন, ২০০০ and for this purpose appropriate instructions shall be given by the government to the District Legal Aid Committee.



22. Bangladesh Bar Council should develop a training manual for newly enrolled lawyers to include Justice for Children as a separate subject for better understanding of child protection and development of child rights and its different mechanisms where it should explain their role and responsibility, concept of child rights and United Nations Child Rights Convention and other international instruments.

23. The Judicial Administration Training Institute (JATI) should undertake training programmes for Judges and Magistrates, including follow-up training for senior Judges regarding Justice for Children and, in particular training regarding the provisions of the Children Act, 1974, the Children Rules, 1976 and relevant UN and other international instruments.

24. The Ministry of Women and Children Affairs and Ministry of Social Welfare should provide training for their own officers as well as for Probation Officers, Managers and concerned staff employed in the safe homes and other places used for detention of children.

25. The Government should ensure training in good parenting and for awareness development in the community to establish child protection and rehabilitation of deviant children in the community.

26. The Government must take positive steps for dissemination of materials regarding child rights in order to ensure awareness of all concerned with children in contact with the law through the print media as well as the electronic media, including television and radio.

27. Laws are required to be formulated for victim and witness protection in order to avoid harassment of the victim children and to ensure effective prosecution of offenders, keeping in mind the need to maintain confidentiality, privacy and dignity.

28. Informal atmosphere should be ensured in Juvenile Courts in order to protect child/youthful offenders, child victims and witnesses. Presence of police should be avoided, unless it is felt necessary for the protection of the child offender, victim or witness. Judges/lawyers should not wear uniform during trial.

29. The concerned Ministries should consider the need to formulate community based committees to develop child protection mechanisms, skill development training, and training in child rights.

30. The State through its relevant Ministries shall take necessary steps to identify children at risk of committing offences and at risk of being exploited by adult criminals for criminal activity, i.e. young children engaged in theft, robbery, picketing, vandalism, as carriers of drugs and arms, explosives, member/informer of criminal gangs and suicide squad and should identify the reasons behind the criminal activities of children and address the root cause of such deviant behaviour.

31. The concerned Ministries shall take appropriate measures to form, strengthen and activate Upazila/Union/Ward level child protection motivational committees and community based committees set up for ensuring and monitoring child protection in their locality.

32. The Government should take steps for setting up a system and mechanism for the rehabilitation of victims of crimes.

33. It is therefore imperative that the Government take immediate steps to amend the existing laws or formulate new laws in order to overcome the anomalies and procedural knots as highlighted above as well as to enable implementation of the provisions of the international instruments which will undoubtedly be beneficial to the children of this nation, thus fulfilling our obligations under international treaties and covenants."

In The State -VERSUS- The Metropolitan Police Commissioner, Khulna and others (Suo-Motu Rule No.04 of 2008), 60 DLR 660 the High Court Division made the following observations:

"1. It is the duty of this Court and all other Courts as well as the other state departments, functionaries and agencies dealing with children, to keep in mind that the best interests of the child (accused or otherwise) must be considered first and foremost in dealing with all aspects concerning that child.

2. The parents of the children who are brought before the police under arrest or otherwise, must be



informed without delay.

3. A probation officer must be appointed immediately to report to the Court with regard to matters concerning the child.
4. Bail should be considered as a matter of course and detention/confinement should ensue only as the exception in unavoidable scenarios.
5. In dealing with the child, its custody, care, protection and wellbeing, the views of the child, its parents, guardians, extended family members as well as social welfare agencies must be considered.
6. Where the best interests of the child demands its separation from its parents, special protection and assistance must be provided and there must be alternative care for the child.
7. Steps must be taken to assist the parents to mend their ways and to provide a congenial atmosphere for the proper development of the child.
8. If a child is detained or placed in the care of someone other than the natural parents, its detention or placement must be reviewed at short intervals with a view to handing back custody to its parents or guardians, subject to their attainment of suitability to get custody of the child.
9. When dealing with children, detention and imprisonment shall be used only as a measure of last resort and for the shortest period of time, particularly keeping in view the age and gender of the child.
10. If detention is inevitable, then the child shall be kept in the appropriate Homes/Institutions, separated from adults and preferably with others of his/her same age group.
11. Every effort must be made at all stages for reintegration of the child within the family and so as to enable him/her to assume a constructive role in society.
12. Due consideration must be given to the fact that children come into conflict with the law due to failure of their parents/ guardians or the State to provide adequate facilities for their proper upbringing. If the parents or guardians lead the child astray, then it is they who are liable and not the child.
13. The Legislature should consider amending the Children Act, 1974 or formulating new laws giving effect to the provisions of the UNCRC, as is the mandate of that Convention upon the signatories.
14. The use of children as 'drug mules' should be made an offence and incorporated in the Children Act, making the parents/ guardians of any child used for carrying drugs criminally liable.
15. The State must make provision for diversion of child offenders from the formal placement in government safe homes/prisons to be placed in an atmosphere where the child may be guided in more congenial surroundings within a family unit, either with relatives or unrelated foster families, if necessary on payment of costs for the child's maintenance."

In the High Court Division gave the following directions as to what the law ought to provide keeping in mind our obligations as signatories to the CRC and other international instruments:

- "1. As soon as a child is apprehended for an alleged offence he must be taken before a Magistrate, and at all times kept separate and detached from any adult offender. Under no circumstances is the child to be kept in police lock-up.
2. The Magistrate must take immediate steps to ascertain the age of the child in accordance with section 66 of the Act, and procedures laid down in the Act are to be followed.
3. Parents/guardians of the child must be informed.
4. The child should be considered for release to the custody of his parents/guardian pending any inquiry regarding the allegation.
5. If his detention is felt absolutely necessary then he must be kept in a 'special home' or 'observation home' established for the purpose, pending decision on the allegation against him. The 'special homes' must be separate and distinct from the 'approved homes' where children in conflict with the law are placed



after they are found to have been in breach of the law.

6. If it is established that she/he is a child then the matter must be adjudicated upon by a “Children’s Justice Board/Panel” and the proceedings must be concluded expeditiously.

7. The child must be given opportunity to be legally represented and afforded legal aid for the purpose.

8. In deciding the case finally, the “Board/Panel” must take into account the child’s background and other family/community circumstances, including any report of a Probation Officer or Social Worker.

9. If it is decided that confinement is necessary, then it must be in accordance with the Children Act and in an approved home and at any cost **NOT IN PRISON** (emphasis added)

10. The approved homes must be equipped to provide the necessary educational and vocational training facilities and always with the view to the rehabilitation of the child in the community.

Thus in the limited number of cases the High Court Division has made recommendations and given directions for the proper implementation of the existing law making sure that all concerned keep in mind the best interests of the child, as required by law.

Children who come into conflict with the law are, in reality, invariably victims. They are usually victims of exploitation, seduction or threats. All said and done, the unfavourable situation of our children stems mostly from poverty. It is my humble opinion that those agencies, both local and international, with the heart and the will to better the lot of the impoverished and vulnerable children of this country, must strive to strike at the roots of poverty and aim to empower the parents and the community to better look after their children. All parents strive for the best interest of their child. Poverty stands in the way. Resources must be aimed to alleviate poverty and empowerment of caregivers. Above all the justice delivery system must deal with children with a view to ensure their rights as given by the Constitution, domestic laws and international instruments.

Aspirational Value of Law: Test Case on Workers' Rights *

Justice Dr. Syed Refaat Ahmed



Prologue

This Lecture proceeds on the premise that (i) justice is based on the understanding that “law” and “morality” are intertwined concepts in turn determining how justice is delivered and (ii) “law” as a department of “morality” is defined by its own distinct substance distinguishable and refined by institutional structures and constitutional schemes. I am indebted particularly to Ronald Dworkin’s espousal of these ideas while critiquing and largely rejecting the doctrinal positivism of H.L.A. Hart in “The Concept of Law”. Hart viewed the “existence and the content of law” to be “identified by reference to the social sources of the law (e.g., legislation, judicial decisions, social customs) without reference to morality except where the law thus identified has itself incorporated moral criteria for the identification of the law.”

Dworkin in his book “Justice in Robes”¹ shows that legal positivists have subscribed to this view to insist that judges should strictly obey legislative commands and not arrogate to themselves the authority to either criticize the law or to substitute legislative commands with their own. Note therefore Jeremy Bentham’s assignment to the sovereign ruler and a popular legislature the sole authority to declare and decree upon the content of the law. Hence the positivist truism *Law Stops Where Decree Ends*.

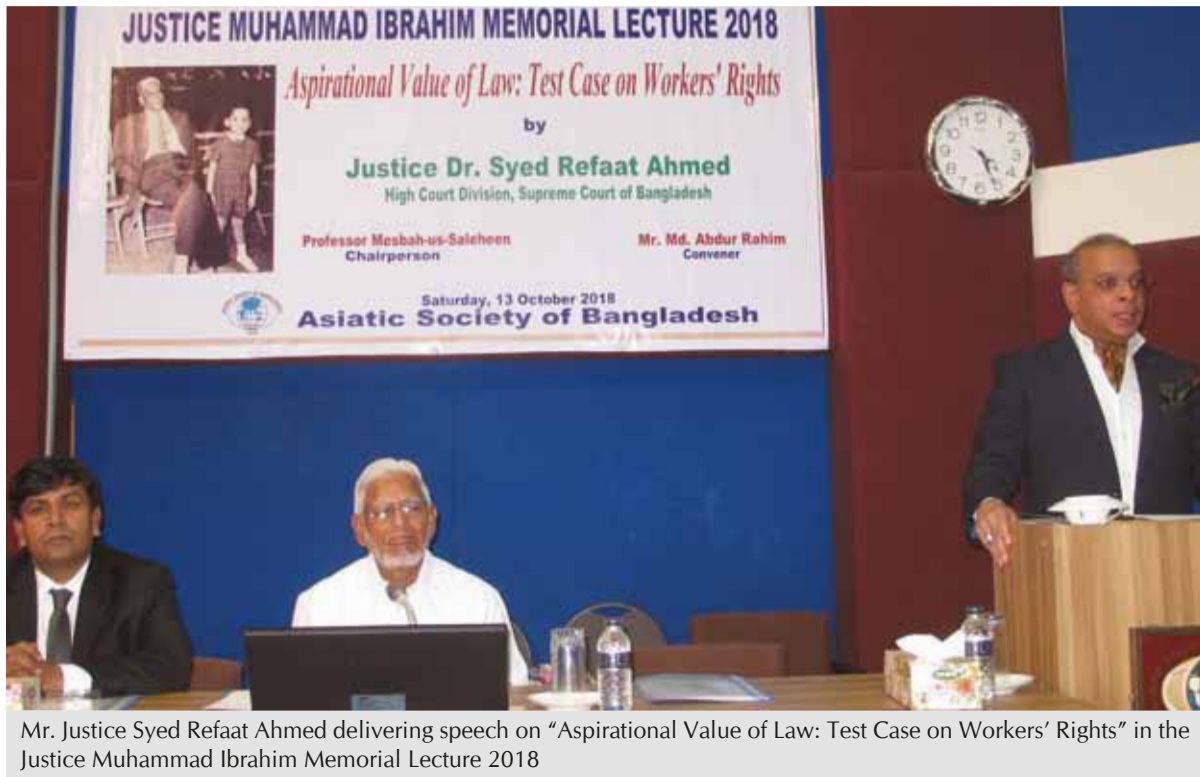
In contradistinction to the positivist view, I argue that an efficient and effective delivery of justice must involve a determination of the substance of law and the role assumed by judges in this regard is a real one. Judicial Review of administrative decisions and orders as sanctioned under Article 102 of our Constitution and the recognition of judicial authority to enforce fundamental rights under Article 102(1) read with Article 44(1) of the Constitution are two significant aspects of such a role. Detractors of such a judicial role see it to be discordant with the majoritarian democratic ideal of only a popularly elected legislature being authorized to define the substance of law. In other words, they would view the judicial review process to be undemocratic. If, however, to the contrary one adheres to the notion of fairness being indispensably linked to a functional democracy, the judiciary’s role in ensuring such fairness remains pivotal. In this sense “judicial review is not inconsistent with democracy because democracy does not mean just majority rule, but majority rule subject to those conditions that make majority rule fair.” (Dworkin, Pg. 147) It is the case that many who oppose this concept of democracy, and also the necessity of judicial review, nevertheless concede in a limited sense and confined within a restricted scale the existence of constitutionally guaranteed freedoms or fundamental rights. I am of the view that the judicial review marks a shift away from majoritarian righteousness (and the strict positivist view) towards ensuring fair play in a democratic constitutional order. I argue that such a shift is not merely tactical but unavoidable. There has been an empirical unmasking of a methodological camouflage relied upon by positivists for long proving that positivism has over the ages become a spent force.

A simpler socio-economic order of the 18th and 19th centuries geared towards legally managing straightforward commercial relations demanded statutory codifications at once detailed and specific leaving no scope for judicial interpretations to fill any legislative lacuna. This was fertile ground for doctrinal positivism to thrive by denying judges any authority to adopt moral interpretations of the law, thereby, upsetting the functioning of a well-regulated order reliant solely on the certainties of recorded law. By the time we move from Bentham to Hart, we see positivism’s doctrinal consistency outpaced and indeed belied by an infinitely more complex and heterogeneous socio-economic order. This required broader more general political and legislative interventions unable practicably to anticipate every conceivable contingency to be regulated. The scope was created thereby for these general tenets to be more specifically defined and their

*Abridged text of the Justice Muhammad Ibrahim Memorial Lecture, 2018 delivered by the author at the Asiatic Society of Bangladesh on Saturday, 13 October, 2018.

¹The Belknap Press of Harvard University Press: Cambridge, MA & London, 2006.

contents elaborated through administrative and judicial decisions. The detailed codes of yesteryears began to give way increasingly to extensive but generalized legislative schemes. In such circumstances, as Dworkin aptly notes “if judges had continued to say that law stopped where the explicit sovereign direction ran out, they would have had constantly to declare ... that legality was either irrelevant to or compromised in their judgments.” (Pg. 182) It is no wonder, therefore, that Hart detaches himself from such contemporary realities and bases his positivist ideals on an imagined past marking a transition from tribal anarchy to uniform compliance of entrenched regulations highlighting values of authority, efficiency and coordination.




Mr. Justice Syed Refaat Ahmed delivering speech on “Aspirational Value of Law: Test Case on Workers’ Rights” in the Justice Muhammad Ibrahim Memorial Lecture 2018

Based on the above, I argue that it falls on judges today operating within a modern day constitutional dispensation to decide on the true proposition of law. That indeed has been the preoccupation and thrust of common law principles that have evolved over the centuries in the field of judicial review of the sufficiency and legality of administrative or executive decisions. The content of these principles derive from the concepts of political and personal morality like justice, liberty, equality, right and wrong etc.. It becomes imperative therefore for the judiciary in discharge of its constitutional mandate to rely on these interpretative concepts in finding and identifying the true proposition of law. Furthermore, the sum total of these concepts is reflected in our image of legality and the Rule of Law constituting the fundamental basis of a democratic order. Indeed that is the ideal that any proposition of valid law must aim at. It is that ideal that in turn reflects the aspirational value of law.

There are certain pathways through which the aspirational value may be determined. Judicial independence marked by integrity, morality and pragmatism are but a few of the indicators that judges must conform to in arriving at coherent, intelligible and reasoned conclusions as to the scope and nature of the law. It is at this juncture that a theoretical or jurisprudential ascent takes place in discarding traditional, and strictly positivist, modes of defining and applying the law.

The theoretical ascent we speak of here has a core moral element to it. And that element in turn is essentially constitutional. Our Constitution, like many others worldwide, places constraints on legislative and executive



power in terms as are to be construed as moral. Constitutionally guaranteed freedoms and rights, in themselves read as limits on official power to arbitrarily derogate from or deny the same. And increasingly the fundamental principles of state policy are being invoked by the Constitutional Courts not merely for the interpretation of the law but also the progressive development of the law. Article 102 of the Constitution in authorizing the judiciary to examine violations of fundamental rights or to issue writs in Certiorari, Prohibition, Mandamus, Habeas Corpus or Quo Warranto sanctions the various pathways through which judges sitting in judicial review can make moral judgments on moral issues for attainment of that ultimate aspirational value of both legality and Rule of Law.

I take you through one such judicial exercise at determining the substance or the true proposition of law. Two cases (Mehdi Hassan & another vs. The Government of Bangladesh & Ors. with Venita Salgado and others vs. Government of Bangladesh and others reported in 1 LCLR[2012] Vol. 4 HCD, 380) were heard and disposed of analogously by a common judgment of which I happened to have been the author judge. The judgment that is analyzed here probes into the inadequacies of a legal provision, the inequities that result from it and the responsibility thrust upon the Court, and readily assumed by it under its constitutional mandate in judicial review, to identify and clarify the true content and proposition of the law. The presumption is of a moral test applied by the Court in asking itself 'what ought the law fairly and reasonably achieve?' In other words, what does the law aspire to achieve? The validity of that exercise is further amply attested to by legislative changes brought into the law at the heels of the judgment. That consequential amendment removes all scope for arbitrary interpretation and application of the law as addressed in the judgment itself. What emerges, therefore, is a complementary functioning of two organs of the State-the judiciary and the legislature- mutually reinforcing the common quest for establishing the Rule of Law without straying beyond their constitutional boundaries.

The two petitions, being predicated on similar facts and the application of the Companies Profit (Workers Participation) Act, 1968 ("1968 Act" or "Act of 1968") as repealed by the Bangladesh Labour Act 2006 ("2006 Act" or "Act of 2006"), were heard analogously. In both the petitions the Petitioners were employed by Unilever Bangladesh Limited ("Company") and claimed profits earned by the Company which had accumulated in the Workers Participation Fund and Welfare Fund ("Funds") of the Company for the year 2006 and since, January 2007. The Company refused to allow the Petitioners to participate in its profits claiming that they are not workers.

The Court held that the 1968 Act and 2006 Act not only constitute the fountainhead of power granted to the Board of Trustees ("BOT"), and without which legislative sanctions the BOT would not exist, but also significantly envisages such power to be exercised for and on behalf of the Government and under its express and continuous supervision. The BOT in implementing these Acts is performing public/government functions closely related to those required to be performed by the State in its sovereign capacity. Pursuant to the Preamble, Article 10 and Article 14 of the Constitution, it is the fundamental responsibility of the State to emancipate workers from all forms of exploitation. The purpose of both the Acts is to protect the rights of the workers. In concluding that the purpose of the Acts has indeed been to establish the BOT as an instrument or agency of the Government, the Court applied the test prescribed in the Arif Sultan Case, the said test being (i) the existence of deep and extensive control of the Government, and (ii) the true rationale in setting up the BOT as well as the Funds. In that light, the Court held that the illegalities of the BOT in administering the Funds are amenable to writ jurisdiction.

The Court relied extensively on judicially sanctioned objective standards for determining whether an employee is a worker or not, applied such standards to the job description of the Petitioners provided by the Company and arrived at the conclusion that the Petitioners qualified to be termed 'workers' under Section 2(f) and Section 233(1)(Ja) (1) and (2) of the 2006 Act. Accordingly, the Court made the Rules absolute.

Purview of The Law

The Writ Petitions, by their very nature required the purview of both the Act of 1968 and the Act of 2006 as provide the legal basis for the disposal of the same. Examined was the definition of a worker as found in the Act of 1968 and its metamorphosis in the Act of 2006. A simply structured definition of a worker was found



in Section of 2(f) of the Act of 1968 thus:

“2(f) “Worker” in relation to a company means an employee of the company whose basic monthly wages does not exceed Taka nine thousand and who has been in the employment of the Company for a period of not less than six months.”

Section 233(1)(Ja) of the Act of 2006 brought about a change in that definition by introducing an exclusionary standard leaving out those performing administrative, management and supervisory roles from its purview. That Section reads thus:

“২৩৩। (১)(জ) কোন কোম্পানীর “শ্রমিক” বলিতে ঐ ব্যক্তিকে বুঝাইবে যিনি পদ-মর্যাদা নির্বিশেষে উক্ত কোম্পানীতে অন্যান্য ছয়মাস যাবত চাকুরীতে নিযুক্ত রহিয়াছেন; তবে নিম্নোক্ত কোন ব্যক্তি এই আইনের আওতায় শ্রমিক সংজ্ঞার অন্তর্ভুক্ত হইবে না-

- ১। ব্যবস্থাপনা কিংবা প্রশাসনিক দায়িত্বে নিযুক্ত ব্যক্তি,
- ২। তদারকি কর্তৃত্বে নিযুক্ত ব্যক্তি যিনি পদাধিকারবলে বা তাহার উপর অর্পিত ক্ষমতাবলে ব্যবস্থাপনা বা প্রশাসনিক ধরণের কাজ করিয়া থাকেন।”


Going beyond the definition of ‘worker’, the two Acts however follow a common pattern of setting out the manner of establishment and management of Funds thereby delineating the spheres of function and statutory duties of three entities i.e., the Government, the employer Company and the BOT.

The Court noted that in categorically introducing the Petitioners as workers it was asserted in the Writ Petitions that the Petitioners had no authority in particular to appoint or dismiss any employee of the Company. The Petitioners stated that they had never been entrusted with any managerial or administrative functions during their tenure of service in the Company.

It was also noted that the BOT had been intended to operate with a specific purpose in view. All parties across the board were agreed on the fact that the purpose of the two successive legislations is indeed to protect the rights of workers and to ensure their share in the Company’s profits, thereby, removing the spectre of any form of exploitation of these workers by their employers. That, as the Petitioners argued, brings the activities of the BOT into the public realm thereby, justifying a designation of the BOT not only as a statutory authority but significantly as a statutory public authority. The Court was satisfied that the BOT in administering the Funds in accordance with the Government’s directives in fact facilitates the discharge of a fundamental responsibility of the State to ensure the protection of all workers from all exploitation under Article 14 of the Constitution. The two legislative enactments in that context ensure the mechanism in accordance with which the State can effectively discharge its responsibility as above through the agency of the BOT reserving nevertheless to itself substantial authority of oversight, control, imposing penalties and to act as an arbiter of differences that otherwise hinder a proper administration of the Funds as contemplated in the legislations.

Substantive Issues

The Court undertook a two-pronged inquiry in the context of the provisions of the Act of 2006 in particular. The first relates to the legislative and judicial standards determining whether the Petitioners were indeed ‘workers’ or not. The second being the entity in which the statutory authority is primarily reposed to decide on such status as ‘workers’. These avenues of inquiry, the Court observed, did not run parallel to each other but were intertwined given the Court’s opinion that unlike a definition of a ‘worker’ provided in Section 2(f) of the Act of 1968, that under Section 233(1) (Ja) of the Act of 2006 reposed in one authority or the other the responsibility to decide upon the status of a ‘worker’. But the assignment of such responsibility was implicit in Section 233(1) (Ja). That meant that this provision of the law was itself silent in identifying such authority. In other words, Section 233(1)(Ja) proceeded to assign such responsibility to an unidentified authority. The matter gets murkier given that this Section was also notably vague or silent as to the objective standards that must be taken into consideration by such unidentified authority to necessarily give any meaning to the test introduced therein by drawing a clear line of demarcation between who may and may not be entitled to the beneficial application of the Funds in their favour. However, clear indicators of the intent in the Act of 2006 to ascertain the identity of the authority which may have the primary responsibility to assign the status of a ‘worker’ or not upon any individual are to be found in the other fairly extensive provisions of that law



pertaining to the management and oversight of the Funds in general and in that context, unlike in Section 233(1)(Ja), clearly delineating the extent and spheres of the power and authority of the BOT, the Company and the Government in the due and proper administration of the Funds.

Arguments on behalf of the BOT were that the power in Section 235(3) in particular of the Act of 2006 to manage and administer the Funds is to be deemed to be inclusive of determining who is a ‘worker’ to qualify for the beneficial application of the Funds. In other words, the BOT argued that the power of Fund-management and administration under Section 235(3) is an all-encompassing and an all-empowering power recognized in favour of the BOT. But upon a reading, for example, of Sections 240, 242, 243 and 252 of the Act of 2006, it was, however, clear to the Court that such notion of an all-empowering authority gets whittled down by very specific provisions otherwise laying down the boundaries within which the BOT must operate with regard to, for instance, investing on behalf of the Funds, the utilization and overall management of the Funds, etc. It was noted that in so specifically setting out the specific functions of the BOT, significantly no authority is expressly reserved by the terms of the Act of 2006 in the BOT to determine on the powers and duties of the Petitioners, that is, whether these are supervisory, managerial or administrative in nature. It was submitted on behalf of the Petitioners that such authority in fact, upon a true construction of Section 233(1)(Ja), must be read as lying with the Company itself in preference to the BOT. It is here that the Court accepted the notion of an all-encompassing power and discretion in this regard vesting in the BOT to be qualified by Article 114 of the Articles of Association of the Company under which the power to appoint, fix and determine the power and duties of employees resides solely with the Board of Directors of the Company. Indeed, the Court was convinced that Article 114, in ideal circumstances, would be the provision by dint of which any company could and should assert itself in this regard to the exclusion wholly of any other authority perniciously arrogating to itself any similar authority to make such determination on the status of workers.

It was “painfully evident”, however, in the facts to the Court that the situation prevailing within the Company was far removed from such an ideal situation. The Company, since 2006, appeared to have abdicated its responsibility to play an assertive role in this regard as reflected in its failure to provide specific, comprehensive and due information as to the status of workers to the BOT. Equally alarming is the case of the Company failing to ensure strict compliance with Section 235 of the Act of 2006, sub-Section (2) of which mandates, a yearly rotation in the post of Chairman of BOT in a manner that a representative of the Company and of the CBA must alternatively be elected to occupy that post. It was found that the Company had thus directly contributed to the BOT’s assumption of extra-statutory responsibility and authority by turning a blind eye to the express violation of Article 235(2) for over twelve years. Evidently, the Company opted for such a dent in its authority in administering the Funds much earlier than the coming into force of the Act of 2006. That scenario of express, sustained and tolerated violation of the provisions of both the Acts of 1968 of 2006 was found further exacerbated by the Government itself not attaching due significance to its statutory role of oversight and ensuring accountability of the administration of the Funds under both legislations. Of these provisions, Section 237 of the Act of 2006 corresponding to Section 6 of the Act of 1968 is germane given that it grants the Government absolute authority to summon information at any time to examine due compliance with other provisions of the Act and the rules in the administration of the Funds. That power appeared, however, never to have been invoked by the Government notwithstanding the festering disputes that plagued the Company for so many years and compelled numerous of its employees to seek recourse to litigation. Clearly, the Company deemed it unnecessary to treat, for reasons unclear, such loss of its control over the BOT evident in it being denied the post of Chairmanship in alternate years, to itself refer the matter to the Government by invocation of the provisions of Section 238(1) of the Act of 2006 that gives the Government the final authority to resolve disputes as may arise with regard to the administration of the Funds. A laissez-aller culture had, thereby, been allowed to develop within the Company equipping, and illegally so, the BOT with authority in a manner and to the extent that was clearly never within the contemplation of the two legislations concerned so to grant. The Court was convinced that it was clearly not within the legislative intent that the Company should be complicit in contributing to the accretion to the BOT of such authority purely as a trade off between the Company’s management and the CBA for considerations that were not fully explained. It was crystal clear, however, that the adverse impact upon the rights and interests of the Petitioners as a result of such trade off to otherwise ensure a peaceful environment within the Company had been considerable.



Furthermore, the Government turning a blind eye to this unholy alliance between the Company and the CBA had also led to the operation of entire segments of the Act of 1968 and, thereafter, the Act of 2006 to be held in abeyance. In that context this Court viewed the merit in these two Writ Petitions to lie in the fact of judicially prodding both the Company and the Government to resuscitate such of those provisions of the law and restore the essential statutory balance between their roles and in their dealings with the BOT.

Against this backdrop the Court embarked on the exercise of determining the tests of managerial, administrative and supervisory functions under which any employee may be disqualified from the beneficial application of the legislations concerned. That exercise was undertaken solely to put all three actors concerned i.e., the Company, the BOT and the Government, on notice of the objective judicially endorsed standards that are already in place and which must be referred to prior to determining who is a 'worker' or not. That exercise was also necessitated further by the fact that the Act of 2006, as earlier noted, remains silent in prescribing those standards. Undoubtedly such a statutory lacuna led to arbitrary exercises of discretion, and that too by an unauthorized entity being the BOT, to exclude the Petitioners from the beneficial application of the Funds.

The Court noted that the Company produced a job description of the Petitioners stating on record "that the said employees, regardless of the name of their respective designation, discharge their duties and responsibility in accordance with the instructions from their superior and the said employees do not have any authority to deviate from the instruction, the process, policy and guidance laid down by their superior" and also that "the said employees do not have the authority to hire or fire other employee" but notably fell short of stating on record that such employees necessarily, therefore, under the law qualify to be treated as 'workers'. Such reluctance on the part of the Company was taken by the Court as an indication that the Company would prefer rather that the Court take on itself the responsibility to draw that conclusion. In this regard, the Court had referred to it a range of cases adjudged in this jurisdiction and otherwise, thereby, identifying certain of those judicially recognized objective standards. Those tests and decisions are enumerated herein below:


(a) Since the Petitioners have no power to hire or fire their functions are "neither managerial nor supervisory in nature in the sense in which those terms are understood in industrial law" (*Ved Prakash Gupta vs. Delton Cable India (P) Ltd.* reported in 1984 2 SCC 569 at para12);

(b) the Petitioners have no authority to appoint any employee or take any disciplinary action at their own initiative and, therefore, do not perform managerial or administrative functions (*S. K. Verma vs. Mahesh Chandra* reported in 1983 4 SCC, 214 alone *McLeod & Co., Applicant vs. Sixth Industrial Tribunal, West Bengal* reported in AIR 1958 Cal, 273);

(c) there is nothing on record to show that the Petitioners can remotely discharge any policy-making responsibility on behalf of the Company (*Omar Sons Ltd. vs. Chairman 1st Labour Court* reported in 28 DLR 1976, 178). In the Omar Sons Case the Court additionally cautioned against being misled by someone's designation to the exclusion of a probe into the nature of the function actually performed for here the "criterion is not the designation but the function"; and

(d) no discernible degree of discretionary power appears to have been reserved to any of the Petitioners in the discharge of their duties (*Hussan Mithu Mhasvadkar vs. Bombay Iron and Steel* reported in 2001 7 SCC 394). As in the Omar Sons Case, so in the Hussan Mithu Case the "true and proper" test "is the predominant nature of the services" i.e., a consideration of the nature of the duties and the powers conferred upon as well as the functions assigned to an undivided.

The Court found merit in the Petitioners' argument that the prima facie test for the determination of the relationship between master and servant lies in the existence of the right in the master to supervise and control the work done by the servant not only in the matter of directing what work the servant will do, but also the manner in which he shall do his work. The Petitioners clarified that a mere exercise of supervisory powers, however, does not by itself mean that an employee ceased to be a 'worker' within the meaning of Section 233(1) (Ja) of the Act of 2006. According to Section 233(1)(Ja)(1) and (2) of the Act of 2006, the



primary determinant is whether an employee is performing managerial and administrative functions. Relied upon was the judgment of the Indian Supreme Court in *D.C. Works Ltd. vs. State of Saurashtra* reported in AIR 1957(SC) 264 where it was held that the prima facie test for the determination of the relationship between an employer and employee is that of the authority concentrated in the former to supervise and control work done by the latter not only in the matter of directing what kind of work the employee will engage in but also the manner in which this shall be discharged. The mere reference to exercise of supervisory power, however, must not readily lead one to deduce that such powers of themselves cause an employee to cease to be treated as a worker with the meaning of Section 233(1)(Ja) of the Act of 2006. The Court found in that line of argument an appeal to the Court's power to draw a line between a general description of the mode of discharge of responsibility and the substance of that which is involved in the actual discharge of such responsibility. Referred also were the tests laid down in the *Omar Sons and Hussan Mithu Cases*, i.e., that of ascertaining "the predominant nature of the services" rendered. The Court found it plausible, therefore, that a person may indeed be exercising supervisory power short of engaging in managerial or administrative activity and, thereby, not falling under the mischief of the exclusionary provisions of Section 233(1)(Ja)(2) of the Act of 2006. That in the Court's opinion, was the rationale behind the High Court Division's Judgment in *Mujibur Rahman vs. Chairman, L. Court* reported in 31 DLR, 301, where in interpreting Section 2(v) of the *Employment of Labour (Standing Order) Act, 1965* (which is similar to Section 233 (1)(Ja)) it was held that "a person does not cease to be a worker only because is a employed in a supervisory capacity. It has to be established that the exercises function mainly of a managerial and administrative nature".

The Court was satisfied that the Petitioners did not to have any power to appoint and dismiss other employees and/or make policy decisions on behalf of the Company. That being the case, it was found that the Petitioners not being authorized to function in managerial or administrative capacities did indeed qualify to be termed 'workers' by operation of Section 233(1)(Ja) of the Act of 2006.

Given the findings above, and the Court's reading of the relevant provisions of law as above enunciated and their application to the facts and circumstances, it found that the Petitioners did indeed qualify to be termed as 'workers' within the meaning of Section 233(1)(Ja) of the Act of 2006. It was also found that the Company being the primary authority within the statutory scheme to determine on the nature, mode or manner and substance of the function and authority that each of the Petitioners discharged is, therefore, also necessarily clothed with the authority to authoritatively declare on the same. Within such statutory scheme the Company was found to discharge such function for the benefit and ready reference of the BOT that in turn must rely on the adequacy and the veracity of the same and ensure a due disbursement of benefits from the Funds. To that end, and bearing in mind that these were Writ in Mandamus, this Court directed the Company to forward the relevant Job Description Chart with other supporting documents to the BOT for due disbursement of funds to all the Petitioners concerned. All three entities the BOT, the Company and the Government were reminded of statutorily defined roles assigned to each of these actors operating within their specific statutory boundaries. In that sense, the Court's directions were to be read as one already sanctioned in law the provisions of which law had, however, regrettably become noteworthy not by any notable degree of compliance but more by the incidences of outright violation. The Company and the BOT were ordered, therefore, to revive statutory compliance measures and practices that had fallen into disuse for a decade or so and, therefore, ensure the due and sustained operation of the Funds with the active support of the Government. All three actors were reminded to bear in mind that the *Bangladesh Labour Act, 2006* first and foremost is a beneficial piece of legislation intended to strike and maintain a harmonious relationship between workers and the employer. To that end the Court felt it necessary for the provisions of the Act of 2006 to be given as wide an interpretation as possible in consonance with such objective.

It suffices to note that both the Company and the BOT having filed Civil Petitions in appeal initially sought redress against the judgment. That process was abandoned when the Company filed an application for withdrawal from the appeal process. This had the consequential effect of the High Court Division's judgment remaining the authoritative exposition and interpretation of the law on accessibility to the Funds.



Epilogue: Untying The Gordian Knot

By an amendment introduced through the Bangladesh Labour (Amendment) Act, 2013 (Act No. 30 of 2013), the legislature brought changes to Section 233 of the Act of 2006 inter alia providing an expansive definition of “beneficiaries” of Funds. The amended definition presently reads thus:

“ৰা) কোন কোম্পানীৰ সুবিধাভোগী (beneficiary) বলিতে শিক্ষানবিশসহ যে কোন ব্যক্তিকে বুঝাইবে যিনি মালিক কিংবা অংশীদার কিংবা পরিচালনা পর্ষদের সদস্য ব্যতীত পদ-মর্যাদা নির্বিশেষে উক্ত কোম্পানীতে অন্যান্য নয় মাস যাবত চাকুরীতে নিযুক্ত রহিয়াছেন।”

Simple and straightforward, the amended definition, freed from interpretational trappings emphasizes the notion of accessibility to the Funds as was indeed the focal point of consideration in the judgment. Significantly further, there is a notable shift on the prime determinants of such accessibility. The performance of administrative, management and supervisory roles are no longer a bar to be recognized as a worker. Indeed, a broader concept of beneficial interest in the Funds is adopted regardless of one’s status or পদ-মর্যাদা subject to the easily calculable pre-requisite of a 9- month minimum service period. The legislature appears to have taken note of the judgment’s elaboration of the pitfalls of and arbitrariness inherent in the process of segregating workers according to their responsibilities discharged and has been guided by a more benevolent notion of equity and fairplay by opening up accessibility to the Funds to all workers in general.

Indeed, the legislature has gone a step further than as envisaged by the Court in the proper administration of the Funds. While the Court sought the best feasible implementation of a difficult piece of legislation resorting to tests of fairplay and good reason and confined itself to the given legislative perimeter, that jurisprudential ascent provided the legislature with an indication of the way forward. The legislature with its entrenched democratic authorization, therefore, completely overhauled the access mechanism to deter any possibility of exploitative machinations and devices hatched.

It is my view that the theoretical ascent made by the Court was but a moral value attached to a fundamental constitutional tenet against exploitation of workers (Articles 10 and 14). Dwelling on the “public nature” of the functions of a private entity as the BOT, the Court offered the following exposition of the constitutional scheme within which such functions have to be discharged. The Court, accordingly, held at paragraph 39, pages 391-392:

“The public nature of the functions of the BOT is found further to be predicated on the very scheme of the Acts of 1968 and 2006. The purpose of both the Acts is to protect the rights of the workers i.e., to ensure in the present instance that they get a fair share of the Company’s profits and to prevent exploitation of the workers by their employers. The BOT by administering the Welfare and Participation Funds in accordance with the directions of the Government is ensuring that workers are protected from exploitation by their employers. To that extent, the BOT by implementing the provisions presently of the Act of 2006, is intended to facilitate fulfillment of the fundamental responsibility of the State to emancipate workers from all forms of exploitation. In that regard, this Court takes due note of the Preamble of the Constitution which states that it shall be the fundamental aim of the State to realize through the democratic process a socialist state free from exploitation i.e., a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens. Indeed, in keeping with the demands of a socialist state, the framers of the Constitution enacted Articles 10 and 14 of the Constitution. Article 10 provides that a socialist economic system shall be established with a view to ensuring the attainment of a just and egalitarian society, free from exploitation of man by man (e.g., of workers by employers). Article 14 of the Constitution makes it a fundamental responsibility of the State to protect peasants and workers from all forms of exploitation. Given further that Articles 10 and 14 are fundamental principles of State policy, according to Article 8(2) such fundamental principles of State policy are fundamental to the governance of



Bangladesh and shall be applied by the State in the making of laws (i.e., the Acts of 1968 and 2006) and shall form the basis of the work of the State i.e., the duties and responsibilities vested by statute in the BOT (which being a statutory public authority, is a component of the State) to implement the provisions presently of the Act of 2006. This Court holds in this regard that the BOT, being a statutory public authority, is a component of the State. And in view of the socialist character of the State, the functions of the BOT in protecting workers from exploitation by implementing the provisions of the Act of 2006, are in fact public/ governmental functions and closely related to those required to be performed by the State in its sovereign capacity.”

The Court, accordingly, arrived at conclusions as to the scope and nature of the law based on the Court’s opinion on justice, equality, right and wrong etc. Distilled further from that reasoned judicial opinion has been the true objective of the law or its aspirational value drawing upon Article 8 of the Constitution. Nowhere in the Constitution is there a greater moral value attached to a legal order than in Article 8(2) as declares the fundamental principles of State policy (i.e., nationalism, socialism, democracy and secularism) and all other principles in Part II of the Constitution (like Articles 10 and 14) to “be fundamental to the governance of Bangladesh” and to “be applied by the state in the making of laws” as well as “be a guide to the interpretation of the Constitution and of the other laws of Bangladesh...”. I submit that the Test Case above attests to an exercise in pragmatism and democratic fairness in gauging the true proposition of law by subscribing to the declaration in Article 8(2).

Does that, accordingly, reveal the true status of the Constitution itself as a treatise in legal and political morality? Is its preambular aspiration to “realize through the democratic process a socialist society, free from exploitation- a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic, and social, will be secured for all citizens” an indulgence in a discourse on political morality? I would say that it is. Dworkin believes that any adequate account of the aspirational concept, the values of legality and the rule of law must accord prominence to the ideal of political integrity, that is, that a state should try so far as possible to govern through a coherent set of principles whose benefit it extends to all citizens. The judiciary’s role as an organ of the state is to declare the true and ideal content of such principles. It would be remiss not to acknowledge that the judiciary is well on its way “to usher in a new era of a liberal and progressive constitutional order” through “the great judicial power entrusted to our judges by entrenchment of the jurisdiction of judicial review of administrative and legislative acts...” (Syed Ishtiaq Ahmed, “Certiorari: An Administrative Law Remedy”, Mullick Brothers 2011, 148). The Test Case presented here is but one such example of judicial insight and pragmatism in progressive jurisprudential development.

LEGITIMATE EXPECTATION: A CONSPECTUS

Justice Moyeenul Islam Chowdhury



The phrase 'legitimate expectation' was first coined by Lord Denning in the case of Schmidt...vs...Secretary of State for Home Affairs (1969) 2 Ch 149. The question, in that case, was whether the Home Secretary ought to have given a hearing to the foreign alien students before their prayer for extension of stay in the United Kingdom was refused. Lord Denning M. R. referring to the decision of the House of Lords in Ridge...vs...Baldwin (1964) AC 40 held at p. 170 EF as follows: "...an administrative body may, in a proper case, be bound to give a person who is affected by their decision an opportunity of making representations. It all depends on whether he has some right or interest, or, I would add, some legitimate expectation, of which it would not be fair to deprive him without hearing what he has to say."


But this phrase 'legitimate expectation' was limited at that time, first of all, to a legal right which was contravened. The legal position prevalent at that time was explained by Lord Denning himself referring to foreign alien students in the following manner at p.171AB: "He has no right to enter this country except by leave: and, if he is given leave to come for a limited period, he has no right to stay for a day longer than the permitted time. If his permit is revoked before the time limit expires, he ought, I think, to be given an opportunity of making representations: for he would have a legitimate expectation of being allowed to stay for the permitted time. Except in such a case, a foreign alien has no right-and, I would add, no legitimate expectation-of being allowed to stay. He can be refused without reasons given and without a hearing."

The 'ratio decidendi' of the case (Schmidt...vs...Secretary of State for Home Affairs (1969) 2 Ch 149) shows, as explained by Lord Denning himself, that the legitimate expectation of a person can only be enforced if he has got a legal right, but not otherwise.

But there was already a change in the legal outlook which would be apparent from the decision in Reg...vs...Criminal Injuries Compensation Board, Ex Parte Lain (1967) 2 QB 864 where expectations which, although strictly speaking, were not legally enforceable; but had some reasonable basis, were treated as legitimate expectations.

In the case of Findlay...vs...Secretary of State, (1984) 3 All ER 801, Lord Scarman, explained the principle of legitimate expectation, at p. 830B-C, thus: "The doctrine of legitimate expectation has an important place in the developing law of judicial review. It is, however, not necessary to explore the doctrine in this case, it is enough merely to note that a legitimate expectation can provide sufficient interest to enable one who can not point to the existence of a substantive right to obtain the leave of the Court to apply for judicial review."

In the case of Food Corporation of India...vs...M/S Kamdhenu Cattle Feed Industries, AIR 1993 SC 1601 in denying the highest tenderer's right to have his tender accepted, the principle of legitimate expectation was also considered by the Supreme Court of India. J. S. Verma, J. held in paragraphs 7 and 8: "There is no unfettered discretion in public law: A public authority possesses powers only to use them for public good. This imposes the duty to act fairly and to adopt a procedure which is 'fair-play in action'. Due observance



of this obligation as a part of good administration raises a reasonable or legitimate expectation in every citizen to be treated fairly in his interaction with the State and its instrumentalities, with this element forming a necessary component of the decision-making process in all State actions. To satisfy this requirement of non-arbitrariness in a State action, it is, therefore, necessary to consider and give due weight to the reasonable or legitimate expectations of the persons likely to be affected by the decision or else that unfairness in the exercise of the power may amount to an abuse or excess of power apart from affecting the bona fides of the decision in a given case. The decision so made would be exposed to challenge on the ground of arbitrariness. Rule of law does not completely eliminate discretion in the exercise of power, as it is unrealistic, but provides for control of its exercise by judicial review. (Paragraph-7).

The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law. Every legitimate expectation is a relevant factor requiring due consideration in a fair decision-making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent." (Paragraph-8).

In the case of Union of India...vs...Hindustan Development Corporation, AIR 1994 SC 988, in order to create a healthy competition between the big manufacturers who formed a cartel and small manufacturers, the railway authorities introduced a dual pricing policy which was challenged. The Supreme Court of India in this case considered the question of legitimate expectation in detail referring to a number of decisions of home and abroad. K. Jayachandra Reddy, J. explained the principle as follows: "...it is generally agreed that legitimate expectation gives the applicant sufficient locus standi for judicial review and that the doctrine of legitimate expectation is to be confined mostly to right of a fair hearing before a decision which results in negating a promise or withdrawing an undertaking is taken. The doctrine does not give scope to claim relief straightaway from the administrative authorities as no crystallized right as such is involved. The protection of such legitimate expectation does not require the fulfillment of the expectation where an overriding public interest requires otherwise. In other words, where a person's legitimate expectation is not fulfilled by taking a particular decision, then the decision-maker should justify the denial of such expectation by showing some overriding public interest. Therefore even if substantive protection of such expectation is contemplated, that does not grant an absolute right to a particular person. It simply ensures the circumstances in which that expectation may be denied or restricted. A case of legitimate expectation would arise when a body by representation or by past practice aroused expectation which it would be within its powers to fulfil. The protection of legitimate expectation is limited to that extent and a judicial review can be within those limits. But as discussed above, a person who bases his claim on the doctrine of legitimate expectation, in the first instance, must satisfy that there is a foundation and thus has locus standi to make such a claim. In considering the same, several factors which give rise to such legitimate expectation must be present. The decision taken by the authority must be found to be arbitrary, unreasonable and not taken in public interest. If it is a question of policy, even by way of change of old



policy, the Courts can not interfere with a decision. In a given case, whether there are such facts and circumstances giving rise to a legitimate expectation, it would primarily be a question of fact. If these tests are satisfied and if the Court is satisfied that a case of legitimate expectation is made out, then the next question would be whether failure to give an opportunity of hearing before the decision affecting such legitimate expectation is taken, has resulted in failure of justice and whether on that ground the decision should be quashed. If that be so, what should be that relief is again a matter which depends on several factors.”

The learned Judge then concluded thus: “However, it is generally accepted and also clear that legitimate expectation being less than right operate in the field of public and not private law and that to some extent, such legitimate expectation ought to be protected, though not guaranteed.”

The principle of legitimate expectation again came up for consideration before the Supreme Court of India in the case of *Madras City Wine Merchants’ Association...vs...State of T. N.*, (1994) 5 SCC 509 wherein S. Mohan, J. held: “...legitimate expectation may arise- (a) if there is an express promise given by a public authority; or (b) because of the existence of a regular practice which the claimant can reasonably expect to continue; (c) Such an expectation must be reasonable. However, if there is a change in policy or in public interest, the position is altered by a rule or legislation, no question of legitimate expectation would arise.” (Paragraph- 48).


The Supreme Court of India also considered the principle of legitimate expectation in relation to a change of policy of the Government in the case of *Punjab Communications Ltd...vs...Union of India*, AIR 1999 SC 1813. M. Jagannadha Rao, J. on consideration of a large number of cases observed: “...the doctrine of legitimate expectation in the substantive sense has been accepted as part of our law and that the decision-maker can normally be compelled to give effect to his representation in regard to the expectation based on previous practice or past conduct unless some overriding public interest comes in the way.” (Paragraph-37).

In the decision in the case of the *Chairman, Bangladesh Textile Mills Corporation...vs...Nasir Ahmed Chowdhury and others*, 22 BLD (AD) 199, it was held that an expectation could be based on an express promise or representation or an established past action of settled conduct and the representation must be clear and unambiguous. It could be a representation to an individual or generally to a class of persons. It was further held in that decision that every such legitimate expectation does not by itself fructify into a right and therefore it does not amount to a right in the conventional sense.

In the case of *Dhaka City Corporation...vs...Firoza Begum and others*, 65 DLR (AD) 145, it was observed in paragraph 24(v): “A person basing his claim on the doctrine of legitimate expectation has to satisfy that he relied on the representation of the authority and the denial of that expectation would work to his detriment. The Court can interfere only if the decision taken by the authority is found to be arbitrary, unreasonable or in gross abuse of power or in violation of the principle of natural justice and not taken in public interest.”

It was also observed in the above-mentioned case reported in 65 DLR (AD) 145 that the root of the principle of legitimate expectation is the constitutional principle of rule of law which requires regularity, predictability and certainty in the Government’s dealing with the public.

In the case of *Ram Pravesh Singh and others...vs...State of Bihar and others* decided by the Supreme Court of India on 22.09.2006 in Case No. Appeal (Civil) 4191 of 2004, the Indian Supreme Court articulated itself in paragraph 14: “What is legitimate expectation? Obviously, it is not a legal right. It is an expectation of a



benefit, relief or remedy, that may ordinarily flow from a promise or established practice. The term 'established practice' refers to a regular, consistent, predictable and certain conduct, process or activity of the decision-making authority. The expectation should be legitimate, that is, reasonable, logical and valid. Any expectation which is based on sporadic or casual or random acts, or which is unreasonable, illogical or invalid can not be a legitimate expectation. Not being a right, it is not enforceable as such. It is a concept fashioned by Courts for judicial review of administrative actions. It is procedural in character based on the requirement of a higher degree of fairness in any administrative action, as a consequence of the promise made, or practice established. In short, a person can be said to have a 'legitimate expectation' of a particular treatment, if any representation or promise is made by an authority, either expressly or impliedly, or if the regular and consistent past practice of the authority gives room for such expectation in the normal course. As a ground for relief, the efficacy of the doctrine is rather weak as its slot is just above 'fairness in action', but far below 'promissory estoppel'. It may only entitle an expectant: (a) to an opportunity to show cause before the expectation is dashed; or (b) to an explanation as to the cause for denial. In appropriate cases, Courts may grant a direction requiring the Authority to follow the promised procedure or established practice. A legitimate expectation, even when made out, does not always entitle the expectant to a relief. Public interest, change in policy, conduct of the expectant or any other valid or bona fide reason given by the decision-maker, may be sufficient to negative the 'legitimate expectation'."

The principle of legitimate expectation that has emerged from various judicial pronouncements is, for all practical purposes, predicated upon the following: (a) The statement or practice giving rise to the legitimate expectation must be sufficiently clear and unambiguous, and expressed or carried out in such a way as to show that it was intended to be binding. (b) The statement or practice must be shown to be applicable and relevant to the case in hand. (c) Legitimate expectation is enforced in order to achieve fairness. (d) If the statement said to be binding was given in response to any information from the citizen, it will not be binding if that information is less than frank, and if it is not indicated that a binding statement is being sought. (e) He who seeks to enforce must be a person to whom (or a member of the class to which) the statement was made or the practice applied. (f) Even though a case is made out, the legitimate expectation shall not be enforced if there is an overriding public interest which requires otherwise.

Laws, Special Laws and Effects*

Justice Kashefa Hussain



LAWS, SPECIAL LAWS AND EFFECTS

The certitude that laws and the various boughs, limbs and offshoots flowing from it are created and enacted are for the benefit of man and society at large and not vice versa needs no corroboration. With the evolution of society and man, each society grew and evolved its own laws and Rules in conformity with the customs, conventions and prejudices of a particular society. Religion and tradition undoubtedly played and till date perform a major role in the making of laws in many societies. The history of the laws of Bangladesh are no exception. Although most of our statutory laws are a continuation evolving from the colonial era, yet many new laws were enacted from time to time to accommodate the contemporaneous scenarios of an ever changing society, not to speak of the personal laws relating to marriage, inheritance and some others which are essentially guided by the religion of the individual. There is

no denying that these laws have for the major part evolved proving to be beneficial towards the interest of the citizens, broadly speaking, including all others subject to such laws. But yet unfortunately enough, in many instances several of the laws reigning over our statutory regime have contrarily proved to be stringent and indifferent towards the interest of the citizens. Some of the statutory laws particularly in the garb of "special" laws conversely turned out to be almost inimical and hostile to the interests of ordinary citizens in general and to the individual in particular and may lead to far reaching consequences affecting social and economic equilibrium and balance. There are numerous examples of some of the rigidly stringent enactments which often fail to ensure proper justice and fairness in judicial proceedings. Moreover in all practicalities some of the special laws enacted often have discriminatory effects leading to lack of fairness, failing to ensure "Justice" within its proper definition. It does not need to be restated that Judges are bound by the laws and the duty of judges are to interpret the laws, and at the most develop them. But enacting the laws, rules, whatsoever are the duty of the legislators and to those to whom the task of formulating laws are often delegated to. While deciding a case, sometimes it can be quite frustrating for judges when faced with a provision of a statute, rules or by rules which are either inadequate or discriminatory in themselves, leaving narrow scope to ensure justice to the common citizen or any other person subject to such laws. The effect of a few of the laws enacted as "Special Law" have from time to time proved to be discriminatory and draconian on the face of it. Instances of such statutory provisions can be found for example in the Ortho Rin Adalat Ain 2003. This enactment is by its very language a partial, discriminating law, being preferential to the banks and other financial institutions within its purview. At the onset, the law provides that a bank/ financial institution can file a case against any person who allegedly owes money to it, but not vice versa. The procedure of recovery of loans from the "judgment debtor or guarantor as provided for in the Ortho Rin Adalat Ain is stringent and inequitable to say the least. The law is designed in a manner which is expressly favourable towards banks and other financial institutions. The Courts even if aware of the discriminatory attitude of the law, cannot but only interpret the law as it is and decide the cases likewise. Section 34 of the Ortho Rin Adalat Ain is a clear specimen of a draconian provision in the garb of "Special Law". It is the provision empowering any Ortho Rin Adalat to pass an order for civil confinement / prison against the judgement debtor on the prayer of the decree holder (bank) in the event of non payment of the decretal amount. This particular provision itself may give chances to lead the bank to misuse or abuse the option. True, that provision of civil prison is there in the Code of Civil Procedure too. But CPC being a part of the general law, while interpreting it, the courts have the discretion to balance it with equity. But unfortunately, so far as the "special laws are concerned the courts are bound to a strict interpretation of it, leaving little or rather no room at all for equitable considerations. In society, though not in all cases, yet

*Speech delivered in Think Legal Lecture Series




often, any person or persons maybe unable to pay off a mortgage or loan or a decretal amount due to compelling circumstances beyond his or her control. The civil courts often recognise such exigencies a person may be faced with pursuant to evidential support, and leaves scope for the courts to arrive at an equitable finding striking a proportionate balance between Justice and equity tempered with compassion. Such equity or compassion is next to impossible while sitting in Justice over an Ortho Rin case or similar other special laws. There are also no provisions in the Ain for remedy in case of hardship. Although the Ain of 2003 is of civil nature and in the absence of specific provisions, the provisions of the CPC are applicable, but, for the provisions specifically provided for, the only option is to follow the " special "provisions of the Ain often leading to discrimination and partiality towards the banks or any financial Institutions and causing misery to the loanee / judgment debtor. Another example of the propensity of "special" laws leaning more towards benefits of banks lacking transparency in procedural laws finds expression in Section 138 of the Negotiable Instruments Act [xxvi of 1881] .The procedure laid down in Section 138 (1) (a)(b)(c) categorically states the rigorous and inflexible procedure followed up by a "notice" to the drawer of a dishonoured cheque leading to the harsh consequence of "rigorous imprisonment for a term of one year or with fine or with both" in the event of failure to pay the amount within 30 days of receipt of the notice. The language of Section 138 of NI Act, in particular the provision of "rigorous imprisonment" denotes the event of cheque dishonor as a criminal offence, yet the Act has however not balanced such a rigorous provision with adequate rules and procedures providing for transparency of the bank in its dealings with the deposits, accounts etc of any account holder who might have accounts / deposits with any bank. The Act provides little provisions or scope to ensure transparency and accountability of the banks. The incidents of such "special "laws may pose a threat to social and economic harmony and parity, engendering serious imbalance, ascribed to the criminal sanctions provided for in Section 138 on one hand and the significant absence of rules, failing to ensure transparency and accountability of the banks towards the public. It is often frustrating for the judiciary while dealing with a case under the provisions of the Act. Needless to state that such discriminating provisions, lacunas and inadequacy triggers uncertainty generating severe imbalance and disharmony both from a societal perspective and from commercial aspects. Such discriminatory laws are not desirable and gives rise to the apprehension that they may lead to social and economic discordance. Anyone conversant with the Income Tax Act 1984 cannot overlook some of the abrasive and harsh provisions of the Ordinance which prima facie are discriminatory in approach being conflictive and inconsistent with the fundamental rights guaranteed under our Constitution. The glaring example of such inconsistency and conflict with the constitution is particularly Section 117 of the Ordinance. The provisions of this section expressly empower an income tax official to enter the premises of any person, including the residence of any person, on the ground that the concerned authorities have "reason to believe" that any person, subject to tax is somehow in possession of money, documents etc and which that person is not accounting for with the objective to evade taxation. Clothing a concerned income tax official with such sweeping powers to enter upon a person's private premises relying on "reason to believe" can set a dangerous precedent violating the right to privacy including safety and security. Section 117 give the impression to be directly conflictive with Article 43 (a) of the Constitution which guarantees protection to "be secured in a person's home against entry, search and seizure". Though the Article qualifies such protection subject to "conditions" imposed by law, yet only "reason to believe" hardly denotes or ensure much transparency or clarity in this whole exercise of power being authorised to enter a person's private premises on the pretext of having 'reason to believe "only and is violative of the fundamental rights guaranteed under the Constitution .

Extending these thoughts to personal laws, for instance, The Family Courts Act 1885 consist of serious lacunas and disabling provisions which should be addressed by legislators to ensure equality and harmony in procedural law. Section 20 of this Ordinance has proved to be a disabling section debarring the applicability of the Evidence Act 1872 and further provides that saving Sections 10 and 11 no other provisions of the Code of Civil Procedure 1908 shall apply in proceedings before a Family Court. Proceedings in a Family Court are essentially civil in nature, but yet, the disabling Section 20 leads to unequal treatment between a family court proceeding and in a proceeding under the Code. Because of the disabling Section 20, one of the consequences of the disabling provision is the unavailability of the scope



to amend a plaint in a Family Court proceeding. Amendment of plaint is available Under Order 6 Rule 17 of the CPC applicable to Suits and proceedings of civil nature. It is, to say the least, considerably frustrating to find that there is no scope to amend a plaint in a proceeding in a Family Court. The disability created by Section 20 is by now settled by decisions including that of our Appellate Division, reported in 1BLC AD page 24 in the case of Md Azad Alam vs Jainab Khatun where it was held that, "in view of the bar of Section 20 of the Family Courts Ordinance, the plaint cannot be amended". This disability much to the detriment of the plaintiff in a Suit before a Family Court, in all probabilities may give rise to a situation where there could even be an arithmetical or inadvertent mistake, not due to any fault of the plaintiff and which, because of the disabling Section 20, cannot be amended or rectified by way of amendment of plaint. It is to be noted that a large number of these Suits are filed for dower, maintenance, maintenance of children etc, where the plaintiff is the wife. The indifference and apathy of the law apart towards unequal treatment among Suits of similar nature also works against the material interests of the plaintiff- wife, often depriving her of the accurate amount of money and / or economic and /or other material benefits she may be entitled to in accordance with law. A study into some of the provisions of some of our special laws within the realm of laws relating to criminal offenses reveal serious imbalance and disproportion between the severity of offenses and the maximum punishment imposed in a particular section as a result of commission of a particular offense. In some of the special statutory enactments including the Special Powers Act 1974 apart from the constitutional validity of the some of the provisions being questionable, there is no gain saying that offenses although of different genre and different scale of severity, yet the severity or extent of the maximum punishment imposed in pursuance of conviction such offenses are more often than not the same, however different the one genre of offense might be from another for example maximum punishment imposed upon offenses under Sections 25 A, 25B and 25 C of the Special Powers Act is death. Section 25A deals with offenses for dealing with counterfeit currency notes etc which is basically a financial crime and Section 25B deals with the offense of smuggling. Simultaneously if we look into some of the antiterrorism laws, we find that the maximum punishment which may be imposed therein is also death. More often than not activities involving terrorism result in manslaughter causing death and other heinous offenses. Upon comparison it appears, that under the provisions of some of these special laws, the same amount and extent of punishment is imposed against offenses that are financial or monetary in nature and those relating to activities of terrorism which may result in manslaughter. It defies all notion of reasonableness and logic including the principles of natural justice and fairness to suggest that an equal amount of punishment may be imposed against offenses which are essentially financial crimes and those offenses that may result in murder, manslaughter or other heinous offenses against humanity. A study of these inconsistent provisions provide the scope to reflect on our social system and the judicial process. A proper reflection reveals acute disharmony, discrimination and imbalance in the whole system detrimental to the interests of the public and the individual. A significant and often questioned piece of enactment in our statutory regime in the recent decade is the Information and Communication Technology Act 2006 which was enacted with the intent to counter offenses related to cyber crimes. Whatever the intentions of the legislators might have been at the time of enactment of the statute, yet some of the provisions of the Act particularly Section 57 appears to be directly inconsistent with the fundamental rights guaranteed under the constitution. Upon an examination of Section 57 the first thing that prima facie causes to raise concern is the vague and unclear manner in which the section expresses itself. Section 57 of the ITC Act of 2006 provides for imposition of a maximum punishment of imprisonment of up to 14 years for committing an offense under this section .The section makes publishing "fake, obscene or defaming information in electronic form" an offense. It further goes on to state that anything which may " corrupt ' or " deprave " persons , and again " causes to deteriorate or creates possibility to deteriorate law and order " including " prejudicing the image of the state and " hurting ' religious belief etc come as offenses under this section .The provisions of this section appears to be more of a cause of concern given that the legislation has not elaborated or analysed nor have any guidelines been provided as to what acts or conduct may be regarded to have the potential or ingredients to ' corrupt ' or " deprave " another. Neither has the enactment laid down any guidelines as to what acts may be " prejudicial" to the image of the state .The expressions used in Section 57 are very much in general terms. The absence of definite guidelines has been a genuine cause of concern to all persons



subject to the Act. Unfortunately enough in recent times we have seen numbers of cases being filed under Section 57 and it has often been difficult to ascertain whether an offense that constitutes any of the ingredients mentioned in the section has actually been committed. The generality of the terms used in the section is a matter of anxiety in the absence of any guidelines setting out an yardstick or at least an adequate description of the type of act or conduct that might constitute an offense under the section. Absence of definite guidelines escalates the chance of misuse of the law by the concerned authorities and also by any other person upon misusing the section to harass some other person. Moreover the constitutional validity of the section could be open to challenge.

Upon research and scrutiny, several other lacunas, inadequacies, discrimination may be divulged from the statutory enactments discussed here and in other laws, but an exhaustive list of which is difficult to complete. It is desirable for the larger interests of all that the legislators and others to whom the task of making laws and rules are often delegated to, should address these lacunas, inadequacy and discrimination in the special provisions of laws discussed here including lacunas and discrimination that may exist in any other enactment .Imbalance in the laws escalate misuse of the laws often causing impediments to good governance and rule of law. It will not be an exaggeration to state that it is now imperative upon the legislators to rethink and revisit these statutory enactments with the objective to reevaluate the laws and take steps to formulate news laws by necessary amendments or supplements to the existing laws .The objective of these laws ought to be to be able to strike a fine balance between creating effective and sustainable deterrent against committing offenses on one hand while simultaneously remaining vigilant that none of the provisions of fundamental rights of any citizen or any other person as is guaranteed under the constitution are violated or adversely affected. Amendments, changes and supplements in several laws and formulation of rules and by rules are imperative for ensuring parity, equal treatment, good governance and Justice in its essential sense. Revisiting the financial laws, it is true that the special provisions of financial laws, especially the Ortho Rin Adalot Ain 1991 was originally enacted with the intention to stem the abuse of the process by borrowers which is rampant and the law has in many cases proved to be beneficial in stemming fraud. In this context It is also necessary to remind the legislators that proactive initiative is imperative to balance the advantages, disadvantages, including the benefits and drawbacks and attempt to formulate the special statutory provisions of law in such manner that it may create a level playing field for both stakeholders and the financial institutions. In conclusion it is hoped that in the near future the legislators will take more proactive interest in ensuring that laws are formulated in such a manner that may protect fundamental rights of those subject to it and further ensure parity and equal treatment by the laws. It may be further hoped that the legislators will not remain apathetic or indifferent to their task.



International Arbitration and Mediation*

Justice Ahmed Sohel



Mr. S.N. Goswami, Eminent Lawyer of the Supreme Court of Bangladesh & Chairman of Bangladesh International Mediation Society (BIMS).

Mr. Kevin Brown,
President, International Mediators Association

Mr. V. Inbavijayan, Course Director and International Arbitrator and Trainer

Mr. K.S. Sarma, Advisor Bangladesh International Mediation Society and International Trainer on Mediation

Ms. Iram Majid, Advocate, Supreme Court of India and Regional Director (BIMS) India.

Distinguished Guests, Participants, Ladies and Gentlemen.

A very good morning to all of you.

At the very outset, I consider it a great honour and privilege for me to address before you as a Chief Guest of the inauguration Ceremony of the training programme “Introduction to International Arbitration and Mediation” jointly organized by Bangladesh International Mediation Society (BIMS) and KOVISE FOUNDATION, INDIA.

Thank you very much for inviting me to inaugurate this training programme in the midst of the galaxy of International Arbitrators and Mediators from different countries of the world. I am pleased to be here with you today for giving me the opportunity to share my experiences with you.


The International faculty members of this training programme will discuss on the subject matter and give you the ideas about Arbitration and Mediation elaborately. However, I would like to give some of the tips on the subject matter very precisely. In modern world Alternative Dispute Resolution (ADR) has become very popular as an alternative route for reaching a speedier and less expensive mode of settlement of disputes. It is usually considered to be alternative to litigation. It includes Mediation, Arbitration, Negotiation and Conciliation etc. Most of the countries of the world are now adopting ADR mechanism and achieved tremendous success in reducing backlog and increasing access to justice for all sectors of the people.

Dear Participants,

You are lucky enough to have International Arbitrators and Mediators as faculty members to discuss on the subject matter of International Mediation and Arbitration. Nowadays Arbitration is the most popular ADR form because of its binding award. Arbitration is widely used to resolve disputes in both the private and public sector all over the world. It is considered to be more efficient process than litigation as because it is quicker, less expensive and provides greater flexibility of process and procedure. If the dispute is arbitrable then the parties select an Arbitrator or panel of Arbitrators. In most jurisdictions, format for arbitration is similar to a trial. The parties make opening and closing arguments, present testimony and witnesses and submit documents. The strict evidentiary rules however are not applicable and the cross examination opportunities are also limited.

International Arbitration is arbitration between companies or individuals in different states usually by including a provision for future disputes in a contract.

*Speech delivered by Mr. Justice Ahmed Sohel as the Chief Guest on 19-09-2018 in the 4th Advance Training on ‘International Arbitration and Mediation’ jointly organised by Bangladesh International Mediation Society (BIMS) and KOVISE FOUNDATION, INDIA at Hotel ‘Purbani International’ Dhaka



The predominant system of rules in the UNCITRAL Arbitration rules as well as the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 known as the 'New York Convention'. Most International Arbitration Institutions provide rules which govern the resolution of disputes to be resolved via arbitration. The known rules of Arbitration include those of the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the International Center for Dispute Resolution of the American Arbitration Association (ICDR) and the rules of the Singapore International Arbitration Centre (SIAC) etc. Investment Arbitrations are often resolved under the rules of the World Bank's International Centre for Settlement of Investment Disputes (ICSID) or the United Nations Commission on International Trade Law (UNCITRAL Rules). The best treaty known as the 'New York Convention' which entered into force on 7 June 1959. Arbitration awards can be enforced in most countries unlike traditional Court judgments. Till date over 150 countries have ratified the 'New York Convention' that means arbitration awards can be enforced in approximately 3/4 of the countries recognised by the United Nations.

Bangladesh is a party to the 'New York Convention'. In the early days after independence, arbitrations in Bangladesh were governed by Arbitration Act, 1940. In order to rectify its shortcomings Bangladesh enacted the Arbitration Act, 2001 based on the UNCITRAL Model Law.

Now I will highlights some points on Mediation. It is a dynamic, structured, interactive process where a neutral third party assists two or more disputant parties, with their consent, to prevent, manage or resolve a conflict without resort to force. The mediator uses a wide variety of techniques to guide the process in a constructive direction and to help the parties find their optimal solution. Although the mediator manages the meeting and is in charge of the proceedings he / she should not impose solutions or decisions and has no power to force a settlement. A solution should only be reached by agreement between the parties. They are responsible for the ultimate resolution of the dispute. Furthermore, a mediator has no right or duty to provide legal advice to the parties even if he/she happens to be a lawyer. The parties should seek legal advice solely from their legal counsel. Mediation is becoming a more peaceful and internationally accepted solution in order to end conflict. Mediation can be used to resolve disputes of any magnitude.

International mediation in violent national conflict has long been undertaken by the United Nations (UN), the African Union (AU) and other multilateral organisations. In Africa alone, over the past three decades mediators have laboured to end deadly conflict in Angola, Burundi, the Comoros, the Democratic Republic of Congo (DRC), Ivory Coast, Kenya, Liberia, Madagascar, Rwanda, Somalia, Sudan, Uganda and Zimbabwe.

Further, where mediation is successful, the content of the peace agreement has a major bearing for better or worse on justice, security, power, governance, respect for human rights and the potential for violent conflict in the post war society. Mediations and negotiations are thus the bridge, sometimes tenuous and sometimes robust, between war termination and long term peace building and state building.

Now, turning to the point for civil, commercial and investment dispute, mediation is much less formal than going to court, unlike a Judge or an arbitrator, the mediator does not take sides or make decisions. Mediation is forward looking, the goal is for all parties to work out a solution they can live with and trust. It focuses on solving problems, not uncovering the truth or imposing legal rules. This is of course a far different approach than courts take. Because the mediator has no authority to impose a decision, nothing will be decided unless both parties agree to it. Knowing that no result can be imposed from above, it reduces the tension of all parties and it also reduces the likelihood that someone will cling to an extreme position. If mediation does not produce an agreement, either side is free to sue.

Consequently, mediation cases have many significant advantages over traditional lawsuits i.e. it is quicker, less expensive, less formal, confidential, preserves relationships, greater flexibility and control, better results and greater compliance. Even if the parties are unable to reach a settlement at mediation, mediation can be a productive part of the legal process. Attending mediation can give the parties valuable insight into the opposing party's position and help to narrow the issues that need to be addressed at trial. Therefore, there are many advantages by settling a case at mediation as opposed to going to trial.



Now, come to the judicial scenario of Bangladesh, according to the latest statistics placed before the Parliament by our Honourable Law Minister of Bangladesh, Mr. Anisul Huq that more than 3.3 million cases are now pending with the higher Courts and lower courts across the country. Of these, over 2.8 million cases are pending with the lower courts, while 476,000 with the High Court Division and 16,565 with the Appellate Division of the Supreme Court of Bangladesh. Among the cases, 1.8 million are criminal cases, 1.3 million are civil cases and 85,941 others are writ petitions.

From the above statistics, it is needless to mention anything about the necessity of the Mediation and Arbitration proceeding in the judicial system of Bangladesh. It is a high time to successfully introduce Mediation and Arbitration in Bangladesh to reduce the huge backlog of cases.

Although the mechanism of ADR has become part and parcel of our formal legal system by inserting provisions relating to mediation of disputes in Bangladesh in the Code of Civil Procedure, (Amendment) Act 1908, Artho Rin Adalat Ain, 2003, the Family Courts Ordinance, 1985, Village Court Act 2006 and Code of Criminal Procedure 1898 and in the Arbitration Act 2001, however for the lack of expertise i.e. trained Arbitrators and Mediators and lack of awareness about the Mediation and Arbitration proceeding, are also the reasons for the hindrance that has impeded greater success of Arbitration and Mediation in Bangladesh.

Dear Participants,

As you are going to be the accredited mediators and arbitrators, you should bear in mind that after being qualified as an accredited Arbitrator and Mediator, you have to act fairly, impartially, independently and maintain the confidentiality. Further, you have to honour party autonomy, avoid conflict of interest, act in accordance with the agreed principles and rules by applying judicial mind in particular maintaining utmost integrity and sincerity and also should have the intention to do justice.

Further, I note with interest that Bangladesh International Mediation Society (BIMS) is a nonprofit as well as non political society started its journey from 31st May 2017 and within this short period it has organized dialogues, workshops, seminars, conferences on regular basis to create awareness about mediation and arbitration.


Furthermore, it has successfully completed 3rd International training programme on Arbitration and Mediation in association with Indian Institute of Arbitration and Mediation (IIAM). I am delighted to know that BIMS had successfully arranged the 1st International Summit on Mediation on 31 May 2018 in Dhaka. It has already trained eighty three (83) mediators and arbitrators at home and abroad and more on the pipeline. It is providing training on Model Law of UNCITRAL and also two batches of BIMS trained mediators and arbitrators have completed their training at Indian Institute of Arbitration and Mediation. It shows that BIMS is maintaining International standard in their training curriculum. I am particularly delighted that BIMS has started opening of mediation centres at district level and has a plan for spreading the training programme all over Bangladesh by establishing an 'International Mediation Academy' within a very short span of time.

Ladies and Gentlemen,

I congratulate BIMS on their successful completion of one year. Nowadays inclusion of ADR clauses in government contract is a common practice in developed and developing countries including Bangladesh. The Bangladesh Government has instructed for inclusion of Arbitration clause in every Government Contract having a value of up to US\$ 50 million and place of Arbitration to be at Dhaka.

Our economy is developing very rapidly, bringing its businesses into close contact with the outside world. Many foreign companies are now investing in Bangladesh. Therefore effective steps towards alternative dispute resolution is needed to make Bangladesh an investment oriented country. I believe and hope that institute like BIMS will open the door in this respect and continue its effort towards dispute resolution in collaboration with local and international ADR institutions to help create a better business friendly environment in Bangladesh.

Turning a dream into reality is more difficult than we could imagine. Mr. S.N. Goswami the founder



Chairman of BIMS, an eminent lawyer of the Supreme Court of Bangladesh Bar Association and an Accredited Mediator of Indian Institute of Arbitration and Mediation and also an empanelled arbitrator of India with his continuous hard work and special efforts and funds with the other members of BIMS successfully established this institution at the present international standard. Mr. Goswami's contribution towards judiciary is praiseworthy. He is the editor of the Bangladesh Law Times which is a leading law journal of Bangladesh published by him since 1993. It has already published three books on Mediation and Arbitration within this one year of time.

Arbitration and Mediation has proven to be a vital part of our legal system. I believe that the Bangladesh Government will continue to strongly support the use of mediation and arbitration and encourage efforts to develop the field of mediation through research, studies and training.

The fact that Bangladesh has a burdensome court litigation process which is frustrating and considered to be an impediment to our development. Therefore fundamental requirement for trade and investment to flourish, requires a quick and cost effective methods to resolve commercial and investment disputes; I believe institute like BIMS by successfully introducing mediation and arbitration in our judicial system will be able to solve this problem and open the door of justice to all for all justice seekers equally by implementing the theme 'Mediate or Arbitrate, don't Litigate'.

Dear Participants,

Justice delayed is justice denied is a legal maxim, also Martin Luther King Jr. said "Injustice anywhere is a threat to justice everywhere".

We all have to keep in mind all these principles for our future life to ensure justice for all.

Now all over the world 'Alternative Dispute Resolution' has become popular. Today you shall have the opportunity to share experiences and exchange views with the experts from overseas on some very crucial elements and directions in the development of mediation and arbitration. I am sure you will find the training programme interesting and enjoyable.

Before I conclude, I would like to extend my big 'Thank you' for the guests from overseas for coming and partnering with BIMS to build an even stronger foundation for mediation and arbitration in Bangladesh. I would also like to express my gratitude to the Indian Institute of Arbitration and Mediation for their continuous support to BIMS.

Once again special thanks for the organizers of this training programme, for inviting me as a Chief Guest and it is my hope that the Bangladesh International Mediation Society (BIMS) will continue to improve itself and thereby grow from strength to strength.

Thank you all and I wish you a very successful training ahead.




Leading Decisions of the Appellate Division of the Supreme Court of Bangladesh in 2018

- 1. Alhaj Dr. Chowdhury Mosaddequl Isdani vs. Abdullah Al Munsur Chowdhury & ors, 10 SCOB¹ [2018] AD² 19 [Persona Designata]:** In legal parlance the expression “persona designata” means a person who has been described in a statute or a legal instrument by his official designation, and his function may be judicial or may not be so. But if the function of the designated person is judicial in character then he is nothing but a “court” even though he is not described as a court but by official designation. The test is the power and function he has to discharge.
The jurisdiction under section 115 of the Code is very limited. It has not empowered the revisional court to sit on appeal and take into consideration new facts placed before it through affidavit. It has the power to interfere with the judgment only when there appears error of law apparent on the face of the record occasioning failure of justice.
- 2. Bangladesh Rubber Industries & another vs. Dine Ara Begum & others, 10 SCOB [2018] AD 1 [Dissolution of partnership]:** Having considered the cases cited above, we find that a deed of dissolution of partnership is not required to be registered under section 17 of the Registration Act because the share of a partner in a partnership is essentially moveable property notwithstanding that a part of the partnership property may be immovable.
- 3. Kamal alias Exol Kamal vs. State, 10 SCOB [2018] AD 12 [Commutation of Sentence]:** On the question of commutation of the sentence, we are to take into consideration the heinousness of the offence committed in juxtaposition with the mitigating circumstances. It is by now established that in Bangladesh the sentence for the offence of murder is death which may be reduced to one of imprisonment of life upon giving reasons. It has been the practice of this Court to commute the sentence of death to one of imprisonment for life where certain specific circumstances exist, such as the age of the accused, the criminal history of the accused, the likelihood of the offence being repeated and the length of period spent in the death cell.
- 4. Md. Hafizuddin vs. Mozaffor Mridha & ors, 10 SCOB [2018] AD 6 [Basic Principles of Waqf]:** Three basic principles governed the waqf: the trust was required to be irrevocable, perpetual, and inalienable. Once property was declared waqf by its owner, the trust thereby created was irrevocable. It means (i) inalienable lands used for charitable purposes and (ii) pious endowments.
- 5. Haji Shamsul Alam vs. Dr. Ashim Sarker & others 11 SCOB [2019] AD 7 [Section 4 of the Partition Act, 1893, basic pre-requisites for buy up]:** It is observed that to get an order of pre-emption under section 4 of the Partition Act three condition are to be fulfilled, i.e. (1) the property must be dwelling house, (2) it must be the undivided family and then (3) the purchasers must file the partition suit. That is one of the basic conditions for applicability of section 4 of the Partition Act which has been expressly mentioned in the section is that the stranger transferee must sue for partition and separate possession of the undivided share transferred to him by the co-sharer. If the stranger moves execution application for separating his share by metes and bounds it would be treated to be application for suing for partition and it is not necessary that separate suit should be filed by such stranger transferee. In this case the defendant No. 5 appellant Shamsul Alam is the transferee of the land under partition and the suit has been filed by Dr. Ashim Sarker who is not the transferee and appellant did not pray for any saham as yet in the said suit for partition, so the prayer for buying up by the paintiff was not at all maintainable at the stage of the suit when the same was prayed for. The courts below have committed error of law in allowing the prayer for buying up.
- 6. The Election Commission Bangladesh and another vs. Noruzzaman Sarker and others, 11 SCOB [2019] AD 1 [Election Disputes– Appropriate Forum]:** Where the total number of votes cast in a centre exceeds either the total number of ballot papers issued to the centre or the total number of votes enrolled for that centre, or if during the counting of ballot papers a ballot box is found

¹SCOB = Supreme Court Online Bulletin

²AD = Appellate Division



missing or it is snatched away or if the Presiding Officer makes glaringly contradictory reports as to the result of the counting of votes, without reasonable explanation, then the Election Commission need not wait for determination of the dispute by the Election Tribunal. But where no such thing has happened but allegation is brought after the declaration of the result then it is always desirable that dispute, if any, should go to the Tribunal for determination.

7. **Ashuganj Fertilizer and Chemical Company Limited, represented by its Managing Director and others vs Md. Abu Sufian Bhuiyan and others, 12 SCOB [2019] AD 1 [Dismissal from service, termination simpliciter]:** The orders of termination were not termination simpliciter. Consequently, this is the outcome of arbitrary exercise of power in a malafide way and as such, the High Court Division was justified in making the Rule absolute declaring the orders of termination to have been passed without lawful authority and to be of no legal effect. There was an inquiry about the appointment of the writ-petitioner and pursuant to the said inquiry, the writ-petitioner were terminated from service. Therefore, it cannot be said that the writ-petitioner were terminated from service and in fact, they were dismissed from service in the garb of termination.
8. **Mir Showkat Ali and others vs Md. Morsalin Khan and others, 12 SCOB [2019] AD 8 [Authority of the Executive Committee of the Orphanage to deal with property]:** The Management/Executive Committee of the Orphanage had no authority to deal with the land other than for the purpose stipulated in the indentures. Those persons at the helm of the affairs of the Orphanage could not arrogate to themselves the authority to transfer the title in the property, which they themselves did not have. The Orphanage was given the property on a short term lease, which was apparent from the lease deeds. As long as these lease deeds existed and as long as the terms were not altered by the executants of the deeds none had the authority to deal with the land other than the purpose for which the lease was granted.
9. **Bangladesh Agricultural Development Corporation, represented by its Chairman, Dhaka and others vs Md. Shohidul Islam and others, 12 SCOB [2019] AD 23 [voluntary retirement of service]:** After 10 years of their voluntary retirement and after receiving full financial benefits as offered the prayers for reinstatement cannot be termed as reasonable and fair. After having applied for voluntary retirement of service and taken the money it is not open to contend that they exercised the option under any kind of coercion and undue influence. Who had accepted the ex gratia payment or any other benefit under the scheme, could not have resiled therefrom. It became past and closed transaction. The writ petitioners having accepted the benefit could not be permitted to approbate and reprobate nor they be permitted to resile from their earlier stand.
10. **Rashed vs The State, 12 SCOB [2019] AD 34 [Dying declaration, section 32(1) of the Evidence Act 1872]:** Dying declaration cannot be considered as the sole basis for conviction and awarding sentence to the appellant, specifically in the absence of any of the witnesses who were present in the hospital during the time when the alleged dying declaration was made by such a critically injured person who was under intensive care and not supposed to be in conscious. As such the finding of the High Court Division that 'the prosecution has clearly established the motive of the case and the oral dying declaration has also been supported by the medical evidence and other circumstances and materials on record' is not sustainable in law.
11. **Abul Hasem (Md) vs Bangladesh, 70 DLR³ (AD) 13 [Section 12(3)(C) of the Antiquities Act 1968]:** Law requires that to maintain its beautification, the owner of the surrounding buildings should not be allowed make any alteration without prior permission of the Director. The petitioner cannot make renovation of the disputed building even if it is assumed that it is located outside the Lalbagh Fort without prior permission.
12. **Kazi Rafiqul Islam vs Kazi Zahirul Islam and others, 70 DLR (AD) 135 [Section 59, 79 and 114 of the Evidence Act, 1872]:** If the question is whether the deed is genuine or not, the simple answer is, it being a registered document is showered with a strong presumption as to genuineness. Section 59,79 and 114 of the Act lend support to section 60 of the Registration Act on this score.

³DLR = Dhaka Law Reports



No doubt, this presumption is rebuttable, which connotes that presumption raised by the admitted fact of registration could be rebutted by adducing counter vailing evidence, showing that notwithstanding the fact of registration, the executant did not really affix his signature or thumb impression voluntarily which in the given circumstances, could be done by adducing expert evidence as to the physical and/or mental incapacity of the executant.

13. **Parvin Akter and others vs. Eastern Bank Ltd and others, 70 DLR (AD) 117 [Artha Rin Adalat Ain (VII of 2003), Section 7(1)]:** Where substituted service was done by publication in the newspaper, the presumption of the service cannot be rebutted by making simple statement.

Section 6(5) of the Ain and Order I, rule 10 of the Code have got no relevancy in connection with a disposed of suit. It is true that no Court can be regarded as powerless to recall an order in an under trial case pending before it if it is convinced that the order is wangled through fraud or misrepresentation but pre-condition is that such proceeding must be pending before it. The court must have jurisdiction over the proceeding before it can exercise any inherent power. The Adalat was not justified in resorting its power under section 57 of the Ain to reopen the decree after dispose of the suit.

14. **Bangladesh vs Dr. Monija Begum and another, 71 DLR (AD) 44 [Constitution of Bangladesh, 1972, Article 135(2)]:** Decision of the concerned authority to treat the service of the writ-petitioner as ceased, without considering any special circumstances put forward by her, is in violation of rule 34 of the BSR.

When absence from work exceeds five years, be the absence with or without leave, the service of a Government servant will come to an end. However, the Government may make a different decision upon taking into consideration any special circumstances. This automatic ceasing of the service is subject to the ability of the Government to take a different decision in the light of special circumstances.

15. **Bene Maritime Inc. vs Aman Feed Ltd and others, 71 DLR (AD) 50 [Admiralty Court Act, Sections 3 and 4]:** Jurisdiction of Admiralty Court—The question of declaration of General Average Bond and signing of General Average Guarantee by the plaintiff is out of ambit of the jurisdiction of this Court (the Admiralty Bench of the High Court Division) and falls under the purview of arbitration.

16. **Moudud Ahmed vs State, 71 DLR (AD) 25 [Evidence Act, section 114]:** Any orders recorded by a Court in the order sheet reflect the acts done, actions taken and matters which arose during the course of any proceeding. The notings bear a special sanctity as provided by section 114 of the Act. They are official record and cannot be brushed aside lightly.

17. **State vs Begum Khaleda Zia, 71 DLR (AD) 14 [Code of Criminal Procedure, Section 498]:** Ends of Justice would be best served if the High Court Division is directed to adjudicate upon the issue of maintainability while disposing of the Rule issued in respect of the bail of the accused.

18. **Marium Dawood vs Iqbaluddin Chowdhury 23 BLC⁴ (AD) 14 [Contract Act 1872, Section 182 and 209]:** Where an agency is terminated either by the death of the principal, or by his becoming of unsound mind, the agent is bound to take, on behalf of the representatives of his late principal all reasonable steps for the protection and preservation of the interest entrusted to him. This section does not purport to confer any power on the agent. It simply imposes an obligation on the agent to take all reasonable steps in the interest the representatives of the principal.

19. **Mirpur ceramic works limited and another vs Yousuf Ariff Tabani and others 23 BLC (AD) 70 [Companies Act 1994, Section 81(2) and 85(3)]:** If there be any grievance of any share-holder/director in respect of any resolution or any action taken and approved in earlier meeting contrary to law or against the interest of the company then the same can be taken care of by discussions in extra-ordinary general meeting and if necessary take steps accordingly. But under no circumstances a director/share-holder being aggrieved by a resolution taken in his presence can invoke sections 81(2) and 85(3) of the Act, which deals with only condonation of holding Annual General Meeting or when the holding of such meeting becomes impracticable.

⁴BLC= Bangladesh Law Chronicles



20. **State vs Md Zakir Hossain 23 BLC (AD) 150 [Code of Criminal Procedure, Section 164 & 364]:** Whether a confession is inculpatory or exculpatory depends on the statement of the accused in relation to his presence at the scene of the crime and his actions before, during and after the commission of the offence. It can be seen from many of our decisions that even standing guard while others commit the offence charged is sufficient to conclude that the confession is inculpatory. Only if it can be seen from his actions that the confessing accused was at the scene reluctantly or under duress, and he distanced or dissociated himself from the occurrence by, for example, running away from the scene, then the confession may be termed exculpatory.
21. **Bangladesh Railway, Dhaka & Ors vs Most. Monowara Begum & Ors, 26 BLT⁵ [2018] AD 63[section 103B(5) of Bengal Tenancy Act 1885, writ of mandamus]:** It appears from the materials on record that the disputed land was recorded in the name of Bangladesh Railway. It is the positive case of the Railway that the Government acquired the said land for Railway and handed over possession of the same to the Railway. Accordingly, C.S. record of right was prepared in the name of Railway. From the C.S. khatian produced by the appellant it appears that the case land was recorded in khatian No.16868 in the name of Eastern Bengal State Railway Division under Barat Samrat. C.S. khatian has got presumptive value. According to section 103B(5) of Bengal Tenancy Act every entry in a record of right finally published shall be evidence of the matter referred to in such entry shall be presumed to be correct until it is proved by evidence to incorrect. The same has got a probative value. We do not find anything in the record, relying on which, it can be said that such presumption has been rebutted. There are certain principles with regards to issuance of a writ of mandamus. It may be granted only where there is a statutory duty imposed upon the officials concerned and there is a statutory failure on their part to discharge that statutory obligation. In order to get such direction, the writ petitioner has to satisfy that she has a legal right in the case land, the writ respondents have a legal obligation to hand over possession of the same to the writ petitioner, such prayer has been made bonafide and that the writ respondents, in spite of her legal right in the case land, refused to perform their legal duty to hand over possession of the same. The object mandamus is to compel performance of a legal duty. It is the peremptory order of the High Court Division commanding to do which the Government or any local authority is under legal duty to do. A writ of mandamus is controlled by equitable principles. It can be granted to a person who comes to the court with clean hands and not guilty of fraud-The writ of mandamus cannot be demanded ex-debito justitiae but it issues only in the discretion of the court. It is a high prerogative writ and is to amplify justice not to give effect of a decree which is apparently fraudulent and collusive in nature. It is a malafide attempt on behalf of writ petitioner Monowara Begum, wife of an Advocate to grab the property of the Republic. She came in this Court with unclean hands.
22. **Monjur Morshed Khan and others vs Durnity Daman Commission (Anti Corruption Commission) and another, 26 BLT [2018] AD 57[Further investigation] :** Since the order of discharge neither amounts to an acquittal nor to final order, the accused can be proceeded against for the same offence on the basis of supplementary report submitted on holding further investigation or on the basis of naraji petition filed by the informant/complainant. It is no longer res integra that the Court, if exigent to do so, to espouse the cause of justice, can trigger further investigation even after a final report is submitted under section 173(3B) of the Code.

⁵BLT = Bangladesh Law Times



International Relations

The Supreme Court of Bangladesh continues to attract interest of the legal luminaries from many countries of the world. The Supreme Court hosted visits for a number of Judges and officials over the year.

These include following:

- Judge Frank D. Whitney, United States Chief District Judge for the Western District of North Carolina visited the Supreme Court of Bangladesh on 2 July, 2018 and had a meeting with the Honourable Chief Justice of Bangladesh.

(From left Mr. Eric Opanga, Resident Legal Adviser, US Embassy, Dhaka; Mr. Justice Syed Mahmud Hossain, Honourable Chief Justice of Bangladesh, Judge Frank D. Whitney United States Chief District Judge and Mr. Michel Shavage, Resident Legal Adviser, US Embassy, Dhaka)



- Justice Tapabrata Chakraborti, Honourable Judge of Calcutta High Court visited the Supreme Court of Bangladesh in October 2018
- Justice Hari Krishna Karki, Honourable Judge of the Supreme Court of Nepal visited the Supreme Court of Bangladesh in October 2018 and had a meeting with the Honourable Chief Justice of Bangladesh.
- Judge Rupa Searight Goswami, Judge of the Superior Court of Los Angeles County in California met with the Honourable Chief Justice of Bangladesh on 5 November, 2018.
- Judge Robert Lochary, Municipal Court Judge in Lakewood, Colorado, US visited the Supreme Court of Bangladesh in December 2018
- Ms Sara Lulo, Assistant Dean, Yale Law School, US visited the Supreme Court of Bangladesh on 16 July 2018.

(Mr. Justice Syed Mahmud Hossain, Honourable Chief Justice of Bangladesh along with the Honourable Judges of the Appellate Division handing over a crest to Ms Sara Lulo)



Apex Court Judge's international links

Like previous years, Justices of the Supreme Court of Bangladesh undertook engagement with international counterparts.

- **Justice Syed Mahmud Hossain, Honourable Chief Justice of Bangladesh** attended the '4th International Summit of High Courts-Transparency in Judicial Process' organized by Court of Cassation, Turkey on 11-12 October, 2018 in Istanbul, Turkey. In November 2018, he participated in the Panel Discussions between the Head of Judiciary of the BIMSTEC countries and attended the Constitution Day programme of India held in New Delhi, India.



Mr. Justice Syed Mahmud Hossain, Honourable Chief Justice of Bangladesh at the '4th International Summit of High Courts-Transparency in Judicial Process in Istanbul, Turkey (Second from left)



Mr. Justice Syed Mahmud Hossain, Honourable Chief Justice of Bangladesh, with the Head of Judiciary of the BIMSTEC countries in New Delhi, India (Fifth from left on front row)



- **Justice Muhammad Imman Ali** took part in UN Expert Group Meeting on “Returning Terrorists Fighters” held in New York in April 2018. He spoke at the ‘World Congress on Justice for Children’ on 29 May, 2018 at UNESCO House-Paris, France. In May 2018, he visited Highbury Youth Court and Enfield Youth Court and met Youth Offending Team (YOT) in London, UK. In October 2018, he attended the ‘South Asia Regional Judicial Dialogue on Women's Human Rights and the Right to a Safe, Clean, Healthy and Sustainable Environment’ held in Kathmandu, Nepal.



Mr. Justice Muhammad Imman Ali delivering his speech at the World Congress on Justice for Children at UNESCO House-Paris, France

- **Justice Syed Refaat Ahmed and Justice Md. Shohrwardi** attended the Asia Pacific Judicial Conference on Environmental and Climate Change Adjudication held in Nay Pyi Taw, Myanmar on 29-30 October, 2018. Both Judges had an opportunity to exchange ideas and share experiences on practical measures and avenues to improve adjudication on environmental and climate change cases and ensure greater access to environment and climate justice.



Mr. Justice Syed Refaat Ahmed is at the Asia Pacific Judicial Conference on Environmental and Climate Change Adjudication in Nay Pyi Taw, Myanmar (Seventh from left on Second row)

- **Justice A.K.M. Abdul Hakim** participated in the Asia Pacific Judicial Colloquium on Climate Change held in Lahore, Pakistan on 26-27 February, 2018. The colloquium aimed at building the capacity of judges in Asia and the Pacific to achieve climate justice and advance human dignity.



Mr. Justice A.K.M. Abdul Hakim at the Asia Pacific Judicial Colloquium on Climate Change (Seventh from left on second row)

- **Justice Md. Nazrul Islam Talukder** attended the 'Launching Event of the Global Judicial Integrity Network' in Vienna, Austria on 9-10 April, 2018.



Mr. Justice Md. Nazrul Islam Talukder addressing the Launching Event of the Global Judicial Integrity Network in Vienna, Austria



- **Justice K.M. Kamrul Kader** participated in the 3rd SAARC Law Conclave on 'Trans boundary Water Conflicts in South Asia: towards water for peace' held in Siliguri, Darjeeling, West Bengal, India on 28-29 April, 2018 and delivered speech on 'Hydropower generation in South Asian River System and its effects'.



Mr. Justice K.M. Kamrul Kader at the 3rd SAARC Law Conclave on 'Trans boundary Water Conflicts in South Asia: towards water for peace' (Eleventh from left)

- **Justice ATM Saifur Rahman** attended the Workshop on 'Transparency in Judiciary & Governance - Need of the Hour' in Mumbai, India on 21 April, 2018 organized by the Transparency International (India) & Indian Bar Association.



Mr. Justice ATM Saifur Rahman delivering his speech in Mumbai, India

Selected Circulars issued by the High Court Division in 2018

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সার্কুলার নং- ০১/২০১৮

এ,

তারিখঃ

০৮ ফাল্গুন ১৪২৪ বঙ্গাব্দ

২০ ফেব্রুয়ারি ২০১৮ খ্রিস্টাব্দ

বিষয়ঃ আদালতের বিচারিক কর্মঘন্টার দ্বিতীয় ভাগে (দুপুর ২:০০ ঘটিকা হতে বিকাল ৪:৩০ ঘটিকা) বিবিধ মামলা শুনানী গ্রহণ এবং প্রতিমাসের প্রথম সপ্তাহে প্রতিবেদন প্রেরণ সংক্রান্ত।

দেশের অধস্তন আদালতসমূহে বর্তমানে আটশ লক্ষের অধিক মামলা বিচারাধীন এবং ক্রমান্বয়ে এই মামলার জট বৃদ্ধি পাচ্ছে। সম্ভাব্য স্বল্পতম সময়ের মধ্যে ন্যায়বিচার প্রাপ্তি বিচারপ্রার্থী জনগণের অধিকার। বিচারপ্রার্থী জনগণের ন্যায়বিচার লাভের উত্তররূপ অধিকার সহজলভ্য করা এবং বিচারাধীন মামলাসমূহ দ্রুততার সাথে নিষ্পত্তির মাধ্যমে আদালতসমূহের মামলা জট হ্রাস করার নিমিত্ত সকল জেলা ও দায়রা জজ আদালত, মহানগর দায়রা জজ আদালত, নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল, বিভাগীয় বিশেষ জজ আদালত ও সমপর্যায়ের আদালত/ট্রাইব্যুনাল এবং প্রযোজ্য ক্ষেত্রে উক্ত আদালতসমূহের প্রশাসনিক নিয়ন্ত্রণাধীন আদালতসমূহের বিচারকগণকে আদালতের বিচারিক কর্মঘন্টার দ্বিতীয় ভাগে (দুপুর ২:০০ ঘটিকা হতে বিকাল ৪:৩০ ঘটিকা) বিবিধ মামলাসমূহ শুনানীর জন্য গ্রহণসহ কতিপয় নির্দেশনা সম্বলিত অত্র কোর্টের সার্কুলার নম্বর-০৬/২০১৫-এ, তারিখ- ০৪/০৫/২০১৫ খ্রি. বহাল থাকা সত্ত্বেও সম্প্রতি লক্ষ্য করা যাচ্ছে যে, অধিকাংশ জেলায় আদালতের বিচারিক কর্মঘন্টার দ্বিতীয় ভাগের (দুপুর ২:০০ ঘটিকা হতে বিকাল ৪:৩০ ঘটিকা) পূর্ণ ব্যবহার হচ্ছে না, যা আদৌ কাম্য নয়।

০২। এমতাবস্থায়, আদালতের বিচারিক কর্মঘন্টার দ্বিতীয় ভাগে (দুপুর ২:০০ ঘটিকা হতে বিকাল ৪:৩০ ঘটিকা) অর্ন্তবর্তীকালীন বিষয়, জামিন সংক্রান্ত বিবিধ মামলা, অস্থায়ী নিষেধাজ্ঞা, তত্ত্বাবধায়ক নিয়োগ, রায়ের পূর্বে ক্রোকের দরখাস্ত ইত্যাদি শুনানীর জন্য গ্রহণ করার জন্য সকলকে নির্দেশ প্রদান করা হলো।

০৩। এ সার্কুলারে বর্ণিত নির্দেশনাসমূহ যথাযথভাবে প্রতিপালন করা হচ্ছে কি না তা' অত্র কোর্টের জি,এ কমিটি কর্তৃক তদারকির নিমিত্ত প্রতিমাসের প্রথম সপ্তাহে আবশ্যিকভাবে এতদসংক্রান্ত প্রতিবেদন অত্র কোর্টে প্রেরণের নির্দেশ প্রদান করা হলো।

০৪। এ সার্কুলার ইতোপূর্বে অত্র কোর্ট হতে জারীকৃত সার্কুলারসমূহের পরিপূরক হিসেবে গণ্য হবে। তবে পূর্বে জারীকৃত সার্কুলারের কোনো বিষয়ের সাথে এ সার্কুলারের কোনো নির্দেশাবলী অসামঞ্জস্যপূর্ণ হলে এ সার্কুলারের বিধানাবলী প্রযোজ্য হবে।

মাননীয় প্রধান বিচারপতির আদেশক্রমে

স্বাঃ/-

(ড. মোঃ জাকির হোসেন)

ভারপ্রাপ্ত রেজিস্ট্রার জেনারেল

ফোনঃ ৯৫৬২৭৮৫

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এ,

তারিখঃ ০৭ ফাল্গুন ১৪২৪ বঙ্গাব্দ
২০ ফেব্রুয়ারি ২০১৮ খ্রিস্টাব্দ

বিষয়ঃ পাঁচ বছরের অধিক পুরাতন মামলা অগ্রাধিকার ভিত্তিতে নিষ্পত্তিকরণ সংক্রান্ত।

দেশের অধস্তন আদালত সমূহে বর্তমানে আটশ লক্ষের অধিক মামলা বিচারাধীন এবং ক্রমান্বয়ে এই মামলার জট বৃদ্ধি পাচ্ছে। বিচারাধীন মামলার মধ্যে পাঁচ বছরের অধিক পুরাতন মামলার সংখ্যাও কম নয়। একটি কাজিত সময়ের মধ্যে মামলার নিষ্পত্তি বিচারপ্রার্থীদের প্রত্যাশা। ফলে, মামলা নিষ্পত্তির হার বৃদ্ধিসহ অগ্রাধিকার ভিত্তিতে পাঁচ বছরের অধিক পুরাতন মামলা নিষ্পত্তি করে ক্রমবর্ধমান মামলা জট নিরসনের বিকল্প নাই।

০২। এমতাবস্থায়, দেশের অধস্তন সকল আদালত/ট্রাইব্যুনালসমূহ-কে অগ্রাধিকার ভিত্তিতে পাঁচ বছরের অধিক পুরাতন মামলা নিষ্পত্তির নির্দেশ প্রদান করা হলো। প্রত্যেক আদালত/ট্রাইব্যুনাল-কে প্রতিমাসের প্রথম সপ্তাহের মধ্যে বর্তমানে প্রেরিত বিবরণীর অতিরিক্ত হিসেবে উক্ত আদালতসমূহে বিচারাধীন ও নিষ্পত্তিকৃত পাঁচ বছরের অধিক পুরাতন মামলার বিবরণী (আদালতের নাম পৃথক পৃথকভাবে উল্লেখ-করতঃ) অত্র কোর্টে প্রেরণের নির্দেশ প্রদান করা হলো।

০৩। এ সার্কুলার ইতোপূর্বে অত্র কোর্ট হতে জারীকৃত সার্কুলারসমূহের পরিপূরক হিসেবে গণ্য হবে। তবে পূর্বে জারীকৃত সার্কুলারের কোনো বিষয়ের সাথে এ সার্কুলারের কোনো নির্দেশাবলী অসামঞ্জস্যপূর্ণ হলে এ সার্কুলারের বিধানাবলী প্রযোজ্য হবে।

মাননীয় প্রধান বিচারপতির
আদেশক্রমে,

স্বাঃ/-

(ড. মোঃ জাকির হোসেন)

ভারপ্রাপ্ত রেজিস্টার জেনারেল

ফোনঃ ৯৫৬২৭৮৫

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এ,

তারিখঃ

২৭ ফাল্গুন ১৪২৪ বঙ্গাব্দ

১১ মার্চ ২০১৮ খ্রিস্টাব্দ

বিষয়ঃ বিচার বিভাগীয় কর্মকর্তাগণের বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) যথাসময়ে প্রেরণ সংক্রান্ত।

Civil Rules & Orders-এর অধ্যায় ৩৫ এর বিধি ৮০৭ হতে ৮১৫ এবং Criminal Rules & Orders (Practice and Procedure of Subordinate Courts), 2009 এর অধ্যায় ২৪ এর বিধি ৪২০ ও ৪২১-এ অধস্তন আদালতের সকল পর্যায়ের বিচারকর্মে নিয়োজিত বিচার বিভাগীয় কর্মকর্তাগণের বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) প্রেরণ সংক্রান্ত বিস্তারিত নির্দেশনা রয়েছে। এছাড়া এ বিষয়ে সময়ে সময়ে অত্র কোর্ট কর্তৃক বিভিন্ন বিজ্ঞপ্তি, সার্কুলার ইত্যাদি জারী করা হয়েছে। এতদসত্ত্বেও সারাদেশের অধস্তন আদালতসমূহে বিচারকর্মে নিয়োজিত কতিপয় বিচার বিভাগীয় কর্মকর্তা (অনুবেদনকারী/অনুবেদনাধীন) তাঁদের বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) যথাসময়ে প্রেরণ করেন না মর্মে অত্র কোর্টের দৃষ্টিগোচর হয়েছে, যা অত্যন্ত অনাকাঙ্ক্ষিত, অনভিপ্রেত ও অগ্রহণযোগ্য।

০২। বিচার বিভাগীয় কর্মকর্তাগণের বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) ফরমের নির্দেশনায় উল্লেখ রয়েছে যে, অনুবেদনকারী কর্মকর্তা বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) ফরমের নির্ধারিত অংশ যথাযথভাবে পূরণ করে প্রতি বছর ১৫ ফেব্রুয়ারির মধ্যে তা অত্র কোর্টে প্রেরণ করবেন। অথচ কতিপয় অনুবেদনকারী কর্মকর্তা উক্ত নির্দেশনা যথাযথভাবে প্রতিপালন করেন না। এতে একদিকে যেমন নানাবিধ প্রশাসনিক সমস্যার সম্মুখীন হতে হয়, অপরদিকে বিভিন্ন পর্যায়ে কর্মরত বিচার বিভাগীয় কর্মকর্তাগণের পদোন্নতি প্রক্রিয়া সম্পন্নকরণসহ প্রয়োজনীয় মূল্যায়নেও নানাবিধ সমস্যার সম্মুখীন হতে হয়। অনুবেদনকারী ও অনুবেদনাধীন কর্মকর্তা কর্তৃক বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) সংক্রান্ত নির্দেশনাসমূহ যথাযথভাবে প্রতিপালন না করা চাকরি শৃঙ্খলার পরিপন্থী এবং তা বাংলাদেশ জুডিসিয়াল সার্ভিস (শৃঙ্খলা) বিধিমালা, ২০১৭ অনুযায়ী ‘অসদাচরণ’-এর শামিল ও শাস্তিযোগ্য।

০৩। এমতাবস্থায়, Civil Rules & Orders ও Criminal Rules & Orders (Practice and Procedure of Subordinate Courts), 2009 এর বিধানমতে এবং উপরিউক্ত দায়িত্ব (Legal Obligation) সম্পর্কে সময়ে সময়ে অত্র কোর্ট কর্তৃক জারীকৃত বিভিন্ন বিজ্ঞপ্তি, সার্কুলার ইত্যাদি ও বিচার বিভাগীয় কর্মকর্তাগণের বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) ফরমের নির্দেশনা মোতাবেক অনুবেদনাধীন কর্মকর্তাগণকে বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) ফরম যথাযথভাবে পূরণ করে সংশ্লিষ্ট অনুবেদনকারী কর্মকর্তার নিকট দাখিলের এবং অনুবেদনকারী কর্মকর্তাগণকে প্রতি পঞ্জিকা বছরের ১৫ ফেব্রুয়ারির মধ্যে পূর্ববর্তী পঞ্জিকা বছরে তাঁর অধীনে ০৩ (তিন) মাসের অধিক সময় কর্মরত বিচার বিভাগীয় কর্মকর্তাগণের বার্ষিক গোপনীয় অনুবেদন (এ.সি.আর) ফরম যথাযথভাবে পূরণ করে অত্র কোর্টে প্রেরণ করার জন্য নির্দেশনা প্রদান করা হলো। এ নির্দেশনা প্রতিপালনে ব্যর্থতায় সংশ্লিষ্টদের বিরুদ্ধে বাংলাদেশ জুডিসিয়াল সার্ভিস (শৃঙ্খলা) বিধিমালা, ২০১৭ অনুযায়ী ‘অসদাচরণ’-এর অভিযোগে কঠোর বিভাগীয় ব্যবস্থা গ্রহণ করা হবে।

০৪। এ সার্কুলার ইতোপূর্বে অত্র কোর্ট হতে জারীকৃত সার্কুলারসমূহের পরিপূরক হিসেবে গণ্য হবে। তবে পূর্বে জারীকৃত সার্কুলারের কোনো বিষয়ের সাথে এ সার্কুলারের কোনো নির্দেশাবলী অসামঞ্জস্যপূর্ণ হলে এ সার্কুলারের বিধানাবলী প্রযোজ্য হবে।

মাননীয় প্রধান বিচারপতির আদেশক্রমে

স্বাঃ/-

(ড. মোঃ জাকির হোসেন)

রেজিস্ট্রার জেনারেল

ফোনঃ ৯৫৬২৭৮৫

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এ,

তারিখঃ ১৪ চৈত্র ১৪২৪ বঙ্গাব্দ
২৮ মার্চ ২০১৮ খ্রিস্টাব্দ

বিষয়ঃ অধস্তন আদালতের রায়ে ইংরেজির পাশাপাশি বাংলায় সন ও তারিখ প্রদান প্রসঙ্গে।

১৯৫২ সালের ২১ ফেব্রুয়ারি মাতৃভাষার জন্য বাঙালির আত্মদান বিশ্বের ইতিহাসে এক অনন্য ঘটনা। এই ঐতিহাসিক দিনটি সারা বিশ্বে আন্তর্জাতিক মাতৃভাষা দিবস হিসেবে পালিত হয়। বাংলার প্রতি আমাদের রয়েছে অকৃত্রিম শ্রদ্ধা ও ভালোবাসা। বাংলার প্রতি সম্মান প্রদর্শনার্থে রায়ে ইংরেজি তারিখের পাশাপাশি বাংলা বর্ষের সন ও তারিখ উল্লেখ থাকা একান্তভাবে প্রত্যাশিত ও বাঞ্ছনীয়। ইহা অত্র কোর্টের গোচরীভূত হয়েছে যে, সারাদেশের অধস্তন আদালতসমূহে রায়ে ইংরেজি তারিখ প্রদান করা হলেও বাংলায় তারিখ প্রদান করা হয় না।

০২। এমতাবস্থায়, দেশের অধস্তন আদালতসমূহের সকল বিচারকগণকে এখন থেকে রায়ে ইংরেজির পাশাপাশি বাংলায় সন ও তারিখ প্রদানের জন্য নির্দেশ প্রদান করা হলো।

০৩। এ সার্কুলার ইতোপূর্বে অত্র কোর্ট হতে জারীকৃত সার্কুলারসমূহের পরিপূরক হিসেবে গণ্য হবে। তবে পূর্বে জারীকৃত সার্কুলারের কোনো বিষয়ের সাথে এ সার্কুলারের কোনো নির্দেশাবলী অসামঞ্জস্যপূর্ণ হলে এ সার্কুলারের বিধানাবলী প্রযোজ্য হবে।

মাননীয় প্রধান বিচারপতির আদেশক্রমে,

স্বাঃ/-

(ড. মোঃ জাকির হোসেন)

রেজিস্টার জেনারেল

ফোনঃ ৯৫৬২৭৮৫

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সার্কুলার নং- ০৫ /২০১৮

এ,

তারিখঃ

বৈশাখ, ১৪২৫ বঙ্গাব্দ
এপ্রিল, ২০১৮ খ্রিস্টাব্দ

বিষয়ঃ যথাযথ কর্তৃপক্ষের পূর্বানুমোদন ব্যতীত অধস্তন আদালতের বিচারকদের কর্মস্থল ত্যাগ না করা সংক্রান্ত।

উপর্যুক্ত বিষয়ে নির্দেশিত হয়ে জানানো যাচ্ছে যে, অধস্তন আদালতসমূহে বিচারাধীন মামলার আধিক্য হ্রাস, মামলা নিষ্পত্তিতে দীর্ঘসূত্রিতা পরিহার তথা দ্রুত বিচার নিশ্চিতকরণের লক্ষ্যে দেশের বিভিন্ন আদালতে কর্মরত রকল পর্যায়ের বিচার বিভাগীয় কর্মকর্তাদের সাপ্তাহিক ছুটির দিনসহ অন্যান্য কার্যদিবসে কর্মস্থলে অবস্থান করা বাধ্যনীয় মর্মে বিভিন্ন সময়ে অত্র কোর্ট কর্তৃক সার্কুলার জারী করে অধস্তন আদালতের বিচারকগণকে বিনা অনুমতিতে কর্মস্থল ত্যাগ না করার নির্দেশনা প্রদান করা হয়েছিল।

০২। উক্ত বিষয়ে সম্প্রতি অত্র কোর্টের গোচরীভূত হয়েছে যে, অধস্তন আদালতের অনেক বিচার বিভাগীয় কর্মকর্তা বর্ণিত নির্দেশনাসমূহ যথাযথভাবে প্রতিপালন না করে কর্তৃপক্ষের পূর্বানুমোদন ব্যতিরেকে কর্মস্থল ত্যাগ করেন। এমনকি সপ্তাহের শেষ দিনে নির্ধারিত সময়ের পূর্বেই কর্মস্থল ত্যাগ করেন এবং পরবর্তী কার্যদিবসে বিলম্বে কর্মস্থলে উপস্থিত হন। এছাড়া, অনেকে সপ্তাহের অন্যান্য কার্যদিবসেও কর্তৃপক্ষের বিনা অনুমতিতে একাধিকবার কর্মস্থল ত্যাগ করেন। ফলশ্রুতিতে একদিকে যেমন বিচারার্থী জনগণ ন্যায়বিচার প্রাপ্তি হতে বঞ্চিত হচ্ছেন, অপরদিকে বিচার প্রশাসনে কাজের ধারাবাহিকতা ব্যত্যয়সহ জনগণের নিকট বিচার বিভাগের ভাবমূর্তি ক্ষুণ্ণ হচ্ছে। বিচার প্রশাসনে এরূপ অবস্থা সম্পূর্ণ অপ্রত্যাশিত, অনাকাঙ্ক্ষিত ও অনভিপ্রেত।

০৩। বর্ণিত প্রেক্ষাপটে অধস্তন আদালতের বিচারকদের কর্মস্থল ত্যাগ সংক্রান্ত ইতোপূর্বে অত্র কোর্টের জারীকৃত সার্কুলারসমূহের নির্দেশনা যথাযথভাবে অনুসরণ করতঃ বিচার বিভাগীয় কর্মকর্তাগণ যাতে নির্দিষ্ট সময়ের পূর্বে ও বিনা অনুমতিতে সপ্তাহের শেষ দিনে কর্মস্থল ত্যাগ না করেন বা অন্যান্য কার্যদিবসে কর্মস্থলের বাহিরে অবস্থান না করেন এবং সপ্তাহান্তে পরবর্তী কার্যদিবসে কর্মস্থলে যোগদানে বিলম্ব না করেন তৎমর্মে সংশ্লিষ্ট সকলকে পুনরায় নির্দেশ প্রদান করা হলো।

০৪। উপরিউক্ত নির্দেশনা প্রতিপালনে ব্যর্থতায় সংশ্লিষ্টদের বিরুদ্ধে বাংলাদেশ জুডিসিয়াল সার্ভিস (শৃঙ্খলা) বিধিমালা, ২০১৭ অনুযায়ী 'অসদাচরণ' (Misconduct) এর অভিযোগে বিভাগীয় ব্যবস্থা গ্রহণ করা হবে।

০৫। এ সার্কুলার ইতোপূর্বে অত্র কোর্ট হতে জারীকৃত সার্কুলারসমূহের পরিপূরক হিসেবে গণ্য হবে। তবে পূর্বে জারীকৃত সার্কুলারের কোনো বিষয়ের সাথে এ সার্কুলারের কোনো নির্দেশাবলী অসামঞ্জস্যপূর্ণ হলে এ সার্কুলারের বিধানাবলী প্রযোজ্য হবে।

আদেশক্রমে,

স্বাঃ/-

(ড. মোঃ জাকির হোসেন)

রেজিস্ট্রার জেনারেল

বাংলাদেশ সুপ্রীম কোর্ট

ফোনঃ ৯৫৬২৭৮৫

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Strategic Plan of the Supreme Court of Bangladesh 2017-2022

Supreme Court of Bangladesh has adopted a five-year strategic plan in 2017 to be implemented by 2022. Followings are some of the core features of the Strategic Plan of the Supreme Court of Bangladesh:

1. Vision Statement

As a constitutional organ of the State, the Supreme Court is primarily accountable to the people of Bangladesh. Its Vision is:

The people continue to place trust, confidence, and respect for the Supreme Court.

2. Mission Statement

Guided by its constitutional mandates and the stated Vision, the Supreme Court of Bangladesh considers its Mission as

Preserving, protecting and defending the Constitution and the laws of Bangladesh, securing rule of law and serving the people through timely dispute resolution.

3. Values

While pursuing the stated Vision and Mission, the Supreme Court of Bangladesh plans to institutionalize a set of Values, which will shape its external and internal behaviour.

- a) In relation to other organs of the State
 - Independence: With the honourable Judges, the Supreme Court will remain free from any interference from anywhere while exercising its constitutional duties.
- b) In relation to conflicting parties and citizens
 - Impartiality: The honourable Judges and the staff will not favour any party in conflict and respect them equally in the justice delivery process.
 - Accessibility: The parties will have equal access within the decorum of the law and the court system.
 - Fairness: The Judges and the staff members will explore a balanced view in the exercise of justice.
 - Responsiveness: The honourable Judges will be articulate and dutiful enough to address revealed societal pains as far as the application of laws and justice are concerned.
 - Transparency: Judicial process must be transparent, consistent, and predictable and the proceedings occur in open courts, where all concerned shall have unhindered access.
- c) In relation to the SC itself
 - Technology-friendly: The SC will embrace modern technologies in its operations to achieve the highest level of efficiency of the honourable Judges, judicial officers, and staff members.
 - Propriety: Irrespective of position and strata, everyone will strictly follow the Rules and Procedures.
 - Innovation: The Supreme Court will encourage a working environment that fosters creativity and generation of new ideas to improve the court environment and the quality of justice.



Goals, Strategies and Activities

The Goals of the Supreme Court of Bangladesh are embedded in five areas as listed below:

- Judicial Administration of the Supreme Court
- Justice Delivery at the Supreme Court
- Monitoring of Subordinate Courts
- Justice sector as a whole
- e-Judiciary

Goal 1: The Office of the Registrar General (ORG) to meet the emerging needs, is restructured and rejuvenated.

Strategy 1: Classify the existing Sections into four clusters of services in the ORG as follows:

- a) Court/Case related: Bench Office, Judicial Records, Paper Book, Certified Copy, Filing, Stamp Reporter, and Dispatch related to the court
- b) General Administration and Logistics: Human Resource Management (HRM) for Judicial Officers, HRM for SC & Subordinate Staff, Dispatch, Keeping, Security & Store
- c) Technical: Budgeting, Accounting, Procurement, Store, Transport and Medical Centre
- d) Overarching/Crosscutting: Planning, Monitoring, Research and Reporting, IT and Training

Strategy 2: Rejuvenate the sections with selected work/activities

Strategy 3: Establishment of new Sections, with specific mandate, as follows:

- a) Planning, Monitoring, Research and Reporting Section
- b) Human Resource Development (Training) Section
- c) Monitoring Support Section (to follow up the activities of the Subordinate Courts)
- d) Public Relations Section
- e) International Judicial Collaboration

Goal 2: All Sections/Units/Cells of the Office of the Registrar General are effectively practicing relevant and more advanced modern office management system and procedures.

Strategy 1: Introduce more technology based office management systems and procedures for the effective coordination and quality management among and within the Sections.

Activities

- Forms and Stationaries: Inventory Management System as practiced in business houses
- Purchasing Section: Template based requisition issuing, processing and approval system
- Transport Section: Basic Repair and Maintenance Policy versus outsourcing policy in major cases
- Court Keeping Section: Requisition and follow up/tracking system for all services, and inter-building accessibility, effective space management policy (interior design analysis)
- Human Resource Management 1: Human Resource Management Policy (Filing system, Posting, Transfer, Appraisal, Promotion, Leave, Sickness, Dismissal, Pension Policy) for all Judicial Officers. The policy will build in the aspect of compliance with the Values in the ACR system.



- Human Resource Management 2: Human Resource Management Policy (Filing system, Recruitment based on required skill sets, Posting, Transfer, Appraisal, Promotion, Leave, Sickness, Dismissal, Pension Policy, gender policy) for the staff members
- Paper Book: Introduction of OCR (optical character recognition) software
- Records Section: Space-effective filing and safe storage system, and effective pest management, formatting policy (use of font, both sided)
- Budgeting System: Real-time Budget Control System
- Accounting Section: Modern Accounting System (use of basic accounting software for bookkeeping and reporting)
- Library: Auto-generated borrowing status and issuance of clearance and access to e-library
- The Secretariat of the Office of the Registrar General (ORG): Modern Coordination System (Tracking system for internal and external coordination, auto-generated reporting system)
- Subordinate Courts Section: Online reporting system
- Bench Office: Effective communication with the Subordinate Courts and Records Section
- HRD 1: Needs assessment, workshop design, delivery of training/outourcing of training/self-learning for the Honourable Judges and judicial officers, training impact evaluation).
- HRD 2: Needs assessment, training design, and delivery/outourcing/self learning for staff members, training impact evaluation.
- Cause List: Daily publication of cause lists and results
- Nojir (Precedent) : Modern store keeping (space management, storage and filing)
- Stamp Reporter: Modern payment system
- ICT: Repair, Maintenance, and Replacement Policy; Audience-sensitive staff development policy; LAN management policy
- Research: Connectivity with relevant Sections for auto-generated reporting on selected indicators, interpretation practices and recommendations for changes

Strategy 2: Equip the Sections with necessary skills, materials, and equipment.


Goal 3: The Supreme Court and the Subordinate Courts gradually possess the number of Judges at internationally recognized 'Citizens to Judges' ratio.

Strategy 1: Approach the Government to recruit more Judges of the Supreme Court, particularly for the High Court Division, based on performance, practical experience, and skills the Judges have demonstrated in the Subordinate Courts.

Strategy 2: Approach the Government to recruit new judicial officers based on the mix criteria of demands (quantitative and subject-specific) and disposal rate (cases per Judge).

Strategy 3: Introduce internships with the HC Benches for the recent law graduates and newly appointed judges with good academic and research records.

Strategy 4: Introduce portfolios of areas for the Benches to specialize in certain areas of law and capitalize on the background and experience of the honourable Judges.



Strategy 5: Expand the quantitative capacity of the justice delivery at the Supreme Court through an increase in vacation benches and shortening of the vacation.

Goal 4: The courts progressively shifts to an effective Case Flow Management practice

Strategy 1: Allocate staff members (BO, ABO, PO) with required skill sets

Strategy 2: Introduce DCM approach for new cases

Activities

1) Undertake classification of the old cases for Differentiated Case Management (DCM), which may include a Last-In-First-Out approach, and suo motto initiatives by the honourable Judges in lieu of the First-In-First-Out principle as an instrument for case flow management for old cases (classification of cases).

2) Introduce a key logistics package for the offices of Judges (materials, equipment, IT & internet package) for internal and external communication (Subordinate Courts, the Police, respective lawyers) aiming at a faster serving of notices/summons and tracking of the progress.

Goal 5: The Judges of Supreme Court gain access to reference materials, knowledge banks and capacity enhancing initiatives.

Strategy 1: Finalize the automation of the existing borrowing services.

Strategy 2: Establish e-library for common access (both demand and supply-driven) to legal literature from internal and external sources.

Strategy 3: Periodically arrange interactive workshops with experts on selected and emerging areas of laws and justice sector management (at home or abroad)

Goal 6: All Subordinate Courts function according to the standards set by the Supreme Court.

Strategy 1: Establish a dedicated office under the District and Sessions Judge to function as a bridge to the Supreme Court for effective communication (notices/summons, records) between Courts of the Supreme Court and those of the Subordinate Courts.

Activities

1. Appoint a JDJ/SAJ for the Liaison Office (to be established) JDJ/SAJ as Designated Officer and provide with adequate staff support (at least 4 staff) and other logistical supports, with provisions on how to forward statements to the Supreme Court and monitor communications, and on backup support in case of a temporary vacancy.

Strategy 2: Introduce an effective case-flow management policy for criminal and civil cases

Activity 1: Develop a case flow management policy. A recent workshop has proposed a classification of cases for better management. Additional consultations and workshops may pave the way for further detailing of the process from filing to disposition.

Activity 2: Provide capacity building to the Judges to implement the policy through training at JATI and national level workshops.

Strategy 3: Introduce a uniform, IT-driven and on/off-site monitoring system for the Subordinate Courts using electronic communication between the subordinate courts and the SC. The District and Sessions Judge/CJM/CMM will monitor the progress and collect information on the challenges faced by his or her associate officers on a monthly basis. The proposed office mentioned earlier will perform the functions mentioned in this strategy.



Strategy 4: Review the experience of JSF/JUST project and seek introduction of the core recommendations for ICT.

The following Activities may be implemented under this strategy:

Activities

1. Establish an IT office in each District Court
2. Organize a national level consultation to discuss the progress of implementations of the recommendations, and develop a time-bound agenda for the implementation of E-communication between justice sector agencies, such as the courts, police, prison etc.
3. Organize IT training for the judges and staff members.

Strategy 5: Advocate with the Government to further develop the subordinate courts with an adequate number of judges, staff, and physical facilities and to support work processes with suitable amendments in laws, rules, and orders.

Activities

- a) Seek an increase of the number of courts in each district with judges, staff members, courtrooms, and logistical supports depending on the history of the situation of cases the District Courts have to deal with and considering the standard judges to population ratio the justice sector has to achieve in the long-run. A flexible approach is suggested as not all districts have the same case burden, and a fair distribution of the workload is advisable.
- b) Seek amendment of laws in cooperation with the Law Commission and the Ministry of Law, Justice and Parliamentary Affairs to avoid that the same victim files a case with multiple courts – e.g. Family court, in the magistrate court (dowry case) and in the special tribunal (Nari O Shishu Nirjatan Daman Tribunal). Another example is that banks may file cases in the Money Loan court and simultaneously they can file cases under the NI Act for the same money. Sometimes they also file cases under sections 406 and 420 of the Penal Code.
- c) Introduce a differentiated distribution of time a District Judge should commit to administrative and judicial function as opposed to other judges, as the DJ has more administrative responsibilities than others.

Goal 7: All other justice sector institutions work together with the Supreme Court for the implementation of the strategies as well as for the overall development of the justice sector.


Strategy 1: Organize workshops/seminars/internships/trainings ensuring participation of key players from other justice sector institutions and other relevant institutions.

Strategy 2: Seek effective representation of the Supreme court in any initiative (projects, programmes) relating to the overall coordination and management within the Justice Sector.

Strategy 3: Establish effective communication with other justice sector institutions (e.g. BJSC, Bangladesh Bar Council, Supreme Court Bar Association, JATI, Law Commission, NLASO, Ministry of Law Justice and Parliamentary Affairs, Office of Attorney General) for sharing of information of common interest and online access to resources (e.g. Library facilities, archives).

Strategy 4: Seek pro-active engagement of the Bar Council in supporting efforts related to effective case management (increasing use of ADR, positive response to the activism of the Judges).

Strategy 5: Establish effective communication with selected institutions (NHRC, Parliament Secretariat, Ministry of Finance, Office of Accountant’s General etc.) for sharing information and the development of the justice sector.



Goal 8: The Office of the Registrar General progressively uses IT-systems in all of the operations of the Supreme Court and seeks the same from the Subordinate Courts, other judicial and affiliated institutions.

Strategy 1 (Short-term): The short-term strategies are based on the assumption that a comprehensive e-judiciary concept and its endorsement would evolve over time and certain preliminary steps can be initiated.

a) Develop, test and introduce sub-system-based IT-solutions for operational efficiency, transparency and Accountability of the Sections by replacing manual workflow system into automation, e.g. ERP (Enterprise Resource Planning) solution for the management of Human Resources, Accounting, Store Keeping, Procurement, all types of inventory, disbursement and noting of file through e-filing).

b) Undertake infrastructure development, including the capacity enhancement for IT Section of Supreme Court and Training of Administrators and Supervisors and other office assistants.

Strategy 2 (Long-term):

a) Develop, test, and introduce unified IT-driven systems for connectivity among related Sections, with the Subordinate Courts, other judicial and affiliated institutions. Capitalizing the benefits of a) and in line with e-Judiciary initiatives. (e.g. Integration with Civil Registration and Vital Statistics (CRVS), Electronic Case Filing, Tracking and Monitoring through the Dashboard from a top management position, E-Court Room, Introducing various e-Services for Judges, Lawyers, witnesses and Litigants and introducing ERP solution for the whole judiciary).

b) Undertake infrastructure development, including building nationwide connectivity with the Supreme Court, capacity enhancement for IT Section of Supreme Court by categorizing the responsibilities of IT personnel and Training of Administrators and Supervisors and other office assistants.

c) Undertake large-scale procurement of hardware and accessories depending on periodic evaluation.

The Journey of the Supreme Court Special Committee for Child Rights (SCSCCR) in 2018 towards Justice for Children in Bangladesh

The Supreme Court Special Committee for Child Rights (SCSCCR) was initially formed to identify the challenges for effective implementation of the Children Act 2013 and the ways to ensure the best interests of the children in Bangladesh. The purpose of the Committee was also to design a comprehensive and progressive programme with the assistance and cooperation of the United Nations International Children's Fund (UNICEF) in order to further the aims and objectives of the Committee.

In the year 2018, the SCSCCR's endeavour was noteworthy in achieving justice for children in Bangladesh. The Committee under the auspices of UNICEF undertook various initiatives to ensure the best interests of the children of Bangladesh.

Memorandum of Understanding:

The Memorandum of Understanding (MoU) was signed on 14 February, 2017 between UNICEF and the Supreme Court of Bangladesh to strengthen the child protection system in Bangladesh and for effective implementation of the Children Act, 2013 was extended up to December 2019.

The MoU includes three key thematic areas: monitoring implementation of the Children Act, 2013-particularly strengthening access to justice for children; developing an information management system and strengthening alternative care facilities, monitoring and follow up. The initiative is based on the concluding recommendations of the United Nations Convention on the Rights of the Child (UNCRC) committee. Keeping the best interests of children at the centre, it aims to ensure that all legislative, administrative and judicial proceedings are developed in that line.

Inauguration of newly decorated Children's Court:

The SCSCCR has repeatedly suggested that the government should establish separate Children's Court with child-friendly mechanisms and environment in each district and metropolitan area. However, the SCSCCR has been aware that the government is not able to establish a separate Children's Court in every district overnight. Therefore, the SCSCCR suggested that the chamber of the Judge of the Children's Court can be used as Children's Court till establishment of the separate Children's Court.



Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain inaugurating the newly decorated Children's Court of the Dhaka Metropolitan Sessions Judge Court on 4 February, 2018

UNICEF Bangladesh renovated 15 Children’s Courts as per the provisions laid down in the Children Act, 2013 and the suggestions and recommendations of the SCSCCR. Among them, the very first newly decorated Children Court in Dhaka was inaugurated by the Honourable Chief Justice of Bangladesh Justice Syed Mahmud Hossain on 4 February, 2018. Thereafter, on 19 September 2018 his Lordship inaugurated the newly decorated Children’s Court in Sylhet. The Children’s Court in Chattogram was inaugurated on 13 October 2018 by Mr. Rashed Khan Menon, Honourable Minister for the Ministry of Social Welfare.

Launching of Digital Dashboard:

A digital monitoring framework to monitor the performance of the Children’s Court countrywide has been developed by Access to Information (a2i) Programme for the Supreme Court of Bangladesh. The SCSCCR and UNICEF Bangladesh organized the "Launching Event and Training Program on Digital Dashboard for Children's Court" on 4 August, 2018. The Digital Dashboard was launched by the Honourable Chief Justice of Bangladesh. The Digital Dashboard will have a significant effect on enhancing the performance of the Judges of the Children’s Court. It can be used as a tool to reduce case backlog in Children’s Courts. It provides information and action channel on the number of cases pending before each of the Children’s Courts in Bangladesh. The learned Judges of Children Court from all over the Country participated in the training programme on the use and application of the Digital Dashboard.



Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain, Mr. Justice Muhammad Imman Ali, Appellate Division, Supreme Court of Bangladesh and Mr. Edouard Beigbeder, Country Director, Unicef Bangladesh at the Launching Event and Training Program on Digital Dashboard for Children's Court

Divisional Consultation Meetings:

The Divisional consultation meetings were taken place to implement child-friendly practices under the Children Act, 2013. The members of the District Judiciary including the Judges of the Children’s Court, Officials from the District Administration, Police Department and Department of Social Services attended the meetings and contributed in the discussion on the Children Act, 2013. In 2018, 03 (three) Divisional Consultation Meetings on the effective implementation of the Children Act, 2013 were held on 17 February in Dhaka, on 31 March in Rangpur and on 06-07 July in Cumilla.



The SCSCCR's Chairman Mr. Justice Muhammad Imman Ali, Honourable Judge, Appellate Division, Supreme Court of Bangladesh and members Ms. Justice Naima Haider, Mr. Justice Sheikh Hassan Arif, Mr. Justice Nazrul Islam Talukder and Mr. Justice Khazir Ahmed Choudhury, Honourable Judges, High Court Division, Supreme Court of Bangladesh at the Divisional Consultation Meeting for Rangpur Division held in Rangpur

In each discussion, several issues were raised by the participants for clarification suggesting amendment of the law that include the following:

- The atmosphere of the Children's Court must be child-friendly and in accordance with the Children Act, 2013.
- The chamber of the Judge of the Children's Court would be used for the purpose of the Children's Court.
- There must be child-friendly waiting room beside the chamber.
- There must be arrangement for fresh drinking water in the waiting room.
- There must be washroom, especially for the purpose of Children's Court.
- There must be a common room in the ground floor for the Probation Officers.
- Deputy Commissioners must take steps for ensuring the child's virtual presence in the court through video conferencing.
- In each safe home, the authority should take initiative to erect a study room so that the children who have passed SSC or HSC can teach others.
- Emphasis was given on physical exercise in safe homes and thereafter the Honourable Chairman directed to write to UNICEF for supplying sports equipment such as Table Tennis, Carom, Football, and Basketball and also for providing study materials.
- Child Affairs Police Officer (CAPO) must inform the Probation Officer as soon as a child is arrested or comes in contact with law. If a Probation Officer is not available, then CAPO must inform the



Deputy Director, Department of Social Services.

- CAPO must inform the parents or guardian of the child.
- CAPO and Probation Officer with the assistance of the parents of the child should determine the age of the child. If necessary they can take assistance from Ward Commissioner, Member and Chairman.
- CAPO and Probation Officer should rely on Birth Certificates, SSC Certificates while determining the age of the child.

CAPO, subject to the provision of section 82 of the Penal Code can-

- Warn the child and release him.
- Make arrangement with the Probation Officer for taking diversion measure in respect of the child.
- Release him/her on bail.
- Settle the petty crimes (pickpocket, theft) in the compound of the Police Station.

If any of the above mentioned method is not possible, then the child must be produced before the Court within 24 hours from the time of arrest.

- The Police Administration would arrange a training programme regarding the implementation mechanism of the Children Act, 2013.
- To increase the number of female officers in each and every Police Station.
- To request UNICEF Bangladesh to appoint psychologist as Social Counselling Officer.
- To make a proposal to the Govt. to increase the percentage of female Probation Officers up to 70%.
- To settle the petty offences in the Police Station so that time, money and children would be saved.
- District Judge would make an administrative order to reduce the number of cases from the Additional District Judge Court No. 1 so that the Children's Court could perform smoothly.
- CAPO desk must be separated from others. Accordingly, Police Department must take steps regarding the matter.
- Actions must be taken against the negligent lawyer engaged in children's cases.
- To advertise through print and electronic media that the Sarkari Shisu Paribar has the arrangements for the orphan children.
- The officials should go out to different localities to find out real orphan children.
- To make a plot of land available for the purpose of vegetable cultivation in order to engage the children in positive activity.
- Emphasis should be given on physical exercise and thereafter the Honourable Chairman directed to arrange basketball ground in the play ground. He also directed to arrange a cricket and football coach from the Sports Council to train up the children, who could make their way into the national team.
- To erect a small room and to rear up goats. It will be the source of fresh milk and also small children will enjoy the company which would definitely increase the positive emotions of the children.




The SCSCCR Chairman Mr. Justice Muhammad Imman Ali, Appellate Division, Supreme Court of Bangladesh delivering speech in the Divisional Consultation Meeting for Dhaka Division

Exposure Visit to Sri Lanka:

The SCSCCR is mandated to ensure the justice for children in Bangladesh. Accordingly, the SCSCCR made an exposure visit to Sri Lanka from 29 April-04 May 2018. The purpose of the visit is to have a clear idea regarding the juvenile justice system of Sri Lanka, especially the functions of Probation and Child Care Services, Children Courts, Safe Homes, Remand Homes and also to see the viability of redesigning the existing Children Courts with logistic supports and supply of relevant equipment to establish a child friendly environment in the court room on the lines of the MoU and in accordance with the Children Act, 2013.



The SCSCCR Chairman and its members with the Chief Justice of Sri Lanka Mr. Justice Priyasath Dep at the Supreme Court of Sri Lanka



The Committee visited the Department of Probation and Child Care Services, Family Tracing Unit, Kilinochchi, Safe House and State Receiving Home in order to understand the overall functions of the probation department, to understand the family tracing unit and how it linked to transitional justice for children, to understand how the safe house is functional, to understand the local and international adaption.

The Committee had various formal sessions with the multi-sector stakeholders. Representatives from different stakeholders showed the picture of their positive classroom management preventing corporal punishment in schools.

The Committee also paid a visit to Remand Home and Certified School to observe the institutionalization of children for minor crime and how children are treated when they commit minor crime. The Committee also met the Chief Minister, Northern Province, Inspector General of Police, Attorney General of Sri Lanka, Minister for the Ministry of Justice, and also with the Chief Justice of Sri Lanka Mr. Justice Priyasath Dep.

The delegation visited the Children Court in Battaramulla. During the visit, the committee met with the presiding Magistrate. The committee found that there are separate rooms for children. There are play rooms, rest rooms for children, waiting rooms and visitors rooms. The presiding Magistrate elaborately discussed on the functions and procedures of the court.

The Committee visited the Chief Judicial Medical Officer's office. During the visit, the Committee found that there are medico legal institutions attached to the hospital and they are providing medico legal examination services, inquest and post mortem. During the last five years, there are lots of new developments in the sphere of child abuse cases. There are three general hospitals in each province and all medical hospitals have forensic departments which provide medico legal services. Police or Magistrates may refer for medico legal examinations.

Recommendations of SCSCCR from the exposure visit of Sri Lanka:

- The provision regarding "Family Counsellor" should be inserted in the Children Act, 2013 so that they can counsel the husband and wife to reunite them and to give better upbringing to their children.
- The post of Judicial Medical Officer should be created for the purpose of medico legal examinations.
- The Children Court should be equipped like the Children Court in Battaramulla.
- To create Child Protection Unit in the Attorney General's Office so that children's cases get special care and attention.
- A database should be developed to track and monitor the cases relating to children.
- All criminal service institutions should be required to have a separate place for children.
- The population of Sri Lanka is about 2 crore and they have 472 Probation Officers. Bangladesh must improve its strength in this regard. The number of probation officers should be increased.

Supply of Computer to the Children's Court:

UNICEF Bangladesh also provided 69 Computers and other accessories to the Children's Courts in Bangladesh. Establishment of video connectivity among the Children's Courts, three Shisu Unnayan Kendra (Child Development Centres) and six Safe Homes in Bangladesh are under process.

Conclusion:

The Children Act, 2013 has been amended in 2018. The amendment designated the Nari-o-Shishu Nirjatan Daman Tribunal in its own jurisdiction as the Children's Court. Since the amendment, the SCSCCR started overhaul of its activities in view of the amendment. It has been the overriding mandate of the SCSCCR to ensure best interests of the children in every aspect. It will continue its journey to implement the Children Act, 2013 in Bangladesh.



Supreme Court Day 2017 & 2018

The Full Court of the Supreme Court of Bangladesh on 25 October 2017 decided to celebrate the Supreme Court day on 18 December every year. This is the day on which the Supreme Court of Bangladesh, comprising of Appellate Division and the High Court Division, under the Constitution drafted by the Constituent Assembly with guidance from our great national leader, Father of the Nation Bangabandhu Sheikh Mujibur Rahman started functioning full-fledged as the apex court of the Country.



The Honourable President of Bangladesh Mr. Md Abdul Hamid addressing at the Supreme Court Day 2017 programme (Held on 2 January, 2018)

Supreme Court is the guardian of the Constitution. It is the only institution which is empowered to interfere with the affairs of other organs of the state if they transgress their authority while carrying out their functions. It is the duty of the Supreme Court to defend the Constitution and the laws of Bangladesh, to safeguard the rights of the people and to protect the fundamental freedom of them. Therefore, the smooth functioning of the Supreme Court has direct effect upon the establishment of rule of law and maintainance of law and order in the country. Citizens would have been enslaved to the wishes of the mighty people had the Supreme Court not discharged its duty efficiently from the beginning of its journey. Therefore, it has been decided that to manifest the success of the Supreme Court, each year Supreme Court Day will be observed.

In 2017, prior to taking the decision to observe the Day, Court's working days for the whole year were fixed and 18 December fall in the last span of vacation of the Court. Hence, it was decided by the Full Court that the Supreme Court Day would be celebrated when the court opens in the next year. On the 2nd January 2018, the Supreme Court Day 2017 was held. On the occasion, the Honourable President of the Republic Mr. Md. Abdul Hamid was present as the Chief Guest. The Honourable Minister of the Ministry of Law, Justice and Parliamentary Affairs Mr. Anisul Huq MP was the Special Guest of the occasion. A special commemorative book was published on that occasion which featured the episodic evolution of the Supreme Court for several centuries.

On 18 December 2018, the Supreme Court Day has been observed for the second time. The edited bilingual version of the commemorative book has been published on that day. The Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain graced the occasion as Chief Guest, while Mr. Anisul Huq MP Honourable Minister of the Ministry of Law, Justice and Parliamentary Affairs attended the occasion as Special Guest. A special documentary film was produced and exhibited for the audience. A Souvenir Collection of memories of the former Chief Justices, former Judges of the Supreme Court, eminent lawyers of the Bar and former officials of the Supreme Court was also published.



Honourable Chief Justice Mr. Justice Syed Mahmud Hossain, Honourable Law Minister Anisul Huq MP and Honourable Members of the Supreme Court Day Observance Committee on Supreme Court Day 2018 (Observed on 18 December, 2018)



Honourable Chief Justice of Bangladesh Mr. Justice Syed Mahmud Hossain addressing at the Supreme Court Day 2018 programme (Observed on 18 December, 2018)

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*	08.11.1975 — 31.1.1978
3.	Mr. Justice Kemaluddin Hossain*	01.02.1978 — 11.4.1982
4.	Mr. Justice F.K.M. Munim*	12.04.1982 — 30.11.1989
5.	Mr. Justice Badrul Haider Chowdhury*	1.12.1989 — 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
21.	Mr. Justice Surendra Kumar Sinha	17.01.2015—11.11.2017

* 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
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

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of Death while in office. ● Performed as Additional Judge.



SL.No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
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
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 Surendra Kumar Sinha	24.10.1999	16.07.2009	10.11.2017 **
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 Sikder Maqbul Huq	24.10.1999		18.01.2010
106.	Mr. Justice Md. Abdus Salam	24.10.1999		11.01.2010
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. Muzammel Hossain	27.04.1998	16.07.2009	16.01.2015
110.	Mr. Justice Md. Abdul Wahhab Miah	24.10.1999	23.02.2011	02.02.2018
111.	Mr. Justice N. K. Chakravartty *	28.05.2000		27.05.2002●
112.	Mr. Justice A. K. M. Shafiuddin	28.05.2000		27.05.2002●

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of Death while in office. ● Performed as Additional Judge.

SL.No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
113.	Mr. Justice A. F. M. Mesbahuddin	28.05.2000		27.05.2002●
114.	Madam Justice Nazmun Ara Sultana	28.05.2000	23.02.2011	07.07.2017
115.	Mr. Justice Munsurul Haque Chowdhury	28.05.2000		27.05.2002●
116.	Mr. Justice Md. Abdul Hye (M.A. Hye)	22.02.2001		13.12.2011
117.	Mr. Justice Faruque Ahmed*	22.02.2001		30.12.2011
118.	Mr. Justice Mohammad Marzi-ul-Huq*	22.02.2001		23.09.2012
119.	Mr. Justice Md. Shamsul Huda	22.02.2001	16.05.2011	02.11.2012
120.	Mr. Justice Altaf Hossain Khan*	22.02.2001		10.07.2002□□
121.	Mr. Justice Md. Abdur Razzaque*	22.02.2001		01.09.2014
122.	Mr. Justice Sheikh Rezowan Ali	03.07.2001		31.01.2013
123.	Mr. Justice Khondker Musa Khaled	03.07.2001		02.03.2013
124.	Mr. Justice Mohammad Anwarul Haque	03.07.2001	31.03.2013	09.04.2014
125.	Mr. Justice AHM Shamsuddin Choudhury	03.07.2001	31.03.2013	02.10.2015
126.	Mr. Justice Nozrul Islam Chowdhury	03.07.2001		13.12.2015
127.	Mr. Justice Md. Nizamul Huq	03.07.2001	08.02.2016	15.03.2017
128.	Mr. Justice Syed Muhammad Dastagir Husain	03.07.2001		17.09.2018
129.	Mr. Justice Bazlur Rahman*	03.07.2001	08.02.2016	01.01.2017□□
130.	Mr. Justice Mir Hashmat Ali	29.07.2002		01.10.2012
131.	Mr. Justice Mashuque Hosain Ahmed	29.07.2002		30.11.2012
132.	Mr. Justice A.K.M. Fazlur Rahman	29.07.2002		14.01.2013
133.	Mr. Justice Siddiqur Rahman Miah	29.07.2002	31.03.2013	02.06.2013
134.	Mr. Justice Abdul Awal	29.07.2002		19.08.2013
135.	Mr. Justice Sharif Uddin Chakladar	29.07.2002		19.01.2016
136.	Mr. Justice Md. Mizanur Rahman Bhuiyan	29.07.2002		07.09.2017
137.	Mr. Justice Syed A.B. Mahmudul Huq	29.07.2002		31.12.2017
138.	Mr. Justice Abdus Salam Mamun	29.07.2002		13.02.2005●
139.	Mr. Justice Afzal Hossain Ahmed	27.04.2003		09.05.2012
140.	Mr. Justice A.F.M. Ali Asgar	27.04.2003		01.01.2015
141.	Mr. Justice Farid Ahmed	27.04.2003		03.01.2017
142.	Mr. Justice Shamim Hasnain	27.04.2003		24.04.2017
143.	Mr. Justice A. F. M Abdur Rahman	27.04.2003		04.07.2018
144.	Mr. Justice Syed Shahid-ur-Rahman	27.04.2003		20.04.2004□
145.	Mr. Justice A.T.M. Fazle Kabir	27.08.2003		01.01.2014
146.	Mr. Justice Syed Abu Kowser Md. Dabirush-Shan	23.08.2004		31.12.2011
147.	Mr. Justice Shahidul Islam	23.08.2004		01.09.2015
148.	Mr. Justice Md. Abdul Hye	23.08.2004		31.01.2016
149.	Mr. Justice Quamrul Islam Siddique*	23.08.2004		30.05.2017
150.	Mr. Justice Md. Fazlur Rahman	23.08.2004		31.01.2018
151.	Mr. Justice Nirmolendu Dhar*	23.08.2004		22.08.2006●
152.	Mr. Justice A. B. M. Hatem Ali*	23.08.2004		22.08.2006●
153.	Mr. Justice Faisal Mahmud Faizee	23.08.2004		12.07.2007**
154.	Mr. Justice Md. Delwar Hossain	16.11.2008		15.11.2010●
155.	Mr. Justice Md. Azizul Haque	16.11.2008		15.11.2010●
156.	Mr. Justice Md. Abdus Samad	16.11.2008		15.11.2010●
157.	Madam Justice Syeda Afsar Jahan	16.11.2008		15.11.2010●
158.	Mr. Justice M. Moazzam Husain	30.06.2009		31.01.2018
159.	Mr. Justice Anwarul Haque*	12.12.2010		13.07.2017□□
160.	Mr. Justice S. H. Md. Nurul Huda Jaigirdar	20.10.2011		29.11.2018
161.	Mr. Justice A.B.M. Altaf Hossain	14.06.2012		13.06.2014●
162.	Mr. Justice Farid Ahmed Shibli	12.02.2015		11.02.2017●
163.	Mr. Justice J.N. Deb Choudhury*	12.02.2015		15.12.2016□□●

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of Death while in office. ● Performed as Additional Judge.



The Registrar General of the Supreme Court of Bangladesh 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, the Supreme Court of Bangladesh (Appellate Division) Officer and Staff Appointment Rules, 2000 and the Supreme Court of Bangladesh (High Court Division) 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 function 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 regulated under direct and overall 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 appointed from Judicial Service (on deputation).
Registrar	1	2	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	9	For Appellate Division appointed from employees of Supreme Court through promotion; For the High Court Division appointed 4 from Judicial Service (on deputation) 5 from employees of Supreme Court through promotion.
Assistant Registrar	3	14	For Appellate Division appointed from employees of Supreme Court through promotion; For the High Court Division appointed 8 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 employees of Supreme Court through promotion.
PS to Registrar General	1		Appointed from Judicial Service (on deputation).
Other employees of different level	140	2099	Employees appointed by the Supreme Court.



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.



Names of the Registrar General

SL. No.	Name	Duration
1.	Mr. Syed Aminul Islam	14.06.2015-22.10.2017
2.	Mr. Dr. Md. Zakir Hossain	04.03.2018-(Onwards)

Names of the Registrar

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. Ikteder 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.	Mr. Abu Syed Diljar Hussain (High Court Division)	16.06.2015-22.10.2017
27.	Mr. Dr. Md. Zakir Hossain (Appellate Division)	16.06.2015-04.03.2018
28.	Mr. Md. Golam Rabbani (High Court Division)	In office since 31.10.2017
29.	Mr. Badrul Alam Bhuiyan (Appellate Division)	In office since 11.04.2018



Budget/Finance of the Supreme Court of Bangladesh

Parliament allocates funds for the Judiciary including the Supreme Court of Bangladesh within 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 Judges of the Supreme Court of Bangladesh and Article 88(c) of the Constitution provides that for the administrative expenses of the Supreme Court, including salary, payable to officers and staff of the Supreme Court, shall be charged upon the Consolidated Fund.

The budget allocation (Non-development and Development) For FY 2015-16 to FY 2017-18 and the allocation (Non-Development and Development) for FY 2018-19 of the Supreme Court are shown below:

Financial year		Non - Development	Development	Total
2015 - 16	Revised budget	135,02,40,000/ -	0	135,02,40,000/ -
2016 - 17	Revised budget	167,94,85,000/ -	0	167,94,85,000/ -
2017 - 18	Revised budget	169,59,54,000/ -	0	169,59,54,000/ -
2018 - 19	Revised budget	213,94,57,000/ -	0	213,94,57,000/ -

It is to be noted that the Judiciary, including the Supreme Court of Bangladesh is one of the important source of the National Budget whose revenue collection marks a notable contribution in the National Budget in each fiscal year.

The Registrar General, being the 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 Honourable Chief Justice. The Registrar General has to ensure the proper use of the allocated funds. He is also authorised to approbate 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.



Names of the Attorney - General 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	31-01-2019-(Onwords)



Office of the Attorney-General for Bangladesh



The Supreme Court Bar Association

All practicing Advocates of both the 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 to protect 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 Honourable President Mr. Justice Abu Sadat Muhammad Sayem, the first Chief Justice of Bangladesh. In both 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, 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 11 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 of 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 the Supreme Court of Bangladesh; 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 further provides 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 clearly provides 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 provides 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 empowered 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 provides 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 2018

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
2017-2018	President	Zainul Abedin
	Secretary	A.M Mahbub Uddin Khokon
2018-2019	President	Zainul Abedin
	Secretary	A.M Mahbub Uddin Khokon



Inner garden of the Main Building of the Supreme Court



Conference room of the Supreme Court



Front garden of the Supreme Court



Judges' lounge of the Supreme Court



Inner courtyard of the Main Building of the Supreme Court



Annex Building of the Supreme Court



Old High Court Building



Inside of the Old High Court Building



Sky view of the Main Building of the Supreme Court of Bangladesh.





Supreme Court of Bangladesh