



# Annual Report 2017



**Supreme Court of Bangladesh**



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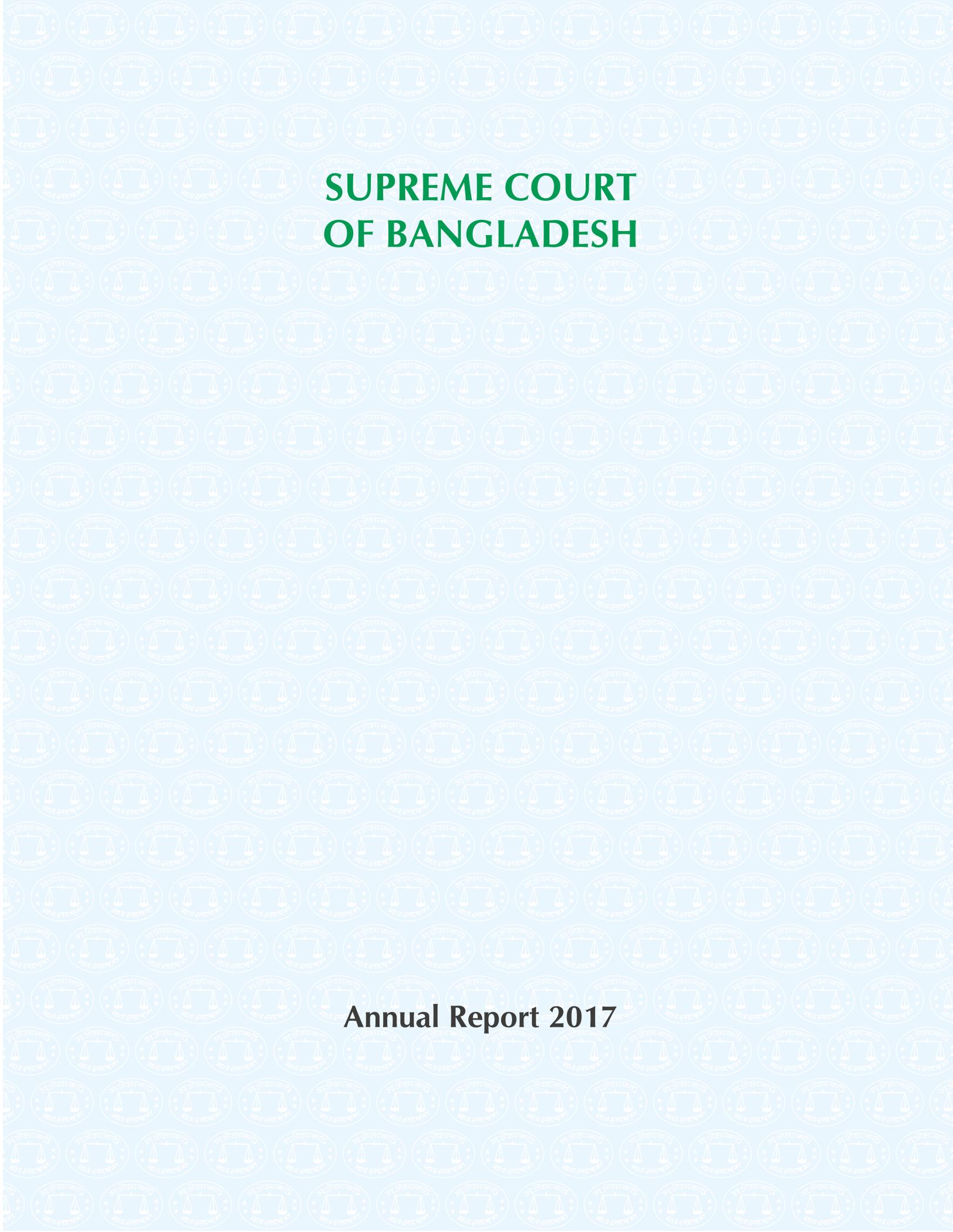
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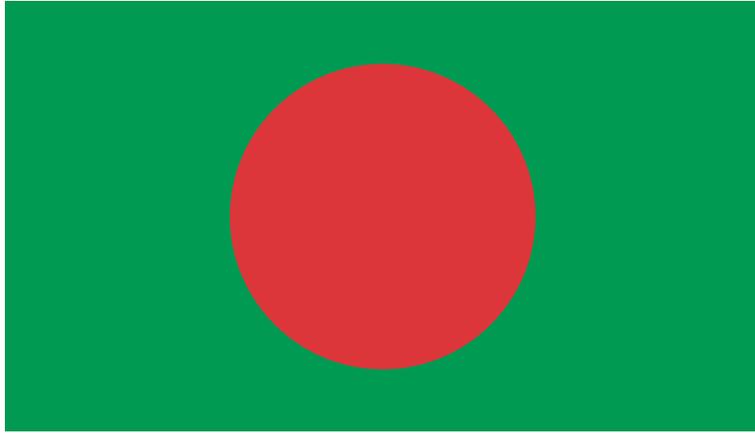
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# SUPREME COURT OF BANGLADESH

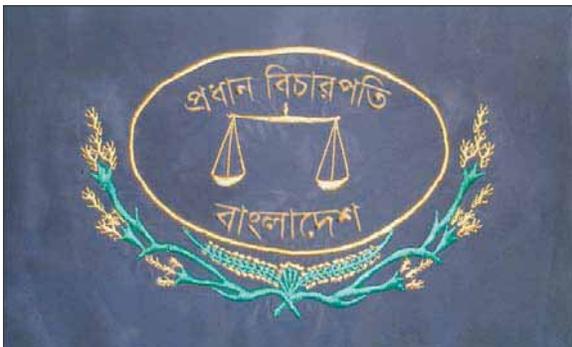
**Annual Report 2017**



National Flag of Bangladesh



Logo of the Supreme Court of Bangladesh



Flag of the Hon'ble Chief Justice of Bangladesh



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

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## Bangladesh Supreme Court at a Glance

<b>Established</b>	:	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.
<b>Authorized by</b>	:	Part VI, Chapter I of the Constitution of Bangladesh.
<b>Territorial Jurisdiction</b>	:	Whole of Bangladesh.
<b>Location/Permanent Seat</b>	:	Dhaka, the capital of the Republic.
<b>Area</b>	:	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.
<b>Composition of Court</b>	:	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.
<b>Appointment of Judges</b>	:	(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.
<b>Maximum Number of Judges in each Division during 2017</b>	:	(i) Appellate Division: 8 (Eight) Judges including the Chief Justice. (ii) High Court Division: 89 (Eighty Nine) Judges.
<b>Tenure of Office of the Judges</b>	:	Until he attains the age of 67 years; unless (i) removed by the President of the Republic on the basis of the report of the Supreme Judicial Council; or (ii) resigns his office by writing under his hand addressed to the Hon'ble President of the Republic. (Article 96 of the Constitution)
<b>Jurisdiction</b>	:	(A) The Appellate Division shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the (i) High Court Division, (ii) Administrative Appellate Tribunal, (iii) International Crimes Tribunals. An appeal to the Appellate Division from a judgment, decree, order or sentence of the High Court Division shall lie; (a) as of right where the High Court Division- (i) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or (ii) has sentenced a person to death or to imprisonment for life; or (iii) has imposed punishment on a person for contempt of that division; and in such other cases as may be provided for by Act of Parliament; 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 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.
<b>Court Rooms</b>	:	The Appellate Division : 03 (in the Main Building) The High Court Division : 22 (in the Main Building) : 33 (in the Annex Building) : 04 (in the Old Building)  Total = <b>62</b>
<b>Contact</b>	:	The Registrar General, Supreme Court of Bangladesh, Shahbagh, Dhaka-1000 Phone : (+88 02) 9562785, 9567307 Fax : (+88 02) 9565058 Website : www.supremecourt.gov.bd Email : rg@supremecourt.gov.bd



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



Court Room of the Hon'ble Chief Justice of Bangladesh



Mr. Justice Surendra Kumar Sinha  
Chief Justice of Bangladesh  
17.01.2015-11.11.2017



**Mr. Justice Md. Abdul Wahhab Miah**  
Performing the Functions of the Chief Justice of Bangladesh  
From 03.10.2017 to 02.02.2018



**Mr. Justice Syed Mahmud Hossain**  
Chief Justice of Bangladesh  
From 03.02.2018

## From the Desk of the Chief Justice of Bangladesh

Justice Syed Mahmud Hossain



Supreme Court  
Dhaka-1000.

It is a matter of great delight for me in placing before the nation, the Annual Report of the Supreme Court of Bangladesh, 2017. In fact, this is an annual mirror of the activities of the Supreme Court. It provides us an occasion to evaluate and assess our achievements and failures in delivering quality and speedy justice to all and in protecting and safeguarding the Constitution of the People's Republic of Bangladesh and upholding the rule of law despite enormous challenges and constraints.

Constitution's basic command is that every person must be accorded the dignity he or she deserves as a human being. All people must be treated fairly and equally, without discrimination because of any characteristic they were born with. The duty of the Supreme Court is to redefine the purport of the law in light of the changing social trends. We should remember the words of Justice Oliver Wendell Holmes, who noted a century ago, "The life of the law has not been logic; it has been experience." Holmes also reminded us that "the prejudices which judges share with their fellow-men" have had a great influence "in determining the rules by which men should be governed." The Constitution remains supreme, but the law changes as judges and their lines of thinking change.

The Supreme Court of Bangladesh is the guardian of the Constitution. It is also the custodian of the independence of the Judiciary and fundamental rights of the people of Bangladesh. It is axiomatic that judicial independence is the lifeblood of constitutionalism in a democratic polity like ours. The Supreme Court has been assigned the onerous task of buttressing up the confidence of the people in our judicial system. Because of the pro-active role of the Supreme Court, the confidence of the litigants has boosted in the Judiciary.

The backlog of cases is a perennial problem in our country. In the sixteenth century, the protagonist of William Shakespeare's "Hamlet" cited "law's delay" as a reason for preferring suicide to continuing his life. Thereafter in the nineteenth century, William E. Gladstone articulated: "Justice delayed is justice denied". In 1958, Chief Justice Earl Warren of the USA observed, "Interminable and unjustifiable delays in our Courts are to-day compromising the basic legal rights of countless thousands of Americans and, imperceptibly, corroding the very foundations of the constitutional Government in the United States". In our jurisdiction, it goes without saying that the backlog is a product of inadequate judge-case ratio and dearth of basic infrastructural facilities. The government will have to pull out all the stops so as to facilitate the resolution of the problem of backlog of cases. Anyway, an efficient management of judicial procedures and introduction of ICT tools in the justice delivery system of Bangladesh will hopefully improve case management and court administration and thus help reduce the backlog of cases to a significant extent. With that end in view, a five-year Strategic Plan (2017-2022) of the Supreme Court is already in place and it will pay dividends in near future.

On 2<sup>nd</sup> December, 2017, the 3<sup>rd</sup> National Judicial Conference was held in Bangabandhu International Conference Centre, Dhaka. Almost all the Judges of the higher and lower echelons of the Judiciary attended the conference. They shared their views and experiences with one



another on various niceties of law and the knowledge so gained by the subordinate court Judges through this interactive process will stand them in good stead in their discharge of judicial functions in the days to come. The conference ended with a pledge that every Judge would be a role model to render justice easier to access, simpler to comprehend and quicker to deliver. Fortunately enough, the conference was adorned by the gracious presence of the Hon'ble President of Bangladesh.

I took the oath of the office of the Chief Justice of Bangladesh on 03.02.2018. But nevertheless I have meanwhile set some priorities in gearing up the Judiciary so that it lives up to the expectations of the people with a view to fulfilling the long-cherished dreams of the millions of martyrs during the War of Liberation in 1971.

I express my heartfelt gratitude to my learned brother and sister Judges for their unremitting and ceaseless efforts to keep up judicial excellence and serve the nation with utmost dedication. I also extend my thanks to the Chairman and Members of the Editorial Committee for contributing their mite in publishing this Annual Report. Further, I appreciate the performance and service of the officers and staff of the Supreme Court Registry. Over and above, I acknowledge the assistance and co-operation rendered by the learned members of the Bar to various Benches of the Supreme Court in arriving at correct decisions.

In fine, I am of the firm conviction that the Judiciary will be able to rise to the occasion and achieve its desired goal by collective thinking, solid initiatives and concerted actions.

(Justice Syed Mahmud Hossain)  
Chief Justice of Bangladesh



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

(Left to Right) Mr. Justice Mirza Hussain Haider, Mr. Justice Syed Mahmud Hossain, Mr. Justice Hasan Foez Siddique and Mr. Justice Md. Abdul Wahhab Miah, Mr. Justice Nazmun Ara Sultana, Madam Justice Imman Ali, Mr. Justice Md. Nizamul Huq



Members of the Editorial Committee for Bangladesh Supreme Court Annual Report, 2017

(Left to Right) Mr. Justice Obaidul Hassan, Mr. Justice Md. Ashfaquul 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





Honorable Justice Syed Mahmud Hossain is being sworn in as the 22<sup>nd</sup> Chief Justice of Bangladesh by the Honorable President of Bangladesh on 03.02.2018



Honorable Chief Justice Syed Mahmud Hossain along with Honorable Judges of the Appellate Division of the Supreme Court are paying tribute to the Martyrs at National Mausoleum at Savar



Eight Honorable Judges of the High Court Division with Honorable Chief Justice of Bangladesh Mr. Justice Surendra Kumar Sinha after their confirmatory oath on 12.02.2017



***Profile of  
the Hon'ble Chief Justices of Bangladesh and  
Hon'ble Judges of the Appellate Division of the  
Supreme Court of Bangladesh***





## Mr. Justice Surendra Kumar Sinha

Chief Justice of Bangladesh

(17.01.2015-11.11.2017)

Father's name : Late Lalit Mohan Sinha

Mother's name : Dhanabati Sinha

Date of birth : 01.02.1951

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

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

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

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

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

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



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

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

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

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

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

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

In 2016 He attended 10th Chief Justices, 13th SAARCLAW from March 04 to March 07, 2016 in Nepal. He also attended the "Effective Adjudication of Terrorism Cases Conference" held in United Nations Security Council, New York, USA and placed a remarkable contribution in the discussion concerning counter-terrorism. He attended 19th Annual International Judicial Conference from May 18 to May 21, 2016 in USA. He also attended 29th LAWASIA Conference and Golden Jubilee Celebration in Sri Lanka and made a very significant speech. He also attended 3rd Asian Judges Symposium on Environment from 16 to 28 September, 2016 in Philippines. He joined Bangladesh Law Society In the USA. Inc's program and National Initiative towards strengthening Arbitration and Enforcement in India from 14 to 25 October, 2016 held in USA & India respectively. He also attended the Conference "The 2nd China South Asia Legal Forum" arranged by China Law Society from 14 October to 13 to 17 December, 2016 in China.

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



### Mr. Justice Md. Abdul Wahhab Miah

(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 Bangladesh Supreme Court in 1974, 1976 and 1982 respectively. Also enrolled as a Senior Advocate in the Appellate Division in 1999.

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

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

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



### Madam Justice Nazmun Ara Sultana

Father's name : Late Chowdhury Abul Kashem Moinuddin

Mother's name : Late Begum Rashida Sultana Deen

Date of birth : 08.07.1950

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

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

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

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

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





**Mr. Justice Syed Mahmud Hossain**  
(Assumed Office of the Chief Justice of Bangladesh  
on 03.02.2018)

Father's name : Syed Mustafa Ali  
Mother's name: Begum Kawsar Jahan  
Date of birth : 31.12.1954

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

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

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

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

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



## Mr. Justice Muhammad Imman Ali

Father's name : Israil Ali

Mother's name : Alifjan Bibi

Date of birth : 01.01.1956

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

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

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

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

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

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

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

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

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

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

Participated in training of trainers on child rights for Judges in the Maldives in December 2017.

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

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



## Mr. Justice Hasan Foez Siddique

Father's Name : Late Abdul Gofur Mollah

Mother's Name : Noorjahan Begom

Date of Birth : 26.09.1956

Obtained M.A., LL.B.

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

Acted as Legal 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 Bangladesh Supreme Court in the Year 1979, 1981 and 1999 respectively.

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

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

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, Malaysia, Maldives, Nepal, the Philippines, Saudi Arabia, Singapore, South Korea, Sri Lanka, Thailand, United Kingdom, United States of America and Uzbekistan.



### Mr. Justice Md. Nizamul Huq

Father's Name : Late Nurul Huq

Mother's Name : Late Asia Khatun

Date of Birth : 15.03.1950

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

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

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

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

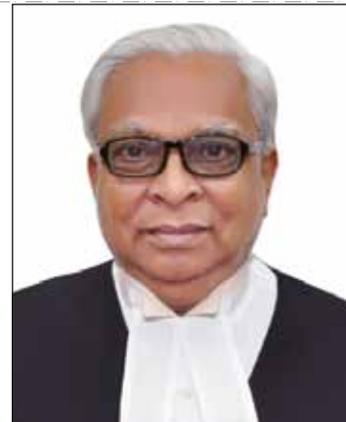
Participated in the training programmers held in IALS London University on preventive detention law in 1993 The Hague, Netherlands on higher studies of International Laws in 1994.

Attended Malaysia trial court as an International observer 8 (eight) times. Attended seminar and workshop in India, Sri Lanka, Thailand, Nepal in different forums on refugee law, minority rights, preventive detention law, human rights including family child and labour rights.

Visited Singapore, France, Belgium, Luxemburg, Germany. Visited Cambodia to meet Judges, Prosecutors of Extra Ordinary Criminal Court of Cambodia (ECCC) in 2011.

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

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





Honorable Judges of the Supreme Court are taking part in “*Provat ferri*” being led by the Honorable Chief Justice of Bangladesh Mr. Justice Surendra Kumar Sinha to the Shaheed Minar on 21<sup>st</sup> February 2017 to place floral wreath at its altar



Honorable Judges of the Supreme Court of Bangladesh are seen taking part in prayers before a blood donation programme organised in the Supreme Court premises on the National Mourning Day 2017 (15.08.2017)



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





Court No. Main-8 of the High Court Division



### Mr. Justice Syed Muhammad Dastagir Husain

Father's name : Late Justice Syed A.B. Mahmud Husain  
Former Chief Justice of Bangladesh

Mother's name : Late Sufia Begum

Date of birth : 18.09.1951

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

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

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

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

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



### Mr. Justice Md. Mizanur Rahman Bhuiyan

Father's name : Late Muzibur Rahman Bhuiyan

Mother's name : Late Altafunnessa Begum

Date of birth : 07.09.1950

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

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



### Mr. Justice Syed A.B. Mahmudul Huq

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

Mother's name : Late Begum Syeda Mahmuda

Date of birth : 31.12.1950

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

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

Visited Saudi Arabia, India and Singapore.



### Mr. Justice Tariq ul Hakim

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

Mother's name : Nessima Hakim

Date of birth : 20.09.1953

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

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

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

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





## Madam Justice Salma Masud Chowdhury

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

Mother's name : Mrs. Aminun Nesa Khatun

Date of birth : 13.12.1957

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

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

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

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

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

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



## Mr. Justice Farid Ahmed

Father's name : Late Sultan Ahmed

Mother's name : Late Sabera Begum

Date of birth : 03.01.1950

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

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



## Mr. Justice Shamim Hasnain

Father's name : M. A. Basir

Mother's name : Zeenat Ara

Date of birth : 24.04.1950

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

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

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



## Mr. Justice A.F.M. Abdur Rahman

Father's name : Late Dr. Abdul Gaffer Khan

Mother's name : Late Mosammat Mohsena Begum

Date of birth : 05.07.1951

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

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

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

Participated in the International 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 Bangladesh Supreme Court 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 Dhaka University and Ph.D. from World University, Benson, ARIZONA, U.S.A.

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

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

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

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



### Madam Justice Zinat Ara

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

Mother's name : Late Begum Ayesha Siddiqui

Date of birth : 15.03.1953

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

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

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

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

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



## Mr. Justice Muhammad Abdul Hafiz

Father's name : Al-haj Muhammad Abdul Jabbar

Mother's name : Rabeya Khanam

Date of birth : 01.06.1957

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

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

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

Participated in a Judicial Training Program in Korea.



## Mr. Justice Syed Refaat Ahmed

Father's name : Late Barrister Syed Ishtiaq Ahmed

Mother's name : Dr. Sufia Ahmed

Date of birth : 28.12.1958

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

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

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

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

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

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

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





### Mr. Justice Md. Miftah Uddin Choudhury

Father's name : Md. Abdul Ahad Choudhury

Mother's name : Rigia Begum Choudhury

Date of birth : 26.07.1955

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

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

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

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

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



### Mr. Justice A.K.M. Asaduzzaman

Father's name : Late M. A. Samad

Mother's name : Majeda Khatun

Date of birth : 01.03.1959

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

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

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

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

Visited India, Nepal, Bhutan, Sri Lanka, Singapore, China, Hong Kong, Macao, Malaysia, 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).

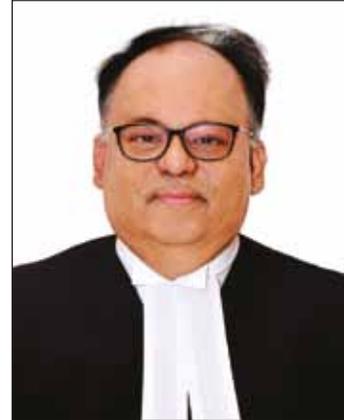
Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in 1983 and 1985 respectively.

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

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

Visited 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, Netherlands, Czech Republic, Indonesia, Malaysia, Singapore, Thailand, Pakistan, Nepal, Bhutan, UAE and Kingdom of Saudi Arabia.



## Mr. Justice Zubayer Rahman Chowdhury

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

Mother's name : Begum Sitara Chowdhury

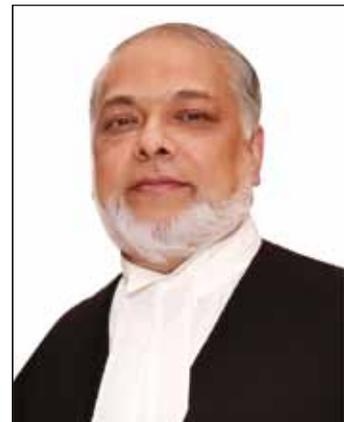
Date of birth : 18.05.1961

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

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

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

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





## Mr. Justice Quamrul Islam Siddique

Father's name : Late Moulvi Abdul Wahhab Siddiqui

Mother's name : Late Mrs. Badrunessa Siddiqui

Date of birth : 30.05.1950

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

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

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

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

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



## Mr. Justice Md. Fazlur Rahman

Father's name : Late Mr. Rahim Baksha

Mother's name : Late Most. Fatema Begam

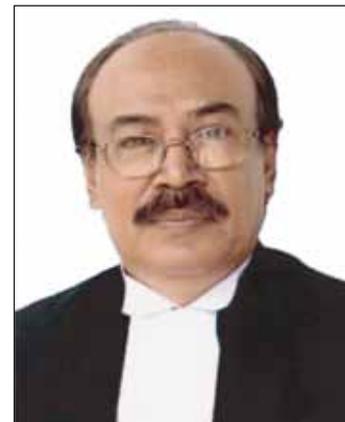
Date of birth : 01.02.1951

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

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

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

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



## Mr. Justice Moyeenul Islam Chowdhury

Father's name : Late Mr. Abdul Fattah Chowdhury

Mother's name : 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

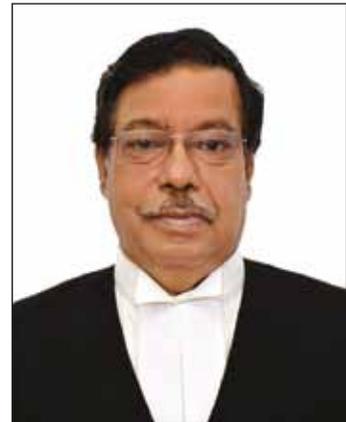
Date of birth : 01.10.1953

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

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

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

Visited India, Malaysia, Thailand, the Philippines, Singapore, 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 Bangladesh Supreme Court on 22.08.1981 and 03.11.1983 respectively.

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

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



### Mr. Justice Md. Emdadul Haque Azad

Father's name : Late Advocate Abul Kalam Azad

Mother's name : Late Jainab Azad

Date of birth : 16.10.1956

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

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

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



## Mr. Justice Md. Ataur Rahman Khan

Father's name : Late Mr. Abdul Gaffar Khan

Mother's name : Mrs. Amena Khanam

Date of birth : 01.12.1957

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

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

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

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



## Mr. Justice Syed Md. Ziaul Karim

Father's name : Late Syed Abdul Malek

Mother's name : Late Anowara Begum

Date of birth : 12.12.1957

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

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

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

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

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

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





### Mr. Justice Md. Rezaul Haque

Father's name : Late Md. Tazimul Hossain

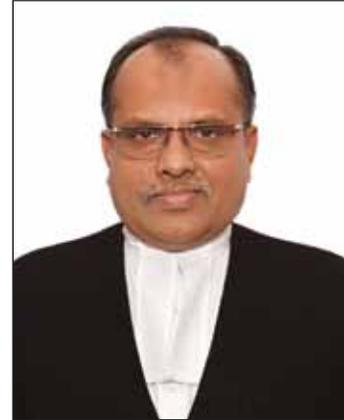
Mother's name : Mrs. Umme Kulsum Hossain

Date of birth : 24.04.1960

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

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

Visited India, Nepal and Thailand.



### Mr. Justice Sheikh Abdul Awal

Father's name : Late Sheikh Yousuff Ali

Mother's name : Late Saleha Begum

Date of birth : 04.06.1960

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

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

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

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



## Mr. Justice S.M. Emdadul Hoque

Father's name : Late Alhaj Mohammad Moslem Uddin Sarder

Mother's name: Late Zobayda Akter

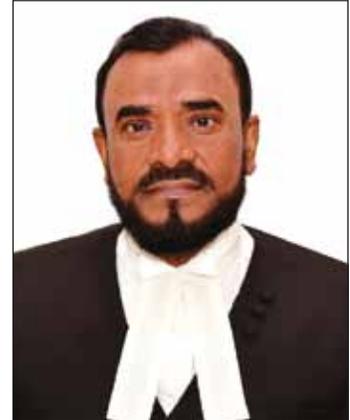
Date of birth : 07.11.1963

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

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

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

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



## Mr. Justice Mamnoon Rahman

Father's name : Late Advocate Rezaur Rahman

Mother's name : Late Afsari Rahman

Date of birth : 09.12.1965

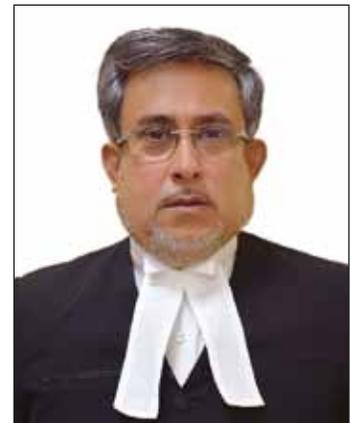
Obtained LL.B. (Hons) and LL.M. from the University of Dhaka.

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

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

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

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





## Madam Justice Farah Mahbub

Father's name : Mahbubur Rahman

Mother's name : Mrs. Feroja Mahbub

Date of birth : 27.05.1966

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

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

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

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



## Mr. Justice A.K.M. Abdul Hakim

Father's name : Late Al-Haj Abdul Hamid

Mother's name : Late Roushan-Ara-Begum

Date of birth : 19.12.1954

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

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

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



## Mr. Justice Borhanuddin

Father's name : Late Advocate Abdus Sabur

Mother's name : Late Momtaz Sabur

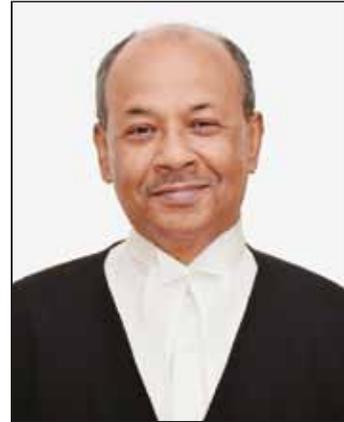
Date of birth : 28.02.1957

Obtained LL.B. from the University of Chittagong.

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

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

Visited India, China, Kingdom of Thailand, Singapore, Malaysia, Saudi Arabia, Bhutan, 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 Bangladesh Supreme Court in the year 1977, 1982 and 2001 respectively.

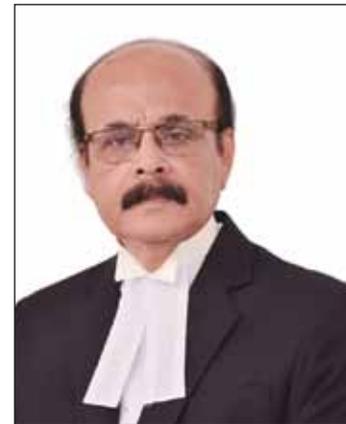
Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

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

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

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

Visited India, UK, France, Netherlands and Belgium.





### Mr. Justice Soumendra Sarker

Father's name : Late Mr. Sitanath Sarker

Mother's name : Late Mrs. Parimal Sarker

Date of birth : 31.10.1953

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

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

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

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

Visited India, Bhutan, Thailand and United Kingdom.



### Mr. Justice Abu Bakar Siddiquee

Father's name : Late Abdul Gofur Mollah

Mother's name : Late Noor Zahan Begum

Date of birth : 29.07.1954

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

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

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

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

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

Visited Macca and Madina for performing Hajj.



## Mr. Justice Md. Nuruzzaman

Father's name : Late Hazi Md. Bazlur Rahman

Mother's name : Late Alhaj Amena Begum

Date of birth : 01.07.1956

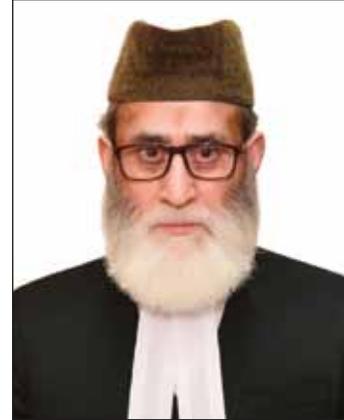
Obtained M.S.S. and LL.B. Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 04.09.1983 and 07.01.1987 respectively.

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

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

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

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



## Mr. Justice Md. Moinul Islam Chowdhury

Father's name : Late Alhaj Nurul Islam Chowdhury

Mother's name : Late Alhaj Jahanara Chowdhury

Date of birth : 07.04.1957

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

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

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

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

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





## Mr. Justice Obaidul Hassan

Father's name : Dr. Akhlaqul Hossain Ahmed

Mother's name : Begum Hosneara Hossain

Date of birth : 11.01.1959

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

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

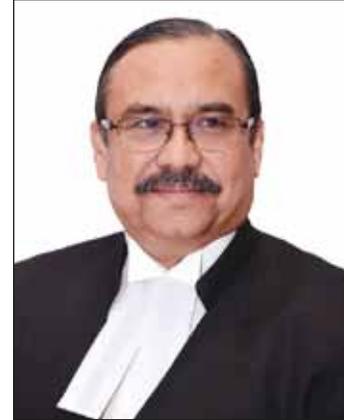
Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011. During 23.03.2012 to 12.12.2012 and 13.12.2012 to 15.09.2015 worked as member and Chairman respectively of International Crimes Tribunal-2.

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

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

And also 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, Netherlands, Belgium, Argentina, United Kingdom and Switzerland.



## Mr. Justice M. Enayetur Rahim

Father's name : M. Abdur Rahim

Mother's name : Mrs. Nazma Rahim

Date of birth : 11.08.1960

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

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

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

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

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

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

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

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



## Madam Justice Naima Haider

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

Mother's name : Mrs. Anwara Haider

Date of birth : 19.03.1962

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

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

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

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

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

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



## Mr. Justice Md. Rezaul Hasan (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 Bangladesh Supreme Court on 03.03.1985, 17.06.1989 and 21.07.2004 respectively.

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

Author of the "Index of Bangladesh Laws"; 1st edition 1992 and 2nd edition in 2004, with a foreword written by Hon'ble Mr. Justice Mustafa Kamal, the former Hon'ble Chief Justice of Bangladesh, and the 3rd edition published in 2014.

Copies of these books are preserved in the Libraries of 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 (twice), 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 University of Dhaka.

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

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

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

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

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



### Mr. Justice Md. Shawkat Hossain

Father's name : Late Abdus Subhan

Mother's name : Late Sahida Begum

Date of birth : 10.01.1953

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

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

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

Visited London, Scotland, Indonesia and Australia.



## Mr. Justice F.R.M. Nazmul Ahasan

Father's name : Late Md. Anwar Hossain

Mother's name : Mrs. Jahanara Begum

Date of birth : 15.02.1955

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

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

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

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

Visited Russia, Vietnam, India, Nepal and Thailand.



## Madam Justice Krishna Debnath

Father's name : Late Sree Dinesh Chandra Debnath

Mother's name : Sreemoti Benu Debnath

Date of birth : 10.10.1955

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

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

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

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





### **Mr. Justice A.N.M. Bashir Ullah**

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

Mother's name : Most. Jamila Khatun

Date of birth : 31.03.1956

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

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

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



### **Mr. Justice Abdur Rob**

Father's name : Late Din Mohammad Mia

Mother's name : Mst. Safia Khatun

Date of birth : 10.09.1958

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

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

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



## Mr. Justice Quazi Reza-ul Hoque

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

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

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

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

Has a number of publications to his credit.



## Mr. Justice Md. Abu Zafor Siddique

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

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

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

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

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

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





### Mr. Justice A.K.M. Zahirul Hoque

Father's name : Late Alhaj Abdur Rashid Howlader

Mother's name : Late Mrs. Safura Khatun

Date of birth : 31.01.1959

Obtained B.Sc. and LL.B.

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

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

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

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



### Mr. Justice Jahangir Hossain

Father's name : Late Md. Abdul Latif

Mother's name : Late Ms. Masuda Khatun

Date of birth : 31.12.1959

Obtained M. Com. and LL.B.

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

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

Participated in SAARC Law Conference in Delhi (1995).

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



## Mr. Justice Sheikh Md. Zakir Hossain

Father's name : Late Kanchan Sheikh

Mother's name : Late Noorjahan Begum

Date of birth : 02.03.1962

Obtained LL.B. from University of Dhaka.

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

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



## Mr. Justice Md. Habibul Gani

Father's name : Alhaj Jahurul Huq Chowdhury

Mother's name : Late Julekha Begum

Date of birth : 31.05.1962

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

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

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

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

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





## Mr. Justice Gobinda Chandra Tagore

Father's name : Late Gurubar Tagore

Mother's name : Madhumala Tagore

Date of birth : 15.05.1963

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

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

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

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



## Mr. Justice Sheikh Hassan Arif

Father's name : Faizur Rahman

Mother's name : Hosne Ara Begum

Date of birth : 20.04.1967

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

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

Justice Arif did his LL.B. and M.S.S from the University of Chittagong, LL.B. (Honors) from the University of Wolverhampton, UK and Postgraduate Diploma in Professional and Legal Skills from the then 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

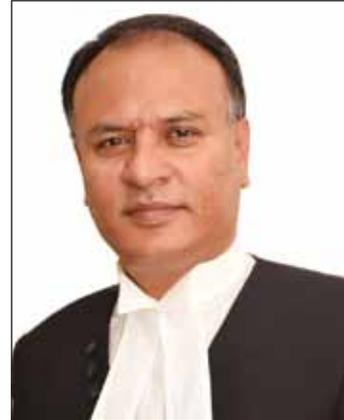
Date of birth : 10.01.1968

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

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

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

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



## Mr. Justice Md. Ruhul Quddus

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

Mother's name : Late Rahela Khatun

Date of birth : 07.12.1962

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

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

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

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

Visited India, Nepal, Ukraine and USA.





### Mr. Justice Md. Khasruzzaman

Father's name : Md. Shamsul Haque

Mother's name : Saria Begum

Date of birth : 28.10.1968

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

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

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

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

Visited India and Malaysia.



### Mr. Justice Farid Ahmed

Father's name : Late Md. Mahar Ali

Mother's name : Late Bana Bibi

Date of birth : 01.01.1960

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

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

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

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



## Mr. Justice Md. Nazrul Islam Talukder

Father's name : Late Sajibuddin Talukder

Mother's name : Late Sahidan Bibi

Date of birth : 01.12.1964

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

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

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

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

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



## Mr. Justice Bhabani Prasad Singha

Father's name : Late Sudhir Chandra Singha

Mother's name: Late Brishabhnanu Rajkumari

Date of birth : 08.08.1953

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

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

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

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

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

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

Visited India.





## Mr. Justice Anwarul Haque

Father's name : Late A.K.M. Zahirul Haq  
Mother's name : Late Razia Khatoon  
Date of birth : 01.08.1956

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

Enrolled as an Advocate of the District Court on 15.11.1980.

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

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

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

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

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

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

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



## Mr. Justice Md. Akram Hossain Chowdhury

Father's name : Md. Belayet Hossain Chowdhury  
Mother's name : Begum Shamsunnahar  
Date of birth : 25.04.1959

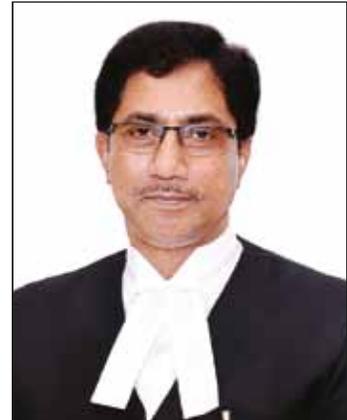
Obtained LL.B. from Dhaka University.

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

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

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

Visited India, Bhutan, 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

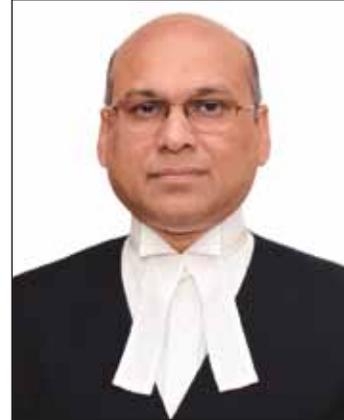
Obtained M. Com. in Management and LL.B. from University of Dhaka.

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

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

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

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



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

Father's name : Late Abdun Noor Jaigirdar

Mother's name : Saleha Khatun

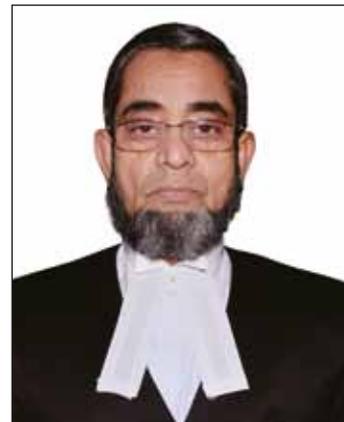
Date of birth : 30.11.1951

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

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

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

Visited India, Pakistan, France, UK, Australia, the Philippines, 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 University of Rajshahi, LL.B. (Hons.) from University of Wolverhampton, U.K., Barrister-at-law, Lincoln's Inn, London, U.K.

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

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

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



### Mr. Justice Md. Mozibur Rahman Miah

Father's name : Late Md. Yusuf Ali Miah

Mother's name : Late Most. Sharifa Khatun

Date of birth : 04.07.1965

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

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

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

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

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

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

Visited India, Singapore, Malaysia and Thailand.



## Mr. Justice Mustafa Zaman Islam

Father's name : Late Muzaharul Islam

Mother's name : Rokeya Khaton

Date of birth : 10.02.1968

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

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

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

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

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

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

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



## Mr. Justice Mohammad Ullah

Father's name : Late Shakhawat Ullah

Mother's name : Mst. Afrazunnessa

Date of birth : 18.03.1970

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

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

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

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





### 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 Bangladesh Supreme Court on 01.04.1995, 07.03.1996 and 24.08.2010 respectively.

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

Visited USA, UK, Switzerland, France, Germany, Italy, India, Pakistan, Thailand, 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. (DU). Ex BCS (Judicial).

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

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

Visited India, UK, Thailand, 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 University of Dhaka.

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

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

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



### Mr. Justice Md. Jahangir Hossain

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

Mother's name : Sakhina Begum

Date of birth : 01.02.1959

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

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

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

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

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

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

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





### Mr. Justice Abu Taher Md. Saifur Rahman

Father's name : Md. Abdul Jabber Sarker

Mother's name : Mrs. Umme Salma Khatun

Date of birth : 31.12.1966

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

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

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

Visited UK and India.



### Mr. Justice Ashish Ranjan Das

Father's Name : Late Jogesh Chandra Das

Mother's Name : Late Gayatri Das

Date of Birth : 29.01.1958

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

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 Chittagong University.

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

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

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



## Mr. Justice Md. Badruzzaman

Father's Name : Late Md. Sadar Uddin Mondal

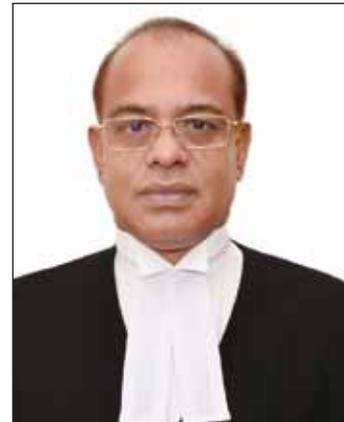
Mother's Name : Mrs. Sahar Banu

Date of Birth : 06.09.1969

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

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

Visited India, Nepal, UK, USA, UAE 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 University of Dhaka and LL.B. (Hons) from London Metropolitan University, UK & Bar Vocational Course (BVC), BPP Professional School, London, UK.

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

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

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

Visited United Kingdom and United Arab Emirates.



### Mr. Justice Kazi Md. Ejarul Haque Akondo

Father's Name : Late Md. Ismail Hossain Akondo

Mother's Name : Most. Hasina Begum

Date of Birth : 24.05.1971

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

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

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

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

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





## Mr. Justice Md. Shahinur Islam

Father's Name : Late Md. Serajul Islam

Mother's Name : Late Shammsun Nahar Islam

Date of Birth : 07.04.1958

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

Elevated as Additional Judge of the High Court Division on 05.08.2013 and later on re-appointed as a Member of International Crimes Tribunal-2. He was appointed Judge of the High Court Division on 05.08.2015. He served as a Member of International Crimes Tribunal-1 [ICT-1] since 15.09.2015 and being appointed on 11.10.2017 now he has been serving as its Chairman.

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

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



## 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

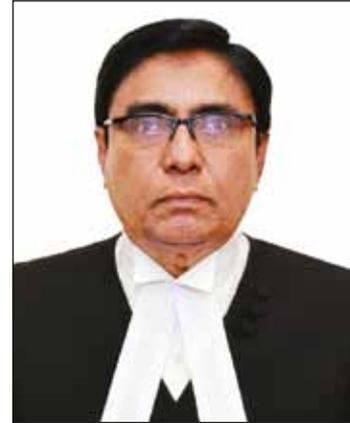
Mother's Name : Late Foyezun Nesa Begum

Date of Birth : 12.07.1955

Obtained B.A. (Hon's) in Education, and LL.B. degree from the University of Chittagong. Joined the Judicial service as Munsif (now 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, Chittagong; District and Sessions Judge, Potuakhali and Metropolitan Sessions Judge, Chittagong.



### Mr. Justice Farid Ahmed Shibli

Father's Name : Late Modoris Khan

Mother's Name : Mrs. Saleha Khanom

Date of Birth : 07.12.1956

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

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

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





### Mr. Justice Amir Hossain

Father's Name : Alhaj Abdus Samad

Mother's Name : Alhaj Syedunnesa

Date of Birth : 30.11.1957

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

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



### Mr. Justice Khizir Ahmed Choudhury

Father's Name : Aklakul Ambia Choudhury

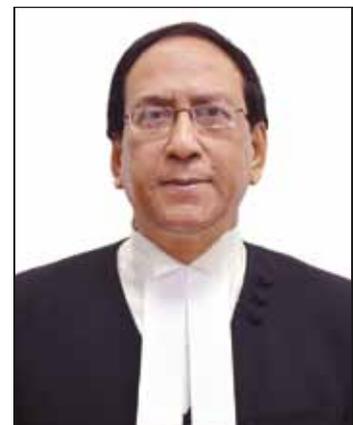
Mother's Name : Jahanara Khanom Choudhury

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, Netherlands, Malaysia, Indonesia, Thailand, India, Nepal, Bhutan, Singapore, Vietnam, UAE, U.S.A. and Canada.





### Mr. Justice Razik-Al-Jalil

Father's Name : Late Justice Md. Abdul Jalil

Mother's Name : Late Syeda Hazera Jalil

Date of Birth : 22.11.1962

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

Elevated as Additional Judge of the High Court Division on 12.02.2015 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. (Hon's) and LL.M. from University of Dhaka. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 11.10.1993, 28.01.1995 and 24.08.2010 respectively.

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

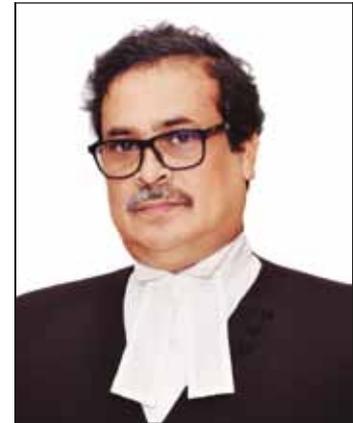
Date of Birth : 10.11.1967

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

Elevated as Additional Judge of the High Court Division on 12.02.2015 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, Philippines, Mexico, USA, Germany, Swaziland, Australia, Canada, Hong Kong, Finland, Sweden, Switzerland, Turkey, Maldives.



### Mr. Justice Md. Salim

Father's Name : Late Md. Jamal Uddin

Mother's Name : Late Asiyeh Khanum

Date of Birth : 11.09.1969

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

Elevated as Additional Judge of the High Court Division on 12.02.2015 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 Maldives, 2010.

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

He participated in Workshops on "Labour Law" conducted by (I.L.O) Department of Justice.

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

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

Visited Canada, India, Maldives, Nepal, Singapore, U.A.E. 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. (Hon's) and LL.M. from University of Dhaka. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 16.08.1994, 29.09.1996 and 23.10.2014 respectively.

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

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

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



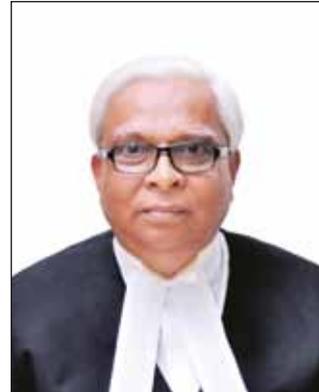


## JUDGES WHO RETIRED IN 2017

### Appellate Division



Madam Justice Nazmun Ara Sultana  
(Retired on 07.07.2017)



Mr. Justice Md. Nizamul Huq  
(Retired on 14.03.2017)

### High Court Division



Mr. Justice Md. Mizanur  
Rahman Bhuiyan  
(Retired on 06.09.17)



Mr. Justice Syed A. B.  
Mahmudul Huq  
(Retired on 30.12.17)



Mr. Justice Farid Ahmed  
(Retired on 02.01.17)



Mr. Justice Shamim  
Hasnain  
(Retired on 23.04.17)



Mr. Justice Quamrul  
Islam Siddique  
(Retired on 29.05.17)



## We Mourn



**Mr. Justice Latifur Rahman**  
Former Chief Justice of Bangladesh  
Died on 06.06.2017



**Mr. Justice M. M. Ruhul Amin**  
Former Chief Justice of Bangladesh  
Died on 17.01.2017



**Mr. Justice Kazi A. T. Monowaruddin**  
Appellate Division, Supreme Court of Bangladesh  
Died on 15.07.2017



**Mr. Justice Anwarul Haque**  
High Court Division, Supreme Court of Bangladesh  
Died on 13.07.2017

We deeply mourn the sad demise of **Mr. Justice Latifur Rahman, Mr. Justice M. M. Ruhul Amin, Mr. Justice Kazi A. T. Monowaruddin** and **Mr. Justice Anwarul Haque** and pray to the Almighty for peace of their departed souls.



## The Supreme Court of Bangladesh

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

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

### History of Higher Judiciary in the Territory of Bangladesh:

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

### Use of Distinctive Flag by Judges:

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

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

### Supreme Court under the Constitution of Bangladesh:

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

LR-23/57

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

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

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

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

Karachi, the 31<sup>st</sup> August, 1957.

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

Sir,

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

Your obedient servant,  
Sd/- Illegible

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

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

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

### Functions of the Supreme Court:

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

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

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

### Appointment and Removal of Judges:

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

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

The Appellate Division of the Supreme Court of Bangladesh has 8 (Eight) judges including the Chief Justice and the High Court Division has 89 (Eighty Nine) judges.



The Editorial Committee of 2016 poses for a photograph with the Honorable President of Bangladesh after handing over Annual Report, 2016 of Supreme Court of Bangladesh to him

Hon'ble Mr. Justice Md. Abdul Wahhab Miah,  
Performing the Functions of the Chief Justice of  
Bangladesh and Hon'ble Judges of the High Court  
Division of the Supreme Court of Bangladesh, 2017



## Jurisdiction of the Supreme Court

The jurisdiction of the Supreme Court of Bangladesh has been provided for in the Constitution of the People's Republic of Bangladesh. Article 94(1) of the Constitution provides that there shall be Supreme Court for Bangladesh comprising the Appellate Division and the High Court Division. These two Divisions of the Supreme Court have separate jurisdictions. The sources of 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 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 27.08.2017 and ended on 02.10.2017) fifteen Honorable Judges, appointed by the Hon'ble Chief Justice, inspected all Courts and Tribunals in 30 Districts.

**The table below shows the names of the Districts in which District and Sessions Judge Court and Courts subordinate to it (including Chief Judicial Magistrate Court), and various Tribunals were inspected by the Hon'ble Judges of the High Court Division in 2017:**

SL.	Names of the Honorable Judges	Names of the Districts
1.	Madam Justice Salma Masud Chowdhury	Tangail
2.	Madam Justice Zinat Ara	Habiganj and Moulvibazar
3.	Mr. Justice Moyeenul Islam Chowdhury	Sylhet and Sunamganj
4.	Mr. Justice Md. Ataur Rahman Khan	Sirajganj and Bogra
5.	Mr. Justice Syed Md. Ziaul Karim	Barisal, Jhalokathi and Bhola
6.	Mr. Justice Md. Rezaul Haque	Noakhali
7.	Mr. Justice Md. Shawkat Hossain	Nilphamari, Gaibandha and Kurigram
8.	Mr. Justice A.N.M. Bashir Ullah	Joypurhat and Lalmonirhat
9.	Mr. Justice Md. Abu Zafor Siddique	Khulna and Bagerhat
10.	Mr. Justice Md. Nazrul Islam Talukder	Rajbari, Shariatpur and Madaripur
11.	Mr. Justice Bhabani Prasad Singha	Lakshmipur and Feni
12.	Mr. Justice Md. Akram Hossain Chowdhury	Chuadanga and Meherpur
13.	Mr. Justice K. M. Kamrul Kader	Patuakhali and Faridpur
14.	Mr. Justice Md. Mozibur Rahman Miah	Manikganj
15.	Mr. Justice Mustafa Zaman Islam	Munshiganj and Brahmanbaria

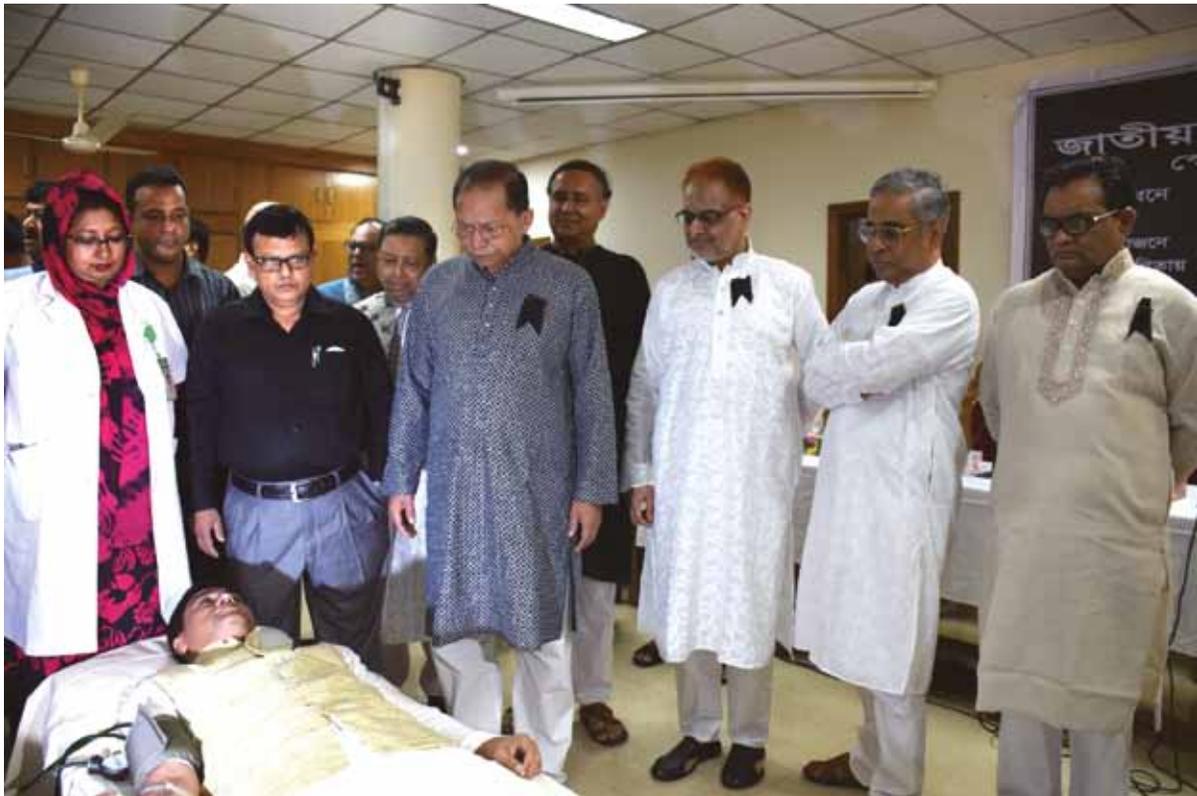
- f. **Transfer of cases from subordinate Courts to the High Court Division:** Under Article 110 of the Constitution if the High Court Division is satisfied that a case pending in a Court subordinate to it involves a substantial question of law as to the interpretation of the Constitution, or on a point 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.



A Blood Donation Program was organized at the Supreme Court of Bangladesh on National Mourning Day 2017



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

### Full Court Meeting:

Four Full Court Meetings of the Supreme Court were held in the year 2017 on 05.03.2017, 25.05.2017, 25.10.2017 and on 12.12.2017 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. The Full Court also approved the proposed amendments to the Criminal Rules and Orders (Practice and Procedure of Subordinate Courts), 2009 and took decision to observe Supreme Court Day each year on 18th December as on that day in 1972 the apex Court commenced functioning under the Constitution of Bangladesh.

**General Administration (G.A.) Committee Meetings:** As many as eight G.A Committee meetings were held in 2017 on 15.01.2017, 23.02.2017, 02.04.2017, 24.05.2017, 13.07.2017, 09.08.2017, 29.10.2017 and on 07.12.2017. Full Court Meetings and G.A Committee meetings were presided over by the Honorable Chief Justice of Bangladesh.

**Different Committees of the Supreme Court:** Different Committees of the Supreme Court comprised of Honorable Judges of the both Divisions and of the Officers of the Supreme Court have been formed, reconstituted and convened to accomplish different functions necessary for smooth running of the Courts and administration in the year 2017. Some of the Committees and their composition along with the task assigned to them have been discussed below:

- **The Supreme Court of Bangladesh (Appellate Division) Rules 1988 Amendment Committee:** The Committee is entrusted with the responsibility of revising the existing Appellate Division Rules. The members of the Committee are:
  - (1) Mr. Justice Md. Abdul Wahhab Miah
  - (2) (4) Madam Justice Nazmun Ara Sultana (up to 07.07.2017)
  - (3) Mr. Justice Syed Mahmud Hossain
- **General Administration Committee (G.A. Committee):** The G.A Committee consists of the Chief Justice and not more than three Judges as the Chief Justice may appoint from time to time. The Committee for 2017 is as follows:
  1. Mr. Justice Surendra Kumar Sinha, Honorable Chief Justice
  2. Mr. Justice Md. Abdul Wahhab Miah, Honorable Judge, Performing the functions of the Chief Justice (Started presiding over in the meeting from 29.10.2017)
  3. Mr. Justice Syed Muhammad Dastagir Husain (Discharged duties up to the meeting held on 24.05.2017)
  4. Madam Justice Zinat Ara (Discharged duties up to the meeting held on 02.04.2017)
  5. Mr. Justice Md. Ashfaquul Islam (Started discharging duties from the meeting held on 13.07.2017)
  6. Mr. Justice Soumendra Sarker (Started discharging duties from the meeting held on 13.07.2017)
  7. Mr. Justice Md. Nuruzzaman (Started discharging duties from the meeting held on 13.07.2017)
  8. Mr. Justice Obaidul Hassan (Discharged duties up to the meeting held on 24.05.2017)

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



(1) The G.A Committee shall be in charge of the superintendence and control over the affairs of all Courts and Tribunals subordinate to the High Court Division, so far as such superintendence and control are exercised otherwise than judicially.

(2) The G.A Committee shall have power, without reference to the Full Court:

- (a) to dispose of all correspondence relating to its business, urgent in its nature and not of general importance;
- (b) to make recommendations for posting, disciplinary action including imposition of penalty upon, grant of leave to, and suspension and promotion of judicial officers; but recommendations of the G.A Committee with regard to promotion of and imposition of penalty on, a judicial officer shall be placed before the Full Court for approval;
- (c) to formulate general guidelines for the purpose of exercising its power under clause (b).

(3) The Chief Justice may at any time direct that the powers conferred on the G.A Committee under sub-rule (2) above shall be exercised by one or more Judge(s) of that Committee and such Judge(s) may apportion the duties of the Committee among them, subject to the approval of the Chief Justice.

- **Committee for preparing Judicial Policy for Court Management System for Subordinate Judiciary:** The Committee has drafted a Judicial Policy for Court Management System for Subordinate Judiciary. The members of the Committee are:
  - (1) Mr. Justice Md. Abdul Wahhab Miah
  - (2) Madam Justice Nazmun Ara Sultana
  - (3) Mr. Justice Mirza Hussain Haider
  - (4) Madam Justice Zinat Ara
  - (5) Mr. Justice Moyeenul Islam Chowdhury
  - (6) Mr. Justice M. Enayetur Rahim
  - (7) Mr. Justice Md. Ashraful Kamal
- **Committee for preparing Conduct Rules for the members of the Bangladesh Judicial Service:** The Committee has drafted a Conduct Rules for the members of the Bangladesh Judicial Service which is awaiting approval of the Honorable President of the Republic. Members of the Committee are as follow:
  - (1) Madam Justice Nazmun Ara Sultana
  - (2) Madam Justice Zinat Ara
  - (3) Mr. Justice Moyeenul Islam Chowdhury
  - (4) Mr. Justice Md. Emdadul Huq
  - (5) Mr. Justice Md. Farid Ahmed Shibli
- **Supreme Court Judges' Library Committee (Appellate Division):** The Committee in its meeting discusses improvement of the Appellate Division Library and procurement of books. The members of the Committee are:
  - (1) Mr. Justice Md. Abdul Wahhab Miah
  - (2) Mr. Justice Muhammad Imman Ali
- **Supreme Court Judges' Library Committee (High Court Division):** The Committee in its meeting discusses improvement of the Libraries and procurement of books. The members of the Committee are:



- (3) Mr. Justice Syed Muhammad Dastagir Husain
  - (4) Madam Justice Zinat Ara
  - (5) Madam Justice Naima Haider
  - (6) Mr. Justice Quazi Reza-ul Hoque
- **Performance of the Judges of the Subordinate Judiciary Evaluation Committee:** Members of this committee evaluate the performance of the Judges of the Subordinate Judiciary and recommend necessary measures:
    - (1) Madam Justice Zinat Ara
    - (2) Mr. Justice Quamrul Islam Siddique (up to 29.05.2017)
    - (3) Mr. Justice Md. Shawkat Hossain
  - **Bangladesh Supreme Court Museum Committee:** This Committee recommends measures for increasing the collection of the museum of the Supreme Court of Bangladesh. The members of the Committee are:
    - (1) Madam Justice Nazmun Ara Sultana (up to 07.07.2017)
    - (2) Mr. Justice Syed Refaat Ahmed
    - (3) Mr. Justice Obaidul Hassan
    - (4) Madam Justice Naima Haider
  - **Bangladesh Supreme Court Judges' Corner Committee:** This Committee recommends measures for increasing facilities at the Supreme Court Judges' corner. The members of the Committee are:

(1) Mr. Justice Surendra Kumar Sinha, HCJ	- Chairman
(2) Mr. Justice Syed Mahmud Hossain	- Executive Chairman
(3) Mr. Justice Mirza Hussain Haider	- Vice Chairman
(4) Mr. Justice Tariq ul Hakim	- Member
(5) Madam Justice Salma Masud Chowdhury	- Vice Chairman
(6) Mr. Justice A.F.M. Abdur Rahman	- Member
(7) Mr. Justice Syed Refaat Ahmed	- Member
(8) Mr. Justice A.K.M. Abdul Hakim	- Secretary
(9) Mr. Justice Obaidul Hassan	- Joint Secretary
(10) Mr. Justice M. Enayetur Rahim	- Member
(11) Mr. Justice Jahangir Hossain	- Member
(12) Mr. Justice Sheikh Hassan Arif	- Member
(13) Mr. Justice Md. Ashraful Kamal	- Member
(14) Mr. Justice Md. Jahangir Hossain	- Member
(15) Mr. Justice Ashish Ranjan Das	- Member
  - **Bangladesh Supreme Court High Court Division (Employee) Recruitment Rules, 1987 Amendment Committee:** The Committee prepared a report for recommending revision and re-fixation of Gradation of the Officers and Staff of the Supreme Court in light with the amendment made in 2014 in the Rules of 1987. The members of the Committee are:
    - (1) Mr. Justice Quamrul Islam Siddique (up to 29.05.2017)
    - (2) Mr. Justice M. Enayetur Rahim
    - (3) Mr. Justice Md. Shawkat Hossain



- **Committee for taking measures in relation to ensuring security of the Supreme Court of Bangladesh:** The Committee reviews security measures taken in the Supreme Court and recommends new measures for the same. The members of the Committee are:
  - (1) Mr. Justice Syed Mahmud Hossain
  - (2) Mr. Justice Mirza Hussain Haider
  - (3) Mr. Justice A.F.M. Abdur Rahman
  - (4) Mr. Justice Quamrul Islam Siddique (up to 29.05.2017)
  - (5) Mr. Justice Obaidul Hassan
  - (6) Mr. Justice M. Enayetur Rahim
  - (7) Mr. Justice Gobinda Chandra Tagore
- **Committee for establishing a CNG re-fueling station, a vehicle pool and a modern printing press in the Supreme Court premises:** The Committee is responsible for taking measures to a CNG re-fueling station, a vehicle pool and a modern printing press in the Supreme Court premises. The members of the Committee are:
  - (1) Mr. Justice Md. Abdul Wahhab Miah
  - (2) Mr. Justice A.K.M. Asaduzzaman
  - (3) Mr. Justice Moyeenul Islam Chowdhury
- **Vehicles Purchase Consultative Committee:** The Committee supervise the purchase of all vehicles for the Supreme Court of Bangladesh. The members of the Committee are:
  - (1) Mr. Justice Syed Mahmud Hossain
  - (2) Mr. Justice Mirza Hussain Haider
  - (3) Madam Justice Salma Masud Chowdhury
  - (4) Mr. Justice Md. Ashfaqu Islam
  - (5) Mr. Justice Mamnoon Rahman
  - (6) Mr. Justice Abu Bakar Siddiquee
  - (7) Mr. Justice Md. Nuruzzaman
  - (8) Mr. Justice Obaidul Hassan
- **Advisory Board on Preventive Detention:** The Advisory Board consisting of the members including the following Judges gives opinion as to the extension of the period of detention more than six months of the person detained under section 9 of the Special Powers Act, 1974.
  1. Madam Justice Zinat Ara
  2. Mr. Justice M. Moazzam Husain
- **Civil Rules and Orders (Volume I and II) necessary amendment Committee:** The Committee is revising the provisions of the Civil Rules and Orders (Volume I and II) for its necessary amendments. The members of the Committee are:
  - (1) Mr. Justice Quamrul Islam Siddique (up to 29.05.2017)
  - (2) Mr. Justice Moyeenul Islam Chowdhury
  - (3) Mr. Justice Md. Emdadul Huq
  - (4) Mr. Justice Bhabani Prasad Singha
- **Criminal Rules and Orders amendment Committee:** The Committee is working for amending Criminal Rules and Orders 2009. The members of the Committee are:



- (1) Mr. Justice Quamrul Islam Siddique (up to 29.05.2017)
  - (2) Mr. Justice Moyeenul Islam Chowdhury
  - (3) Mr. Justice Md. Emdadul Huq
  - (4) Mr. Justice Bhabani Prasad Singha
- **Bangladesh Supreme Court Annual Report, 2017 Editorial Committee:** The Committee prepared the Annual Report 2017 in 2018 which is published by the Supreme Court. The members of the Committee are:
    - (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. Ashfaul Islam - Member
    - (7) Mr. Justice Moyeenul Islam Chowdhury - Member
    - (8) Mr. Justice Obaidul Hassan - Member
    - (9) Madam Justice Naima Haider - Member
  - **Bangladesh Supreme Court Online Bulletin (Online Law Report) Committee:** The committee is responsible for publishing online law reports of the Supreme Court of Bangladesh comprising of judgments from both Divisions. The members of the Committee are:
    - (1) Mr. Justice Moyeenul Islam Chowdhury
    - (2) Mr. Justice Sheikh Hassan Arif
  - **Committee for taking measures in relation to ensuring best usage of collected resources in admiralty cases:** The Committee gives direction to use the collected resources in admiralty cases in an appropriate way. The members of the Committee are:
    - (1) Mr. Justice Mirza Hussain Haider
    - (2) Mr. Justice Syed Refaat Ahmed
    - (3) Mr. Justice Md. Abu Zafor Siddique
    - (4) Mr. Justice Md. Emdadul Huq
    - (5) Mr. Justice Sheikh Hassan Arif
  - **Backlog of pending cases Monitoring Committee (High Court Division):** The Committee monitors the backlog of cases in the High Court Division and recommends measures to overcome it. Members of the Committee are as follow:
    - (1) Mr. Justice Syed Muhammad Dastagir Husain
    - (2) Mr. Justice Mirza Hussain Haider
    - (3) Madam Justice Zinat Ara
    - (4) Mr. Justice Syed Refaat Ahmed
  - **Backlog of pending cases Monitoring Committee (Subordinate Courts and Tribunals):** The Committee monitors the backlog of cases in the subordinate Courts and Tribunals and recommends measures to overcome it. Members of the Committee are as follow:
    - (1) Madam Justice Salma Masud Chowdhury
    - (2) Mr. Justice Moyeenul Islam Chowdhury
    - (3) Mr. Justice Md. Nuruzzaman



- (4) Mr. M. Enayetur Rahim
  - (5) Mr. Justice Md. Shawkat Hossain
- **Special Committee for Judicial Reforms:** The Committee looks after the proposed Judicial Reforms in the Judiciary, development of information technology (IT) and other related matters. Members of the Committee are as follow:
    - (1) Mr. Justice Muhammad Imman Ali
    - (2) Madam Justice Zinat Ara
    - (3) Mr. Justice Syed Refaat Ahmed
    - (4) Mr. Justice Quamrul Islam Siddique (up to 29.05.2017)
    - (5) Mr. Justice Moyeenul Islam Chowdhury
    - (6) Mr. Justice Md. Rezaul Hasan
    - (7) Mr. Justice Md. Abu Zafor Siddique
  - **Special Committee for giving opinion as to conducting preliminary inquiry on the complaint brought against the Judges of the Subordinate Courts:** Members of the Committee are as follow:
    - (1) Justice Syed Refaat Ahmed
    - (2) Justice M. Enayetur Rahim
    - (3) Justice Md. Shawkat Hossain
  - **Supreme Court Special Committee for Child Rights:** The Committee looks after the implementation of Children Act, 2013. Members of the Committee are as follow:
    - (1) Mr. Justice Muhammad Imman Ali
    - (2) Madam Justice Naima Haider
    - (3) Mr. Justice Sheikh Hassan Arif
    - (4) Mr. Justice Md. Nazrul Islam Talukder
    - (5) Mr. Justice Khizir Ahmed Choudhury
  - **Supreme Court Judges' Privileges Committee:** The Committee is entrusted with the duty to submit a report to the Honorable Chief Justice of Bangladesh identifying admissible privileges to the Judges of the Supreme Court. Members of the Committee are as follow:
    - (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
  - **Supreme Court Day Observance Committee:** This Committee takes measures to observe Supreme Court Day each year. Members of the Committee are as follow:
    - (1) Mr. Justice Mirza Hussain Haider
    - (2) Mr. Justice Syed Refaat Ahmed
    - (3) Mr. Justice Obaidul Hassan
    - (4) Mr. Justice M. Enayetur Rahim
    - (5) Mr. Justice Sheikh Hassan Arif



## Major activities taken up and works implemented by the Supreme Court of Bangladesh in 2017

### 1. Workshop on Judicial Policy:

With the support from USAID's Justice for All program the Supreme Court of Bangladesh organized two daylong workshops for framing "Judicial Policy for Case Management" at the Auditorium of the Supreme Court on 14.01.2017 and on 21.01.2017. Forty Judicial Officers of different tiers from across the country took part in the workshops and shared valuable thought, ideas and plans for formulating a concrete and effective Judicial Policy to devise ways to reduce case backlog by resorting to, among others, Information and Communication Technology (ICT) and improved case management scheme. Honorable Chief Justice of Bangladesh inaugurated the workshop. A draft Judicial Policy on case management has been formulated by accumulating the proposals and recommendations of the workshop participants. A seven members Judges' Committee has also drafted a Policy on the same issue. These drafts are awaiting final approval from the authority.

### 2. Workshop on "Challenges in speedy disposal of family suits and way forward":

On 01.04.2017 the Supreme Court of Bangladesh organized a workshop titled "Challenges in speedy disposal of family suits and way forward" at the Auditorium of the Court. Forty-three Judicial Officers of different tiers from across the country, NGO activists and members from civil society took part in the workshop. The Chief Guest of the workshop was the then senior-most Judge of the Appellate Division of the Supreme Court of Bangladesh Honorable Mr. Justice Md. Abdul Wahhab Miah. A keynote paper was presented jointly by the learned Additional District and Session Judge of Dhaka Mr. AEM Ismail Hossain and learned Judge of the Family Court Dhaka Mrs. Tahera Anwar. They presented the practical difficulties faced by the Family Courts in conducting trial of suits in a speedy manner. The participants took part in discussion and suggested various changes in legislation and also in approach of the court for faster disposal of the family suits. A complete report of the workshop proceeding is to be found at this link-

[http://supremecourt.gov.bd/resources/contents/Report\\_of\\_Workshop\\_on\\_Family\\_Court.pdf](http://supremecourt.gov.bd/resources/contents/Report_of_Workshop_on_Family_Court.pdf)

### 3. Formulating "Policy on evaluating Judicial and Administrative Work of the Judges of the subordinate courts":

A comprehensive policy on evaluating Judicial and Administrative Work of the Judges of the subordinate courts has been formulated and made effective in some 12 districts on pilot basis from 20 June 2017 by the Supreme Court of Bangladesh. Basing on a workshop recommendations held in April 2016, a Judges' Committee finalized the policy. An online software has been developed and installed in the Supreme Court server for data input by the concerned court and consequent automatic assessment of the performance of the concerned Judge. However, the final implementation of the Policy awaits the result and feedback from the pilot districts.

### 4. Organizing workshop on "Online Case Statement System":

A workshop on "Online Case Statement System" was organized by the Supreme Court of Bangladesh on 29 July 2017 at the Conference Room of the main building of the Supreme Court. Twenty-four Judicial Officers from 12 pilot districts took part in the workshop to gain first-hand experience of operating procedure of the online software made for evaluating Judicial and Administrative performance of the Judges. Honorable Justice Zinat Ara and Honorable Justice Md. Shawkat Hossain were present in the workshop and explained the various aspects of the new evaluation system to the participants.

### 5. Organizing signing ceremony of Memorandum of Understanding between Supreme Court of Bangladesh and Unicef:

On 14 February 2017 the Supreme Court of Bangladesh signed a Memorandum of Understanding (MoU)



with the United Nations Children’s Fund-Unicef to carry out a structured monitoring of the Child Rights situation in Bangladesh. One of the main objectives of signing of the Memorandum is to support strengthening the child protection system in Bangladesh in the light of the Children Act 2013 and to reinforce justice for children and its monitoring mechanism by the Supreme Court. The said MoU was extended for a period of two years up to 31.12.2019. More details of this event have been described at page 157.

#### **6. Organizing a seminar on “Judicial Independence”:**

From 7 to 9 May 2017 a seminar on “Judicial Independence” was organized by the Supreme Court of Bangladesh at its Auditorium in collaboration with the Commonwealth Magistrates and Judges Association (CMJA). Chief Magistrate of Queensland, Australia Judge Ray Rinaudo, Director of Programmes of Commonwealth Magistrates’ and Judges’ Association Judge Shamim Qureshi and Commonwealth Secretariat Legal Adviser Mark Guthrie were the key facilitators of the seminar. Honorable Justice Muhammad Imman Ali and Honorable Justice Moyeenul Islam Chowdhury took part in the seminar as guest speakers. More details can be found at page 159.

#### **7. Signing of Cooperation Agreement with the Supreme Court of the Russian Federation:**

From 8 to 11 Oct 2017 the Chief Justice of the Supreme Court of the Russian Federation Honorable Mr. Justice Vyacheslav M. LEBEDEV visited Supreme Court on an invitation by the Chief Justice of Bangladesh. During his stay in Bangladesh a cooperation agreement was signed at the Judges’ Lounge of the Supreme Court by the Chief Justices of the two judiciaries. The agreement, among others, aims to support knowledge and experience sharing by Judges and Judicial Officers of Bangladesh and Russian Federation and mutual cooperation to build up a technology based judiciary for Bangladesh.

#### **8. Organizing National Judicial Conference:**

On the 2nd December 2017 the 3rd National Judicial Conference was organized at the Bangabandhu International Conference Center (BICC) at Sher-e-Bangla Nagar, Dhaka. The Chief Guest of the Conference was the Honorable President of the Republic Mr. Md. Abdul Hamid. Minister of the Law, Justice and Parliamentary Affairs ministry Mr. Anisul Huq MP was present there as the Special Guest. Honorable Mr. Justice Md. Abdul Wahhab Miah, Honorable Judge, Performing the functions of the Chief Justice of the Bangladesh presided over the inaugural session of the Conference. This year’s conference theme was “Justice for All”. Later, as Chief Guest, his lordship addressed the Judges of the subordinate courts and gave them valuable directions. His lordship Honorable Justice Syed Mahmud Hossain presided over that session and delivered concluding remarks as the Chair of the Session.

#### **9. Celebrating Supreme Court Day:**

On 18 December 1972 the Apex Court of the country started functioning under the new Constitution. To commemorate this historic event, the Full Court of the Supreme Court of Bangladesh have taken the decision to celebrate the day each year from 2017 onward. For celebrating 2017 event, the Supreme Court Day celebration was organized on 2nd January 2018 because the court was on vacation on 18 December 2017. Honorable President Mr. Md. Abdul Hamid was present at the celebration as the Chief Guest. Depicting the history of the judicial evolution from Mayor’s Court to the present day Supreme Court, a book was published on that occasion as a souvenir.

#### **10. Amending Criminal Rules and Orders:**

Final report on the amendment of Criminal Rules and Orders was prepared by a Judges’ Committee incorporating, among others, ICT in communication process, procedure of submitting Naraji petition, use of lawyer’s certificate in subordinate court in these Rules. Proposed amendments were approved by the Full Court and sent to the Honorable President through ministry of Law, Justice and Parliamentary Affairs for his kind consent.



### **11. Drafting “Witness Management Policy for subordinate Courts and Tribunals”:**

With the assistance from UNDP a witness management policy for subordinate courts and tribunals has been drafted. The aim of the policy is to accumulate best practices in relation to witness management in subordinate criminal courts and copy them to each and every district for faster disposal of criminal cases. Along with NGOs working in the sector, major actors of the criminal justice system i.e. different courts and police have already given their opinion on the draft policy. The policy awaits final vetting and recommendation by the Judicial Reform Committee of the Supreme Court before approval from Chief Justice and circulation.

### **12. Initiating work on establishing “Monitoring Cell” in the Research Unit of the Supreme Court:**

Measures have been taken to establish a “Monitoring Cell” in the Research Unit of the Supreme Court wherein under the financial and technical support from UNDP ten fresh law graduates would be appointed as interns to facilitate and monitor the case management system of the subordinate courts. They would also assist to accomplish various tasks undertaken by the Supreme Court for three months from commencing their internship. A Letter of Agreement (LoA) was signed on 24 September, 2017 with UNDP in this respect but for some unavoidable circumstances it could not be implemented. At present a revised LoA is awaiting both parties’ approval.

### **13. Signing of MoU with National Judicial Academy Bhopal, India:**

The Supreme Court of Bangladesh has signed an MoU with the National Judicial Academy, Bhopal, India through respective Governments on 08 April 2017 on “Training and Capacity Building Programme for Bangladeshi Judicial Officers in India”. Subject matters of training programme include training modules on judicial skills, and, various aspects of civil law, criminal law, human rights law, medico-legal jurisprudence, environmental law, property and contract law etc. Judicial Officers of Bangladesh will receive trainings from the National as well as State Judicial Academies of India. Under the MoU fifteen hundred Judges from Bangladesh will participate in training programs over the next six years’ period. In 2017 first batch of 39 Judges received training from National Judicial Academy, Bhopal from 10-15 October and Chandigarh Judicial Academy from 16-23 October. Second batch of 37 Judges took part in the training organized at Bhopal and at Kolkata in November 2017.

### **14. Initiating process to distribute laptops among the subordinate court Judges to facilitate digitization:**

Measures have been taken to procure and distribute laptop computers among the Judges of the subordinate courts to facilitate digitizing court procedure and speed up judgment writing. Government has allocated around BDT 80,000,000/- (Eighty Million) taka for this purpose. One thousand five hundred and sixty five HP laptops (Model 240G6) have been procured with genuine Microsoft Windows 10 operating system with this amount of money and distribution has been undertaken.

### **15. Printing and distribution of various registers used in subordinate courts:**

To cope with the huge shortage of printed prescribed registers essential for subordinate Civil and Criminal Courts, the Supreme Court of Bangladesh on its own initiative printed 6 Civil and 7 Criminal forms registers and distributed them to different subordinate courts across the country. It has contributed to a great extent in proper case management in subordinate courts.

### **16. Issuance of different important circulars for better case management and court administration in Supreme Court as well as subordinate courts:**

During the period of 2017 the Supreme Court of Bangladesh has issued various important circulars for better case management and court administration in the Supreme Court as well as subordinate courts. Among them the followings are worth mentioning:

- a) Circular No.05 A, dated: 22 February 2017: This Circular was issued directing the subordinate courts to mandatorily follow the provisions of Children Act, 2013 in relation to the court room and its decoration. This



circular also puts emphasis on use of video link to ensure virtual presence of the child in the court where his presence is necessary.

b) Circular No.10 A, dated: 12 April 2017: This circular ordains to follow the decision of Sirajul Islam @ Subhan vs. State and others (17BLC 740) in all cases instituted under Nari-O-Shishu Nirjatan Daman Ain ,2000 (Suppression of Repression against Women and Children Act 2000). This circular is an offshoot of the decision arrived at by a Division Bench of Honorable Mr. Justice Obaidul Hassan and Honorable Madam Justice Krishna Debnath in Criminal Misc Case No.9833 of 2017 wherein the Court agreed with the decision reported in 17 BLC 740 to the effect that, "The expression "any person" in section 27(1Ka)(Ka), does not include any "police officer" but it includes any public officer or any private individual or any other responsible person of the society upon whom the Tribunal may have confidence to get the enquiry conducted in respect of the complaint lodged before the Tribunal and submit report within seven working days."

c) Circular No.12, dated: 29 May 2017: This circular was issued directing the subordinate courts to follow the procedure of section 35A of the Code of Criminal Procedure, 1898 to deduct the period of custody of the convict from his/her total imprisonment.

d) Circular No.1 G, dated: 06 June 2017: This circular aims to provide guideline to manage civil suits in the High Court Division of the Supreme Court of Bangladesh in an efficient way.



Honorable President of Bangladesh Mr. Md. Abdul Hamid planting a tree at the Supreme Court premises on the occasion of Supreme Court Day program 2017



## Iftar Mahfil 2017



(From left to right) The Honorable Speaker, Honorable President, Honorable Chief Justice and Honorable Law Minister are taking part in *Munazat* at the Iftar Mahfil organized by the Supreme Court in 2017



Honorable Judges of the Appellate Division and Attorney General are taking part in *Munazat* at the Iftar Mahfil 2017



## Iftar Mahfil 2017



Honorable Judges of the High Court Division and Honorable former Judge of the Appellate Division are taking part in *Munazat* at the Iftar Mahfil 2017



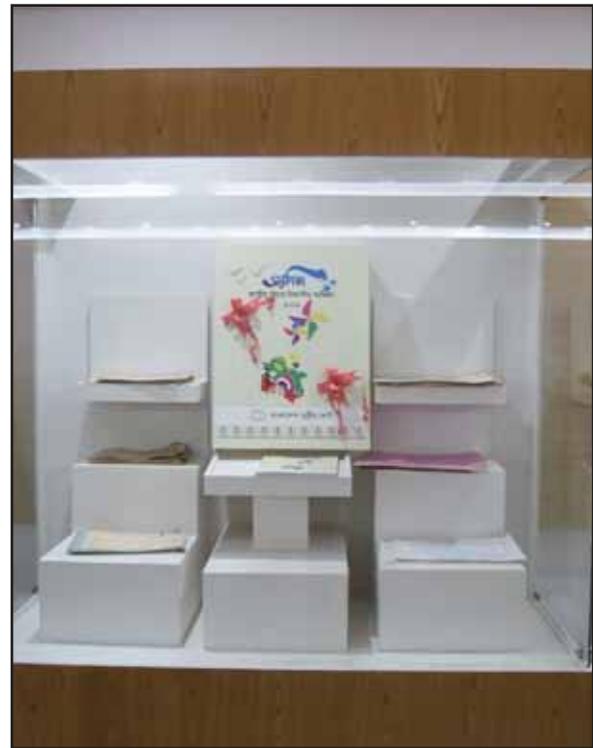
Honorable Judges of the High Court Division are taking part in *Munazat* at the Iftar Mahfil 2017



## Supreme Court Museum



The replica of the main building of the Supreme Court of Bangladesh is preserved in the Supreme Court Museum



Supreme Court Museum showcases different articles and objects of different times



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

### 1. Statement showing filing of new cases, disposal and pendency of cases (from 01.01.2017 to 31.12.2017)

#### 1.1. Petitions

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2017
Civil	4552	4805	9357	4915	4442
Criminal	952	1477	2429	1121	1308
Civil Review	912	755	1667	415	1252
Criminal Review	74	92	166	53	113
Jail Petition	110	19	129	7	122
<b>Grand Total</b>	<b>6600</b>	<b>7148</b>	<b>13748</b>	<b>6511</b>	<b>7237</b>

#### 1.2. Miscellaneous Petitions

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2017
Civil Misc. Petition	2364	1784	4148	773	3375
Criminal Misc. Petition	1934	1886	3820	911	2909
Contempt Petition	84	27	111	3	108
<b>Grand Total</b>	<b>4382</b>	<b>3697</b>	<b>8079</b>	<b>1687</b>	<b>6392</b>

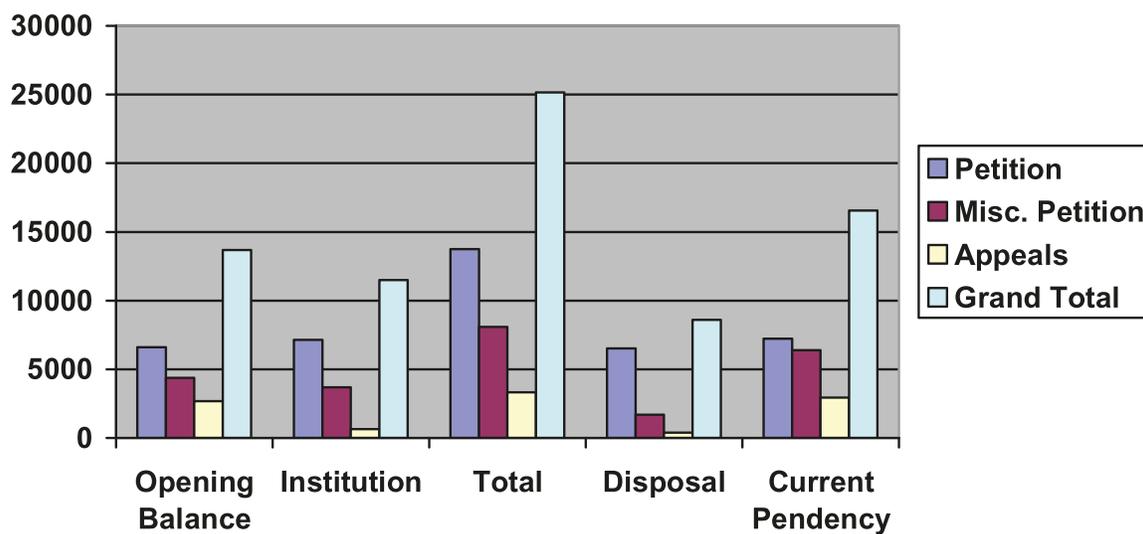
#### 1.3. Appeals

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2017
Civil	1924	533	2457	327	2130
Criminal	736	104	840	66	774
Jail	30	2	32	0	32
<b>Grand Total</b>	<b>2690</b>	<b>639</b>	<b>3329</b>	<b>393</b>	<b>2936</b>

**1.4. Consolidated statement for all cases from 01.01.2017 to 31.12.2017 in the Appellate Division of the Supreme Court of Bangladesh**

Cases	Opening Balance	Institution	Total	Disposal	Current Pendency
Petition	6600	7148	13748	6511	7237
Misc. Petition	4382	3697	8079	1687	6392
Appeals	2690	639	3329	393	2936
<b>Grand Total</b>	<b>13672</b>	<b>11484</b>	<b>25156</b>	<b>8591</b>	<b>16565</b>

Consolidated statement for all cases from 01.01.2017 to 31.12.2017



**Figure 1:** Vertical Bar Chart showing institution, pendency and disposal of all cases in the year 2017 in the Appellate Division of the Supreme Court of Bangladesh.



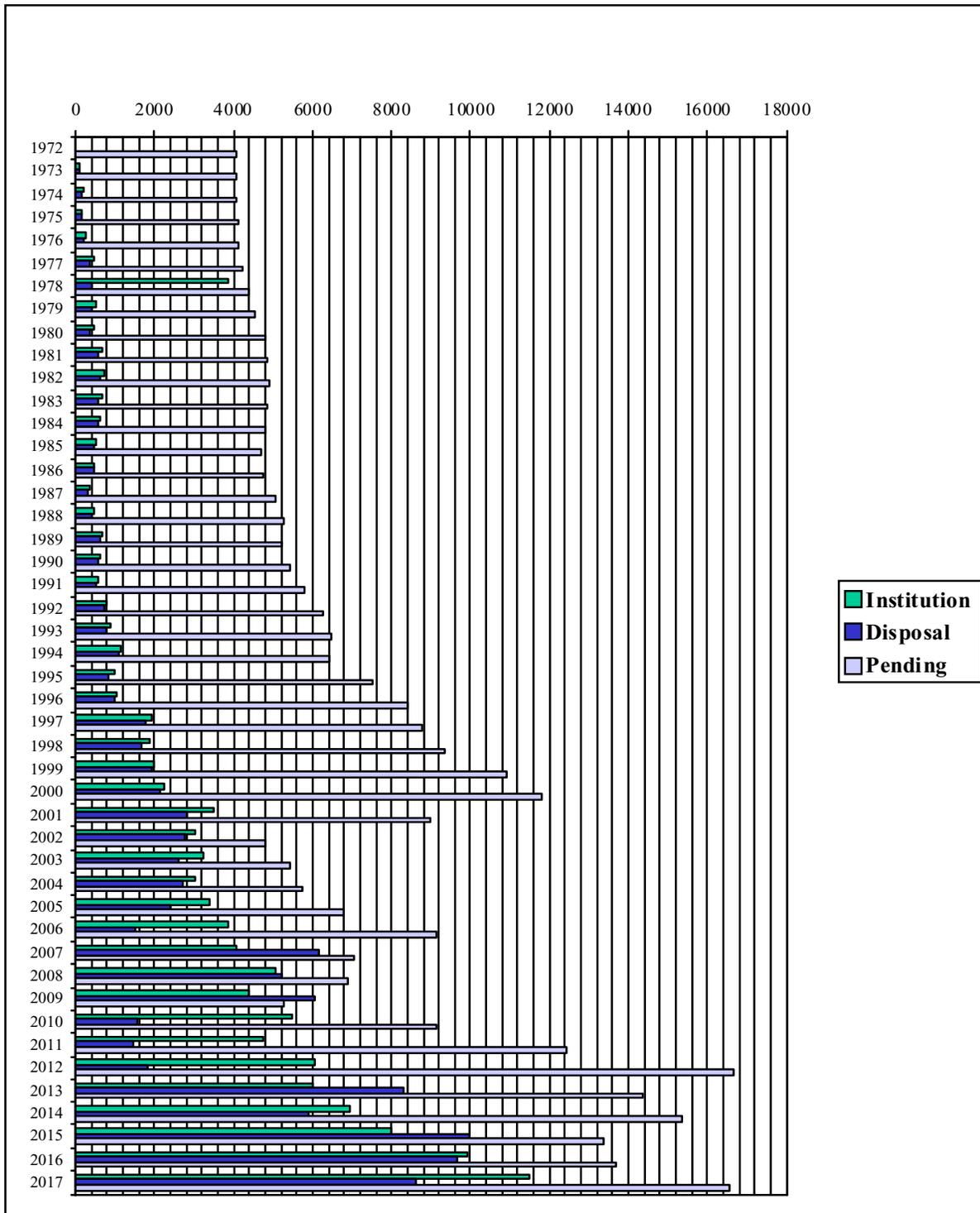
## Statistical data analysis for the Appellate Division of the Supreme Court of Bangladesh

### 2. Year wise filing of new cases, disposal and pendency of all cases from the year 1972 to 2017.

Years	Institution	Disposal	Pending
1972	14	11	4056
1973	113	91	4062
1974	185	153	4094
1975	168	150	4112
1976	257	224	4145
1977	471	386	4230
1978	530	400	4360
1979	540	400	4535
1980	454	372	4790
1981	683	583	4870
1982	723	596	4909
1983	663	565	4875
1984	635	565	4802
1985	531	469	4706
1986	492	444	4736
1987	373	334	5064
1988	474	424	5255
1989	662	597	5214
1990	625	575	5440
1991	556	497	5802
1992	801	709	6254
1993	859	765	6462
1994	1161	1070	6433
1995	973	850	7511
1996	1041	970	8410
1997	1928	1746	8751
1998	1869	1649	9330
1999	1987	1918	10929
2000	2228	2116	11816
2001	3517	2819	8997
2002	3003	2789	4781
2003	3212	2587	5406
2004	3021	2690	5737
2005	3405	2372	6770
2006	3855	1501	9124
2007	4093	6146	7071
2008	5041	5220	6892
2009	4403	6035	5260
2010	5464	1583	9141
2011	4749	1449	12441
2012	6036	1830	16647
2013	5989	8298	14338
2014	6919	5911	15346
2015	8007	9992	13361
2016	9945	9634	13672
2017	11484	8591	16565

### 3. Some visible trends

#### 3.1. Trend of filing of new cases, disposal and pendency from the year 1972 to 2017



**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 2017.



### 3.2. Trend of institution of cases from the year 1972 to 2017.

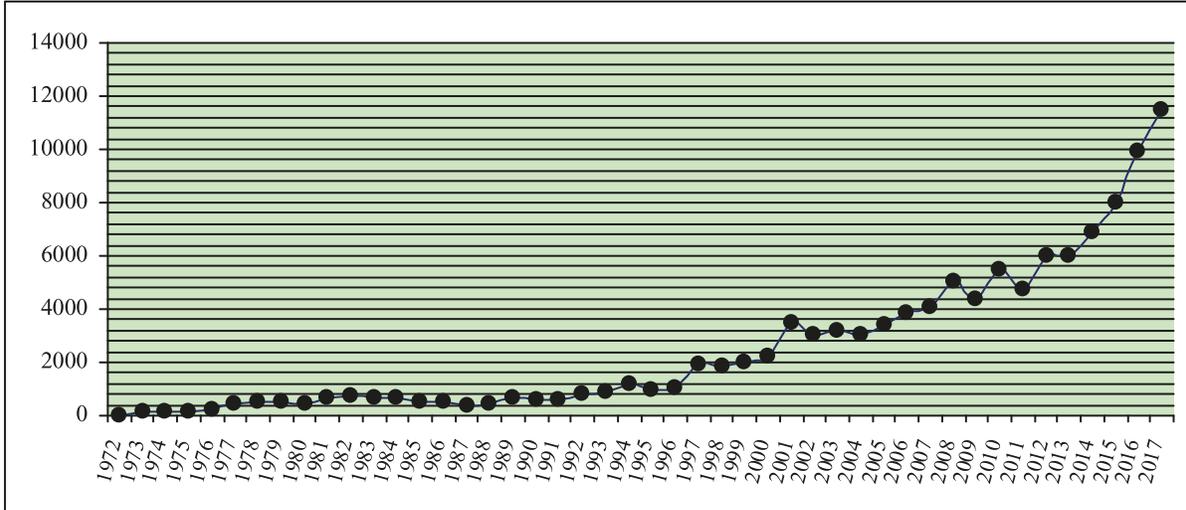


Figure 3: Line graph showing filing of new cases from the year 1972 to 2017.

### 3.3. Trend of disposal of cases from the year 1972 to 2017.

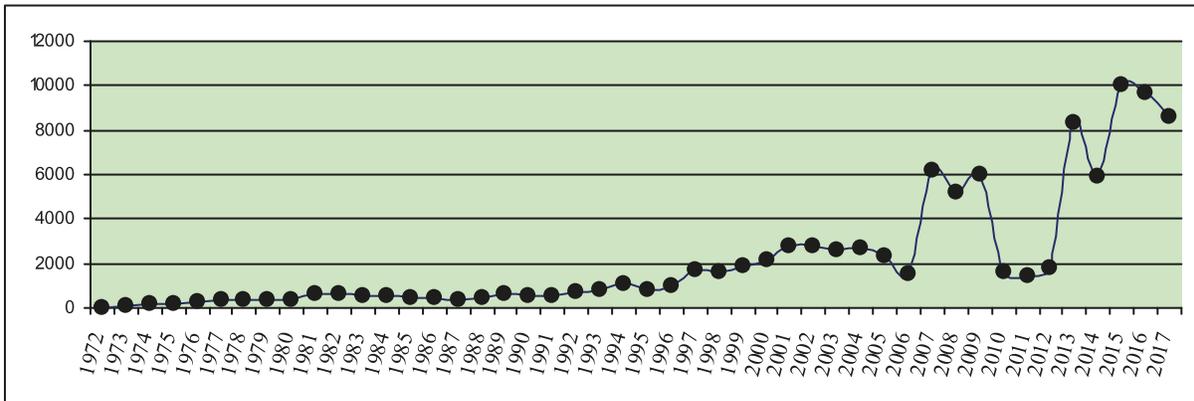


Figure 4: Line graph showing disposal of cases from the year 1972 to 2017.

### 3.4. Trend of pending cases from the year 1972 to 2017.

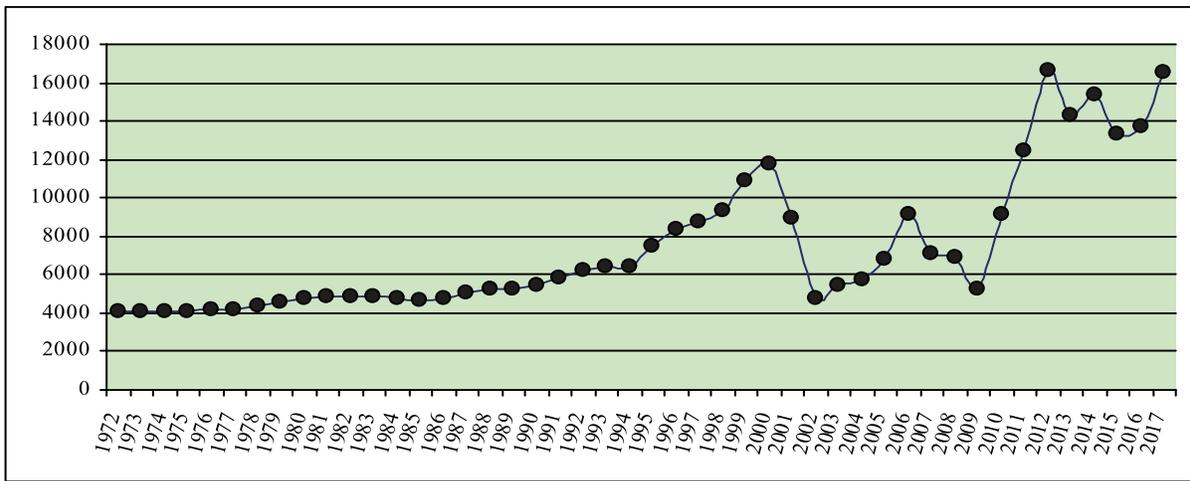


Figure 5: Line graph showing pending cases from the year 1972 to 2017.

### 3.5. Comparative Chart of filing of new cases, disposal and pending cases from the year 1972 to 2017.

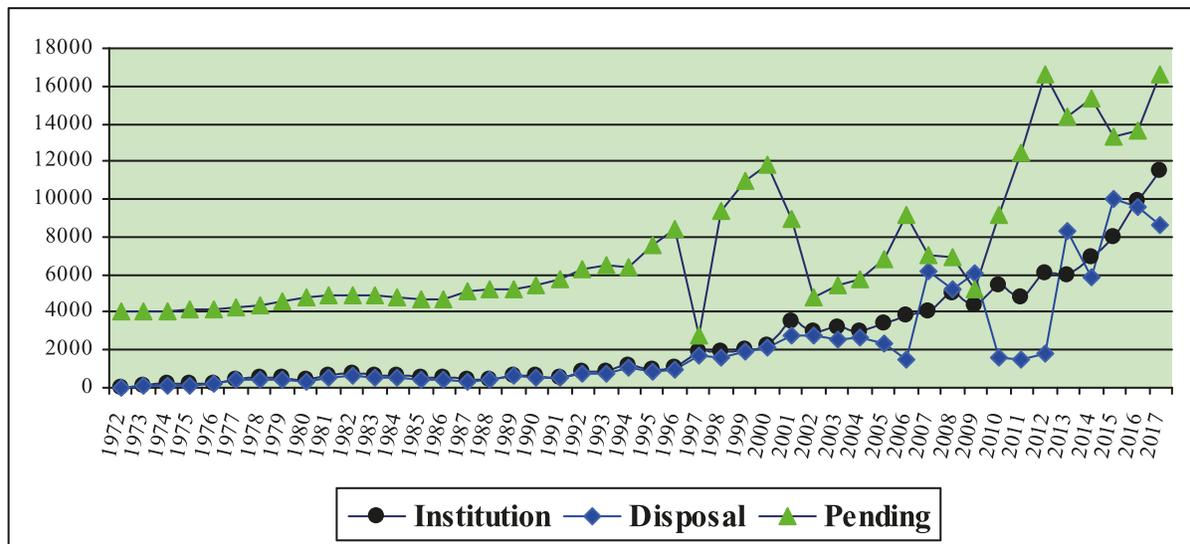
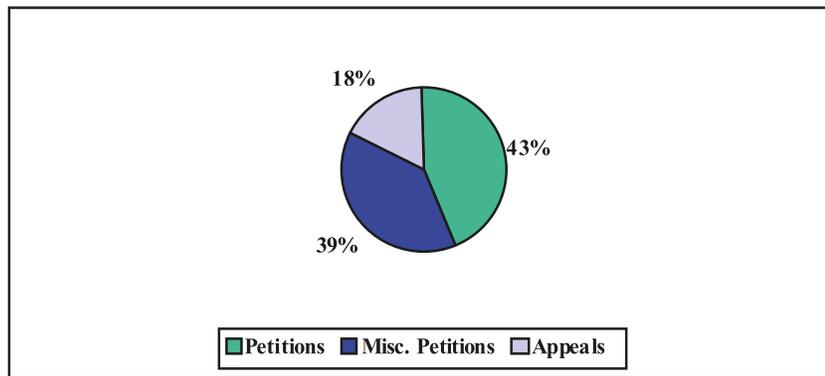


Figure 6: Line graph showing pending, disposed off & instituted cases from the year 1972 to 2017.



#### 4. Analysis of the pending balance for the Appellate Division in 2017

To understand the balance of pending cases, the following tables may be examined. The pending balance for all cases for the year 2017 is 16565, while the pending balance for Petition is 7237, that for Misc. Petition is 6392 and Appeals is 2936.



**Figure 7: Pie Chart of all pending cases in the Appellate Division of Supreme Court of Bangladesh in the year 2017.**

There are 43% Petition, 39% Misc. petition and 18% Appeals of all the pending cases.

##### 4.1. Pending Petitions.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
6600	7148	13748	6511	7237

##### 4.2. Pending Miscellaneous Petitions.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
4382	3697	8079	1687	6392

##### 4.3. Pending Appeals.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
2690	639	3329	393	2936

**5. Filing of new cases, disposal and pendency of cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2017.**

**5.1. Petitions.**

<b>Year</b>	<b>Opening Balance</b>	<b>Filing of new cases</b>	<b>Total</b>	<b>Disposal</b>	<b>Pending at the end of the year</b>
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



## 5.2. Misc. Petitions.

Year	Opening Balance	Filing of new cases	Total	Disposal	Pending at the end of the year
1972	1392	0	1392	0	1392
1973	1392	0	1392	0	1392
1974	1392	0	1392	0	1392
1975	1392	0	1392	0	1392
1976	1392	0	1392	0	1392
1977	1392	0	1392	0	1392
1978	1392	0	1392	0	1392
1979	1392	0	1392	0	1392
1980	1392	0	1392	0	1392
1981	1392	108	1500	95	1405
1982	1348	96	1444	85	1359
1983	1318	51	1369	48	1321
1984	1339	55	1394	45	1349
1985	1361	69	1430	58	1372
1986	1367	67	1434	56	1378
1987	1416	64	1480	52	1428
1988	1463	105	1568	87	1481
1989	1503	99	1602	89	1513
1990	1541	137	1678	125	1553
1991	1581	127	1708	102	1606
1992	1685	165	1850	132	1718
1993	1791	206	1997	192	1805
1994	1838	238	2076	208	1868
1995	1892	239	2131	205	1926
1996	2260	262	2522	242	2280
1997	2464	573	3037	555	2482
1998	2495	446	2941	407	2534
1999	2731	586	3317	545	2772
2000	2895	643	3538	610	2928
2001	2988	709	3697	695	3002
2002	2293	703	2996	687	2309
2003	699	654	1353	639	714
2004	714	600	1314	727	587
2005	587	776	1363	503	860
2006	860	1199	2059	187	1872
2007	1872	1039	2911	2512	399
2008	399	1327	1726	264	1462
2009	1462	547	2009	811	1198
2010	1198	1500	2698	47	2651
2011	2701	1440	4141	482	3659
2012	3659	1633	5292	567	4725
2013	4725	1803	6528	3754	2774
2014	2774	2220	4994	1654	3340
2015	3340	2406	5746	3367	2379
2016	2379	2946	5325	943	4382
2017	4382	3697	8079	1687	6392

### 5.3. Appeals.

Year	Opening Balance	Filing of new cases	Total	Disposal	Pending at the end of the year
1972	361	14	375	11	364
1973	364	25	389	19	370
1974	370	79	449	55	394
1975	394	27	421	15	406
1976	406	43	449	29	420
1977	420	142	562	89	473
1978	473	170	643	75	568
1979	568	192	760	85	675
1980	625	144	769	83	686
1981	687	142	829	78	751
1982	781	145	926	91	835
1983	823	172	995	92	903
1984	840	133	973	93	880
1985	817	109	926	86	840
1986	769	70	839	53	786
1987	760	38	798	29	769
1988	818	44	862	31	831
1989	887	87	974	65	909
1990	879	100	979	85	894
1991	876	57	933	43	890
1992	930	82	1012	62	950
1993	965	97	1062	78	984
1994	950	97	1047	69	978
1995	940	63	1003	47	956
1996	1026	59	1085	39	1046
1997	1127	133	1260	89	1171
1998	1160	140	1300	95	1205
1999	1311	122	1433	108	1325
2000	1799	246	2045	210	1835
2001	1956	596	2552	541	2011
2002	1415	367	1782	269	1513
2003	1378	460	1838	170	1668
2004	1668	267	1935	222	1713
2005	1713	284	1997	218	1779
2006	1779	221	2000	244	1756
2007	1756	311	2067	652	1415
2008	1415	390	1805	170	1635
2009	1635	771	2406	488	1918
2010	1918	328	2246	236	2010
2011	2010	237	2247	147	2100
2012	2100	248	2348	141	2207
2013	2207	279	2486	211	2275
2014	2275	344	2619	288	2331
2015	2331	637	2968	624	2344
2016	2344	927	3271	581	2690
2017	2690	639	3329	393	2936



6. Maximum number of Judges at a time during the year in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2017.

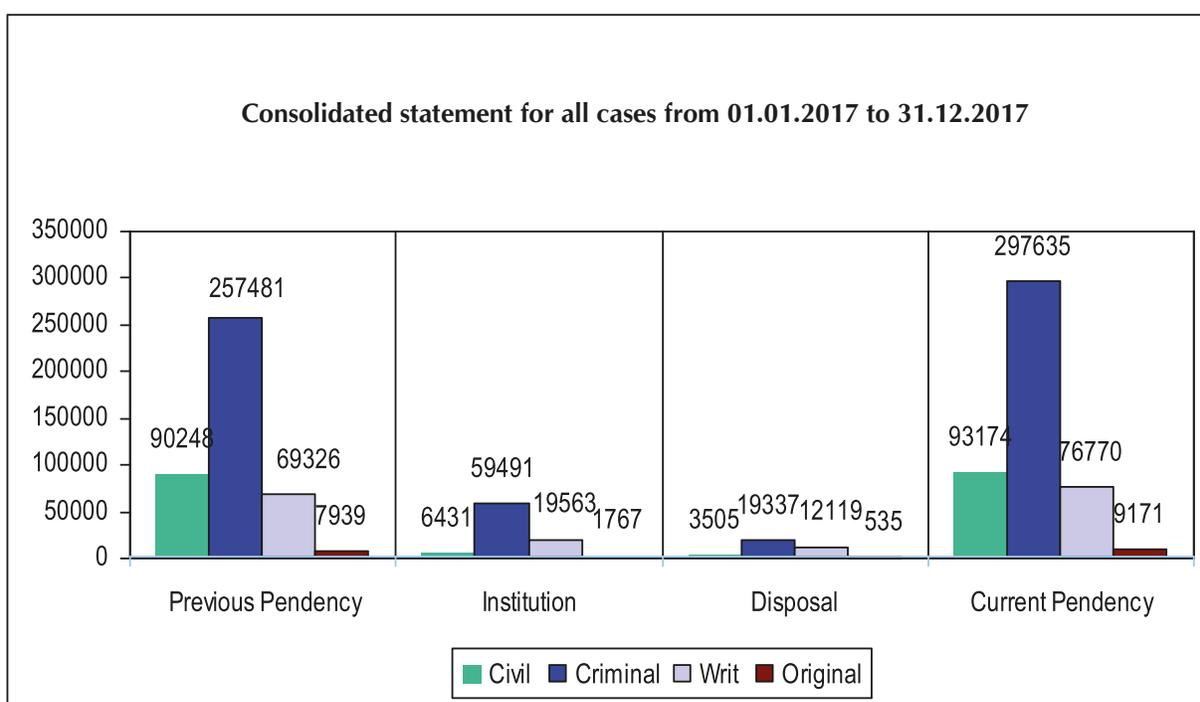
Period	Number of Judges including Chief Justice
1972	3
1973	4
1974	5
1975	5
1976	5
1977	5
1978	4
1979	5
1980	5
1981	5
1982	5
1983	5
1984	5
1985	4
1986	5
1987	5
1988	5
1989	5
1990	5
1991	5
1992	5
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1994	5
1995	4
1996	5
1997	5
1998	5
1999	6
2000	5
2001	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

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

### 1. Statement showing institution, disposal & pendency of cases (from 01.01.2017 to 31.12.2017)

#### 1.1. Statement for all cases from 01.01.2017 to 31.12.2017 in the High Court Division of Supreme Court of Bangladesh

Cases	Opening Balance	Institution	Restored	Total	Disposal	Current Pendency	Remarks
Civil	90248	6385	46	96679	3505	93174	Increased by 2926
Criminal	257481	59483	08	316972	19337	297635	Increased by 40154
Writ	69326	19533	30	88889	12119	76770	Increased by 7444
Original	7939	1767	00	9706	535	9171	Increased by 1232
Grand Total	424994	87168	84	512246	35496	476750	Increased by 51756



**Figure 1:** Vertical Bar Chart of pendency, institution and disposal of all cases in the year 2017 in the High Court Division of the Supreme Court of Bangladesh.



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

### 2. 1. Year wise institution, disposal and pendency of all cases from 1972 to 2017

Years	Institution	Disposal	Pending
1972	2461	3873	20567
1973	5654	3657	24063
1974	8844	6402	28186
1975	4896	5190	29545
1976	4515	7241	28287
1977	5656	8195	26676
1978	5765	7309	26620
1979	5145	7597	24716
1980	4026	7032	22779
1981	5054	6950	21652
1982	919	3615	21061
1983	1550	5456	19115
1984	1891	3556	21159
1985	2960	3529	22460
1986	3558	3360	24468
1987	5187	3272	28810
1988	8220	3564	33289
1989	11381	6099	37739
1990	11583	9789	39261
1991	12809	5565	45681
1992	14098	6543	51764
1993	13775	7799	57749
1994	15061	8401	64281
1995	17326	10844	70990
1996	21045	11526	79457
1997	23838	12337	88388
1998	23909	13744	97574
1999	24143	11863	108323
2000	27931	11049	122178
2001	32328	16014	135879
2002	45627	22048	154168
2003	37734	20331	168447
2004	34217	15581	184811
2005	42900	16894	208389
2006	48056	13839	240483
2007	47555	16578	262345
2008	53220	21664	293901
2009	53155	21485	325571
2010	57470	69306	313735
2011	45084	68425	279923
2012	56732	38437	297731
2013	50010	24295	323446
2014	60069	22477	361038
2015	70940	37753	394225
2016	70647	39878	424994
2017	87252	35496	476750



## 2.2. Some visible Trends

### 2.2.1. Trend of institution, disposal and pendency (1972 to 2017)

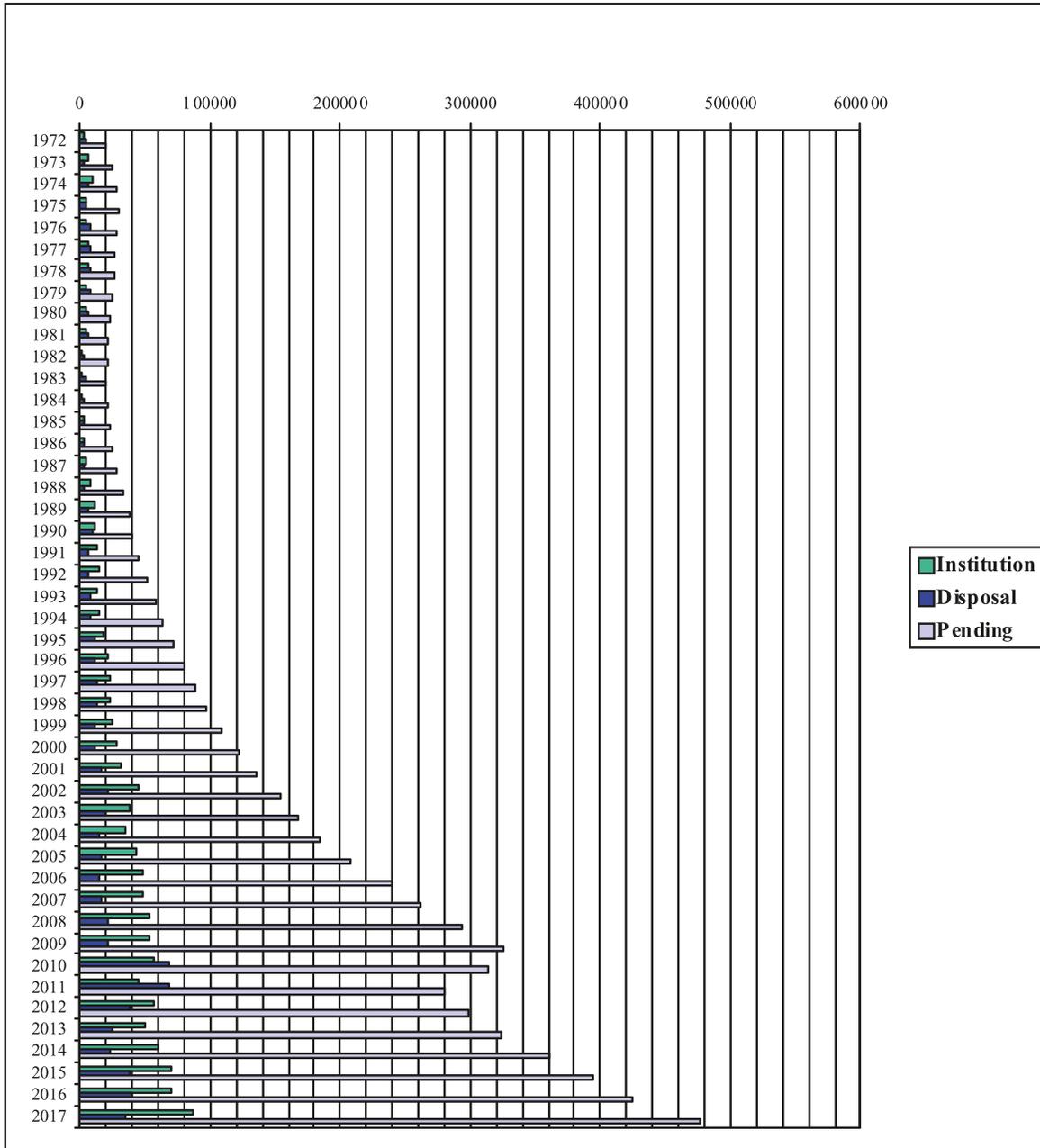


Figure 2: Horizontal Bar Chart of institution, disposal and pending cases in the High Court Division of the Supreme Court of Bangladesh from the year 1972 to 2017



### 2.2.2. Trend of institution of cases from the year 1972 to 2017

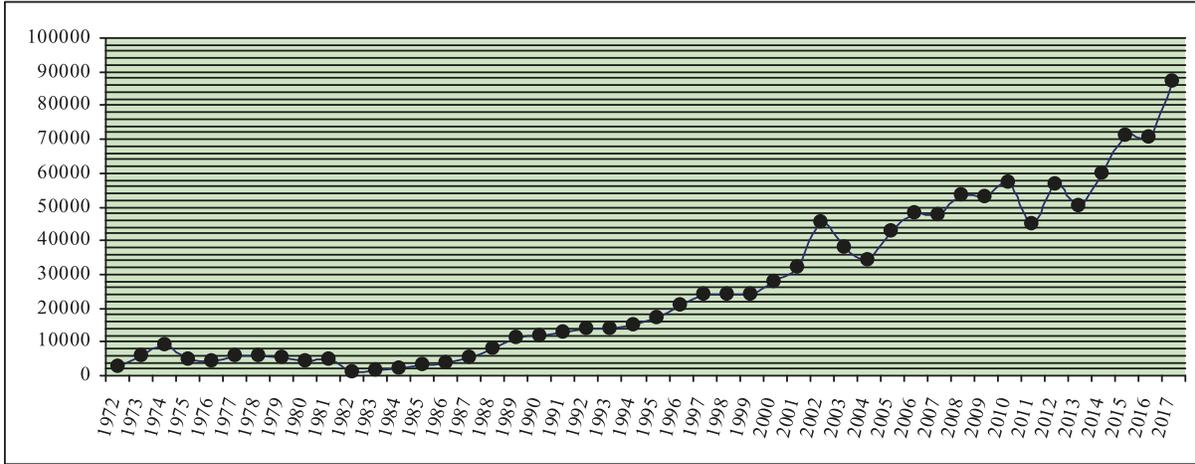


Figure 3: Line graph of institution of cases from the year 1972 to 2017

### 2.2.3. Trend of disposal of cases from the year 1972 to 2017

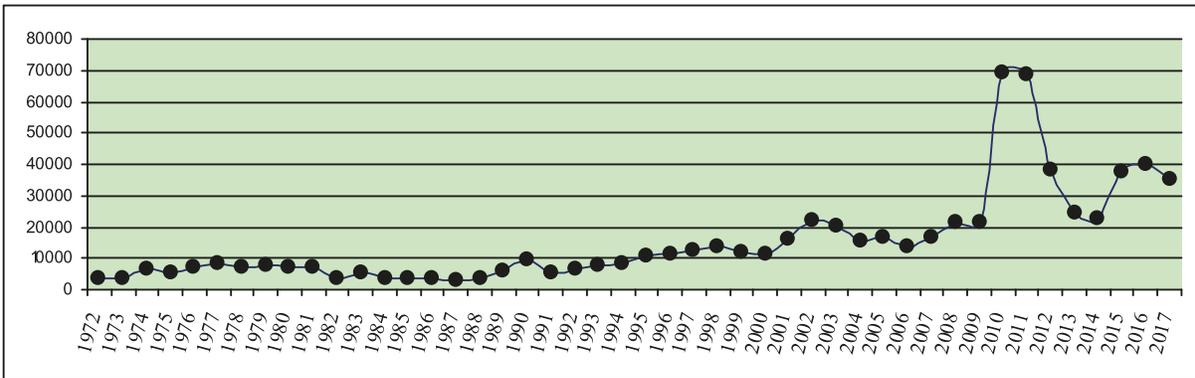
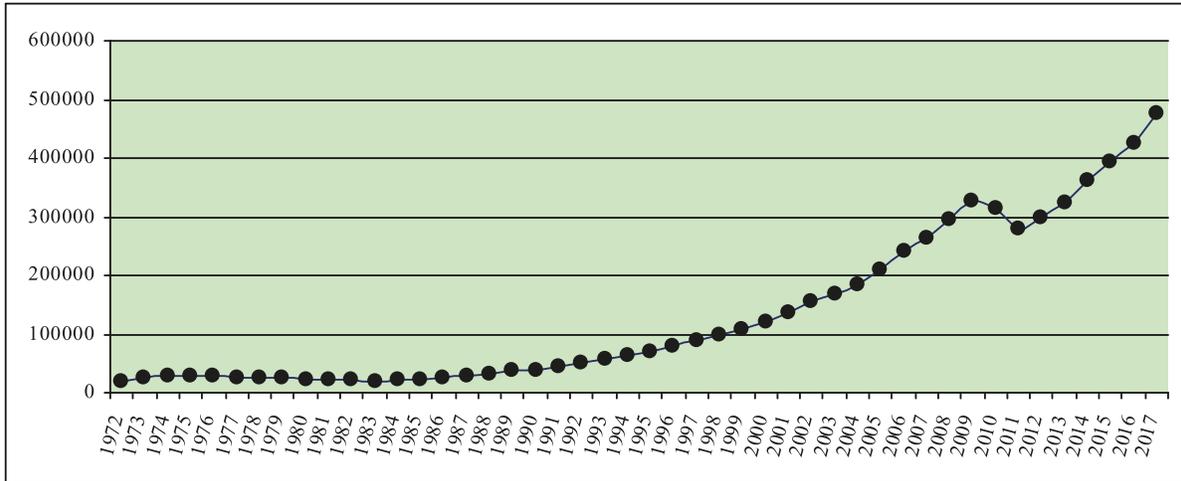


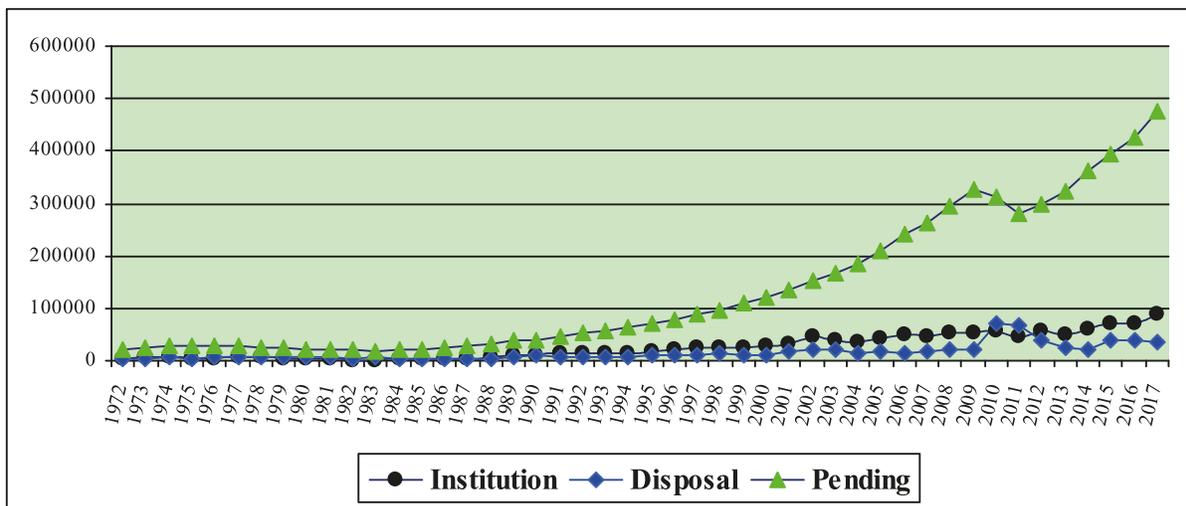
Figure 4: Line graph showing disposal of cases from the year 1972 to 2017

## 2.2.4. Trend of pending cases from the year 1972 to 2017



**Figure 5:** Line graph showing pending cases from the year 1972 to 2017

## 2.2.5. Comparative Chart of institution, disposal and pending cases from the year 1972 to 2017

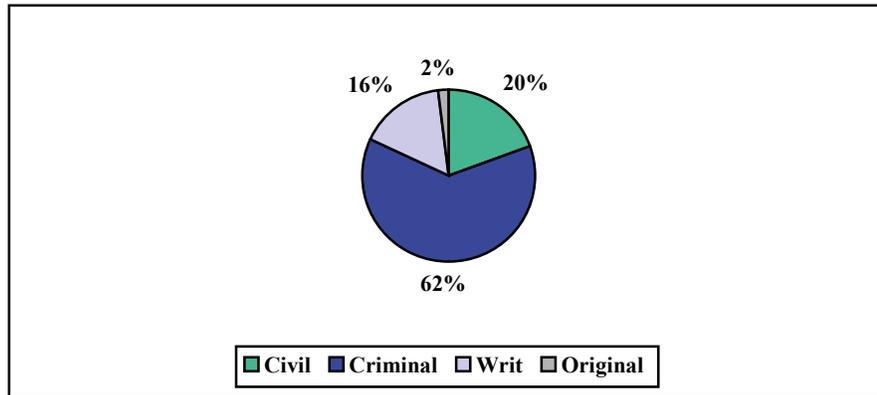


**Figure 6:** Line graph showing pending, disposal & institution of cases from the year 1972 to 2017



### 3. Analysis of the pending balance for the High Court Division in 2017

To understand the balance of pending case, the following tables may be examined. The pending balance for all cases for the year 2017 is 476750, while the pending balance for Civil Cases is 93174, that for Criminal Cases is 297635, for Writ is 76770 and for Original Cases is 9171.



**Figure 7:** Pie Chart of all pending cases in the High Court Division in the year 2017.

There are 62% Criminal cases, 20% Civil cases, 16% Writ and 2% Original cases of all the pending cases.

#### 3.1. Pending Civil Cases

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
90248	6431	96676	3505	93174

#### 3.2. Pending Criminal Cases

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
257481	59491	316972	19337	297635

#### 3.3. Writ

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
69326	19563	88889	12119	76770

#### 3.4. Original

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
7939	1767	9706	535	9171

#### 4. Institution, disposal and pendency of cases in the High Court Division from 1972 to 2017

##### 4.1. Civil Cases.

Year	Opening balance	Fresh institution	Total	Disposal	Pending
1972	15517	1615	17132	752	16380
1973	16380	2771	19151	798	18353
1974	18353	3884	22237	3498	18739
1975	18739	2593	21332	1955	19377
1976	19377	2775	22152	2323	19829
1977	19829	2652	22481	3933	18548
1978	18548	2769	21317	3550	17767
1979	17767	2391	20158	3391	16767
1980	16767	1268	18035	2755	15280
1981	15280	2656	17936	3819	14117
1982	14117	489	14606	783	13823
1983	13823	667	14490	2325	12165
1984	13823	1044	14867	864	14003
1985	14003	1359	15362	873	14489
1986	14489	1534	16023	606	15417
1987	15417	2750	18167	750	17417
1988	17417	1575	18992	998	17994
1989	17994	4284	22278	2467	19811
1990	19811	4595	24406	4033	20373
1991	20373	4595	24968	2033	22935
1992	22935	4435	27370	2289	25081
1993	25081	5017	30098	2850	27248
1994	27248	5884	33132	3935	29197
1995	29197	6440	35637	3137	32500
1996	32500	5942	38442	3340	35102
1997	35102	6839	41941	5078	36863
1998	36863	7540	44403	4314	40089
1999	40089	7589	47678	3428	44250
2000	44250	8565	52815	2384	50431
2001	50431	9348	59779	4185	55594
2002	55594	9020	64614	6400	58214
2003	58214	7447	65661	4656	61005
2004	61005	7908	68913	3801	65112
2005	65112	7253	72365	3723	68642
2006	68642	6867	75509	3693	71816
2007	71816	7721	79537	4881	74656
2008	74656	6257	80913	5275	75638
2009	75638	6716	82354	6565	75789
2010	75789	6667	82456	4597	77859
2011	77859	6662	84521	5118	79403
2012	79403	6418	85821	5233	80588
2013	80588	5691	86279	3472	82807
2014	82807	6471	89278	4862	84416
2015	84416	7088	91504	4194	87310
2016	87310	6603	93913	3665	90248
2017	90248	6431	96679	3505	93174



#### 4.2. Criminal Cases.

Year	Opening balance	Fresh institution	Total	Disposal	Pending
1972	3391	544	3935	1016	2919
1973	2919	1964	4883	784	4099
1974	4099	3349	7448	826	6622
1975	6622	1767	8389	1041	7348
1976	7348	1093	8441	2720	5721
1977	5721	1876	7597	2051	5546
1978	5546	1881	7427	1678	5749
1979	5749	1718	7467	2058	5409
1980	5409	1597	7006	2006	5000
1981	5000	1397	6397	1076	5321
1982	5321	320	5641	674	4967
1983	4967	663	5630	985	4645
1984	4645	595	5240	490	4750
1985	4750	748	5498	486	5012
1986	5012	1248	6260	529	5731
1987	5731	1264	6995	371	6624
1988	6624	3950	10574	289	10285
1989	10285	4487	14772	1579	13193
1990	13193	4664	17857	3053	14804
1991	14804	4679	19483	1399	18084
1992	18084	4822	22906	1879	21027
1993	21027	6170	27197	2507	24690
1994	24690	6189	30879	2131	28748
1995	28748	7786	36534	5417	31117
1996	31117	8279	39396	5978	33418
1997	33418	8560	41978	4927	37051
1998	37051	11508	48559	7021	41538
1999	41538	10881	52419	5910	46509
2000	46509	12445	58954	5790	53164
2001	53164	15092	68256	9219	59037
2002	59037	27000	86037	13192	72845
2003	72845	21363	94208	13300	80908
2004	80908	18297	99205	9332	89873
2005	89873	25179	115052	10760	104292
2006	104292	27747	132039	7833	124206
2007	124206	27779	151985	9035	142950
2008	142950	34492	177442	7071	170371
2009	170371	36725	207096	8096	199000
2010	199000	39631	238631	56705	181926
2011	179698	25573	205271	52149	153122
2012	153122	31258	184380	24108	160272
2013	160272	30137	190409	12414	177995
2014	177995	39301	217296	7745	209551
2015	209551	47870	257421	19457	237964
2016	237964	45353	283317	25836	257481
2017	257481	59491	316972	19337	297635

### 4.3. Writ.

Year	Opening balance	Fresh institution	Total	Disposal	Pending
1972	799	8	807	10	797
1973	797	751	1548	474	1074
1974	1074	1461	2535	293	2242
1975	2242	438	2680	322	2358
1976	2358	538	2896	508	2388
1977	2388	975	3363	1049	2314
1978	2314	1027	3341	490	2851
1979	2851	923	3774	1431	2343
1980	2343	1057	3400	911	2489
1981	2489	899	3388	1220	2168
1982	2168	0	2168	0	2168
1983	2168	0	2168	0	2168
1984	2168	0	2168	0	2168
1985	2168	567	2735	57	2678
1986	2678	494	3172	252	2920
1987	2920	890	3810	102	3708
1988	3708	1745	5453	1560	3893
1989	3893	2490	6383	2361	4022
1990	4022	2015	6037	2917	3120
1991	3120	3142	6262	2567	3695
1992	3695	4455	8150	3356	4794
1993	4794	2244	7038	2097	4941
1994	4941	2639	7580	2174	5406
1995	5406	2745	8151	1830	6321
1996	6321	6490	12811	3042	9769
1997	9769	7988	17757	4539	13218
1998	13218	4362	17580	2958	14622
1999	14622	5078	19700	3162	16538
2000	16538	6345	22883	5349	17534
2001	17534	7256	24790	4614	20176
2002	20176	8782	28958	7292	21666
2003	21666	7722	29388	5127	24261
2004	24261	7192	31453	4276	27177
2005	27177	9628	36805	4433	32372
2006	32372	12693	45065	4129	40936
2007	40936	11166	52102	11122	40980
2008	40980	11589	52569	8915	43654
2009	43654	8848	52502	6370	46132
2010	46132	10330	56462	7303	49159
2011	40916	11587	52503	10924	41579
2012	41579	18003	59582	8028	51554
2013	51554	13013	64567	7473	57094
2014	57094	12861	69955	8688	61267
2015	61267	14347	75614	13457	62157
2016	62157	17026	79183	9857	69326
2017	69326	19563	88889	12119	76770



#### 4.4. Original Cases.

Year	Opening balance	Fresh institution	Total	Disposal	Pending
1972	310	294	604	133	471
1973	471	168	639	102	537
1974	537	150	687	104	583
1975	583	98	681	219	462
1976	462	109	571	222	349
1977	349	153	502	234	268
1978	268	88	356	103	253
1979	253	113	366	169	197
1980	197	104	301	291	10
1981	10	102	120	74	46
1982	46	110	266	176	103
1983	103	220	355	163	137
1984	137	252	423	218	238
1985	238	286	520	185	281
1986	281	282	564	239	400
1987	400	283	1350	164	1061
1988	1061	950	1181	289	1117
1989	1117	120	1426	64	713
1990	713	309	1106	713	964
1991	964	393	1350	142	967
1992	967	386	1311	383	862
1993	862	344	1211	449	870
1994	870	349	1225	341	930
1995	930	355	1264	295	1052
1996	1052	334	1503	212	1168
1997	1168	451	1667	335	1256
1998	1256	499	1851	411	1325
1999	1325	595	1901	526	1026
2000	1026	576	1658	875	1049
2001	1049	632	1681	609	1072
2002	1072	825	1897	454	1443
2003	1443	1202	2645	372	2273
2004	2273	820	3093	444	2649
2005	2649	840	3489	406	3083
2006	3083	749	3832	307	3525
2007	3525	889	4414	655	3759
2008	3759	882	4641	403	4238
2009	4238	866	5104	454	4650
2010	4650	842	5492	701	4791
2011	4791	1262	6053	721	5332
2012	5332	1053	6385	1068	5317
2013	5317	1169	6486	936	5550
2014	5550	1436	6986	1182	5804
2015	5804	1635	7439	645	6794
2016	6794	1665	8459	520	7939
2017	7939	1767	9706	535	9171



**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 2017**

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

# ‘সুপ্রীম কোর্ট দিবস, ২০১৭’ এর উদ্বোধনী অনুষ্ঠানে বাংলাদেশের প্রধান বিচারপতির কার্যভার পালনরত মাননীয় বিচারপতি জনাব মোঃ আবদুল ওয়াহুহাব মিঞা এর বক্তব্য

০২ জানুয়ারি, ২০১৮



আজকের অনুষ্ঠানের প্রধান অতিথি গণপ্রজাতন্ত্রী বাংলাদেশের মহামান্য রাষ্ট্রপতি জনাব মোঃ আবদুল হামিদ;

বিশেষ অতিথি আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়ের মাননীয় মন্ত্রী জনাব আনিসুল হক, এম.পি;

বাংলাদেশ সুপ্রীম কোর্টের উভয় বিভাগের মাননীয় বিচারপতিবৃন্দ;

উপস্থিত শ্রদ্ধেয় সাবেক প্রধান বিচারপতি ও বিচারপতিবৃন্দ;

বাংলাদেশের বিজ্ঞ অ্যাটর্নি-জেনারেল জনাব মাহবুবে আলম;

বাংলাদেশ বার কাউন্সিলের ভাইস চেয়ারম্যান জনাব আবদুল বাসেত মজুমদার;

সুপ্রীম কোর্ট বার এসোসিয়েশনের সভাপতি জনাব জয়নুল আবেদীন;

বিজ্ঞ আইনজীবীবৃন্দ;

প্রিন্ট ও ইলেক্ট্রনিক মিডিয়ার প্রতিনিধিবৃন্দ;

উপস্থিত সুধীমন্ডলী এবং ভদ্রমহিলা ও ভদ্রমহোদয়গণ।

আসসালামু আলাইকুম/শুভ অপরাহ্ন।

শুরুতেই মহামান্য রাষ্ট্রপতিসহ উপস্থিত সকলকে এ অনুষ্ঠানে অংশগ্রহণের জন্য আন্তরিক ধন্যবাদ জ্ঞাপন করছি এবং সকলকে ইংরেজি নববর্ষের শুভেচ্ছা জানাচ্ছি।

২। দীর্ঘ ৯ মাসের রক্তক্ষয়ী যুদ্ধের মাধ্যমে আমরা পেয়েছি একটি স্বাধীন-সার্বভৌম রাষ্ট্র। স্বাধীনতা অর্জনের জন্য পৃথিবীর কোনো দেশ বা জাতিকে আমাদের মতো এতো ত্যাগ স্বীকার করতে হয়নি। আজকের এ ঐতিহাসিক দিনে স্বাধীন বাংলাদেশের অবিসংবাদিত নেতা ও হাজার বছরের শ্রেষ্ঠ বাঙালি এবং বাংলাদেশের স্থপতি জাতির জনক বঙ্গবন্ধু শেখ মুজিবুর রহমানের প্রতি বিনম্র শ্রদ্ধা ও কৃতজ্ঞতা জ্ঞাপন করছি। গভীর শ্রদ্ধার সাথে স্মরণ করছি বীর মুক্তিযোদ্ধা ও জাতির শ্রেষ্ঠ সন্তানদের। আরো স্মরণ করছি ২ লক্ষ মা-বোনকে যারা এই মহান স্বাধীনতার জন্য সন্ত্রাস হারিয়েছেন। এ অনুষ্ঠানের প্রধান অতিথি বাংলাদেশের মহামান্য রাষ্ট্রপতি জনাব মোঃ আবদুল হামিদ এর উপস্থিতি আজকের এ মুহূর্তকে করেছে মহিমান্বিত। আমি আমার নিজের এবং আমার সহকর্মী সুপ্রীম কোর্টের অন্যান্য বিচারপতিবৃন্দের পক্ষ থেকে মহামান্য রাষ্ট্রপতিকে জ্ঞাপন করছি গভীর শ্রদ্ধা ও আন্তরিক কৃতজ্ঞতা। আমরা আপনার সুস্বাস্থ্য ও দীর্ঘায়ু কামনা করছি। এই ঐতিহাসিক মুহূর্তে আমি স্মরণ করছি তদানীন্তন ঢাকা হাইকোর্ট এবং বাংলাদেশ সুপ্রীম কোর্টের প্রয়াত বিচারপতি ও আইনজীবীগণের অবদানকে যাদের অক্লান্ত প্রচেষ্টায় বাংলাদেশের বিচার ব্যবস্থা আজ পূর্ণতায় পৌঁছেছে। আমি সকল জীবিত বিচারক ও আইনজীবীদেরও দীর্ঘ জীবন ও সুস্থতা কামনা করছি।

সুধীমন্ডলী:

৩। জাতীয় মুক্তির জন্য ঐতিহাসিক সংগ্রামের মাধ্যমে অর্জিত হয়েছে গণপ্রজাতন্ত্রী বাংলাদেশ। রাষ্ট্রের সকল ক্ষমতার মালিক জনগণের নির্বাচিত প্রতিনিধিদের দ্বারা প্রণীত হয়েছে পৃথিবীর অন্যতম শ্রেষ্ঠ সংবিধান। আমাদের সংবিধানের মূলনীতি হচ্ছে জাতীয়তাবাদ, সমাজতন্ত্র, গণতন্ত্র ও ধর্মরিপেক্ষতা। সংবিধান অনুযায়ী আমাদের রাষ্ট্রের অন্যতম মূল লক্ষ্য হচ্ছে গণতান্ত্রিক পদ্ধতিতে এমন একটি শোষণমুক্ত সমাজতান্ত্রিক সমাজের প্রতিষ্ঠা যেখানে সকল নাগরিকের জন্য আইনের শাসন, মৌলিক

মানবাধিকার এবং রাজনৈতিক, অর্থনৈতিক ও সামাজিক সাম্য, স্বাধীনতা ও সুবিচার নিশ্চিত করা হবে। এছাড়াও মানব জাতির প্রগতিশীল আশা-আকাঙ্ক্ষার সাথে সঙ্গতি রক্ষা করে আন্তর্জাতিক শান্তি ও সহযোগিতার ক্ষেত্রে পূর্ণ ভূমিকা পালন করা আমাদের সংবিধানের অঙ্গীকার। তাই এই সংবিধানের রক্ষণ, সমর্থন ও নিরাপত্তা বিধান এবং এর উদ্দেশ্য বাস্তবায়নের জন্য আমাদের সকলকে এক সাথে কাজ করতে হবে।

৪। সংবিধান জন্ম দিয়েছে রাষ্ট্রের তিনটি অঙ্গের। আইন বিভাগ, শাসন বিভাগ এবং বিচার বিভাগ। এই তিনটি বিভাগের সমন্বিত প্রচেষ্টা ছাড়া রাষ্ট্রযন্ত্র কার্যকরভাবে জনগণের কল্যাণে কাজ করতে পারে না। সংবিধানে এই তিনটি বিভাগের প্রত্যেকের নিজ নিজ কাজের পরিধি সুস্পষ্টভাবে বর্ণিত হয়েছে। ১৭৭৩ সালে ব্রিটিশ পার্লামেন্ট রেগুলেটিং এ্যাক্ট পাশ করে। ঐ আইনের বিধান অনুসারে ১৭৭৪ সালে কলকাতায় সুপ্রীম কোর্ট প্রতিষ্ঠিত হয়েছিল। কিন্তু ঐ আইনে তদানীন্তন ভারতে নির্বাহী, আইন এবং বিচার বিভাগের মধ্যে ক্ষমতার সীমারেখা সুস্পষ্টরূপে নির্ধারিত না থাকায় সে সময় এক ধরনের অচলাবস্থার সৃষ্টি হয়েছিল। পরবর্তীতে ১৭৮১ সালের এমেন্ডিং এ্যাক্টের মাধ্যমে এই ত্রুটি দূর করতে হয়েছিল। আমাদের সংবিধান এরূপ ত্রুটি হতে মুক্ত। তাছাড়া রাষ্ট্রের কোনো বিভাগ যেন তার গণ্ডির সীমা পেরিয়ে ক্ষমতার প্রয়োগ না করে, সংবিধানে সেটি নিশ্চিত করার দায়িত্ব দেওয়া হয়েছে বিচার বিভাগের ওপর। বিচার বিভাগ জুডিসিয়াল রিভিউ এর মাধ্যমে এই সংবিধানের রক্ষণে ক্ষমতা প্রয়োগ করে থাকে। এ প্রসঙ্গে ভারতের সাবেক প্রধান বিচারপতি জনাব RC Lahoti এর বক্তব্যের প্রতিধ্বনি করে বলছি:

"As an independent judiciary, under the scheme of the Constitution, the Court has played its role effectively in acting as a watchdog through judicial review over the acts of the legislature and the executive. The major contribution of the Supreme Court has been to uphold the Constitution by delineating the role of the three organs of the State. When two organs of the State fail to perform their duties, the judiciary cannot remain a mute spectator. While acting within the bounds of law, the Supreme Court has always risen to the occasion as one of the guardians of the Constitution, criticism of "judicial activism" notwithstanding."

৫। জনগণের ইচ্ছা প্রকাশ পেয়েছে রাষ্ট্রের মৌলিক আইন সংবিধানে। সুপ্রীম কোর্ট হলো সে সংবিধানের জীবন্ত কণ্ঠ। সূচনালগ্ন থেকে আজ পর্যন্ত সংবিধানের এই কণ্ঠস্বর রুদ্ধ হয়নি। কখনো কেউ রুদ্ধ করতে পারবেও না। আমি দৃঢ়ভাবে বিশ্বাস করি সংবিধান সৃষ্ট আইন বিভাগ, শাসন বিভাগ ও বিচার বিভাগ- এই তিনটি প্রতিষ্ঠানই জনগণের আস্থার প্রতিফলন ঘটিয়ে তাদের দায়িত্ব যথাযথভাবে পালন করে যাচ্ছে।

৬। সুপ্রীম কোর্ট দিবস উদযাপন সংক্রান্ত জাজেস কমিটির সভাপতি বাংলাদেশ সুপ্রীম কোর্টের আপীল বিভাগের মাননীয় বিচারপতি জনাব মির্জা হোসেইন হায়দার তাঁর স্বাগত বক্তব্যে সুপ্রীম কোর্ট দিবস পালনের প্রেক্ষাপট সংক্ষিপ্তভাবে উপস্থাপন করেছেন। তাই এ বিষয়ে আমি আর পুনরাবৃত্তি করছি না। বিচার বিভাগের ইতিহাস নিয়ে এ পর্যন্ত কোনো মৌলিক ও সুবিস্তৃত গবেষণা কাজ হয়নি। এ প্রথমবারের মতো ঢাকা হাইকোর্ট ও বাংলাদেশ সুপ্রীম কোর্ট প্রতিষ্ঠার অনেক অজানা তথ্য আজকের এ ঐতিহাসিক দিবস উপলক্ষে প্রকাশিত স্মারক গ্রন্থে মুদ্রিত হয়েছে, যা থেকে সুপ্রীম কোর্ট প্রতিষ্ঠার ইতিবৃত্ত সমগ্র জাতি এবং পরবর্তী প্রজন্ম জানতে পারবে। মাননীয় বিচারপতি জনাব মির্জা হোসেইন হায়দার এবং তাঁর নেতৃত্বে গঠিত জাজেস কমিটির সদস্য মাননীয় বিচারপতি জনাব সৈয়দ রেফাত আহমেদ, মাননীয় বিচারপতি জনাব ওবায়দুল হাসান, মাননীয় বিচারপতি জনাব এম, ইনায়েতুর রহিম এবং মাননীয় বিচারপতি জনাব শেখ হাসান আরিফ এর নিরন্তর প্রচেষ্টার ফসল আজকের এ স্মারক গ্রন্থ। কমিটির মাননীয় বিচারপতিগণ এবং সুপ্রীম কোর্ট প্রশাসনে কর্মরত কর্মকর্তাগণসহ যারা এই স্মারক গ্রন্থ প্রকাশনায় সহযোগিতার হাত প্রসারিত করেছেন, তাদের সকলকে জানাই আন্তরিক শুভেচ্ছা ও গভীর কৃতজ্ঞতা।

৭। বলা হয় ইতিহাস চর্চার প্রতি ঔদাসীন্য রীতিমতো অমার্জনীয় অপরাধ। প্রত্যেক জাতির বর্তমান অবস্থা অনিবার্যভাবে তার অতীত দ্বারা সুসংজ্ঞায়িত এবং সূনিয়ন্ত্রিত। প্রত্যেক জাতির ভবিষ্যতের নির্মাণ অবশ্যম্ভাবীরূপে তার অতীত ও বর্তমান কাল সীমায় সংঘটিত ঘটনাসমূহের উপর নির্ভরশীল। আমরা জানি যে, বাংলাদেশে সাধারণ ইতিহাস চর্চার পরিস্থিতি ইতিবাচক কিন্তু দুর্ভাগ্যের বিষয় বিচার বিভাগীয় ইতিহাস চর্চা অবহেলা ও অবজ্ঞার শিকার। কারণ বিচার ব্যবস্থার বিকাশের ইতিহাসের প্রতি আমাদের চরম উদাসীনতা। আমাদের এই উদাসীনতা পরিত্যাগ করতে হবে। গত এক দশকে সামাজিক, রাজনৈতিক এবং অর্থনৈতিক সূচকে বাংলাদেশ অতুল্য উন্নতি সাধন করেছে এবং আগামী ২০২১ সালের মধ্যে ডিজিটাল বাংলাদেশ বিনির্মাণে সরকার অঙ্গীকারাবদ্ধ। সরকারের এ অগ্রযাত্রায় বিচার বিভাগের গুরুত্বপূর্ণ ভূমিকা রয়েছে। এ ভূমিকা সফলভাবে পালন করতে হলে বার-বেঞ্চ ও

আইনশিক্ষা প্রতিষ্ঠানসমূহকে যথেষ্ট দক্ষতা এবং যোগ্যতার পরিচয় দিতে হবে। মনোযোগ দিতে হবে বিচার ব্যবস্থার বিকাশের ইতিহাস চর্চার দিকে।

৮। গত চার দশকে বাংলাদেশের অর্থনৈতিক প্রবৃদ্ধি ও জীবন যাত্রার মান যেমন বৃদ্ধি পেয়েছে তেমনই বৃদ্ধি পেয়েছে স্বাক্ষরতার হার ও গণসচেতনতা। মানুষ তাঁর অধিকার সম্পর্কে আগের চেয়ে এখন অনেক বেশি সজাগ। এই সচেতনতার কারণে মামলার সংখ্যাও বৃদ্ধি পেয়েছে বহুগুণ। এর ফলে বিচারক ও আইনজীবী উভয়েরই কর্মের পরিধির ব্যাপ্তি ঘটেছে বহুগুণ। এসবের সঙ্গে বিগত দুই দশকে তথ্য প্রযুক্তি ও যোগাযোগ মাধ্যমের বিপ্লবের কারণে আইন চর্চার সীমা ও জটিলতা উভয়ই বেড়ে চলেছে।

৯। রাষ্ট্রের উন্নয়নের জন্য বিচারক ও আইনজীবী সমাজের অবদান অনস্বীকার্য। বিচারকের সিদ্ধান্ত নির্ভর করে আইনজীবী কতটা যুক্তিপূর্ণভাবে তার মামলা এবং উচ্চ আদালতের পূর্ব নজির বিচারকের সামনে উপস্থাপন করতে পারলেন তার ওপর। জ্ঞানের চর্চা ছাড়া তাই আইনজীবীগণের পেশার পসার ঘটে না। একইভাবে বার সমৃদ্ধ না হলে বিচারকের নিকট থেকেও সবসময় সমৃদ্ধ রায় আসা করা যায় না। অথচ বিচারকের সিদ্ধান্ত, মতামত বা নির্দেশনা সমাজ ও রাষ্ট্র ব্যবস্থার ভেতরে-বাহিরে গভীর প্রভাব বিস্তার করে। ইতিহাস পর্যালোচনা করলে দেখা যায় আমাদের সমাজের প্রতিটি সামাজিক, রাজনৈতিক এবং অর্থনৈতিক বিবর্তন ও বিকাশের ক্ষেত্রে বিচার বিভাগ গুরুত্বপূর্ণ ভূমিকা পালন করেছে। তাই বিচারক ও আইনজীবী উভয়কেই তাদের স্ব স্ব দায়িত্ব সম্পর্কে সচেতন থাকতে হবে এবং জ্ঞানের চর্চার মাধ্যমে সমাজ ও রাষ্ট্রের পূর্ণাঙ্গ বিকাশে এবং মানুষের অধিকার রক্ষায় কাজ করতে হবে। বিচারক ও আইনজীবীগণের মধ্যে যদি সুসম্পর্ক বজায় থাকে, তাঁরা যদি তাদের নিকট হতে জনগণ কী প্রত্যাশা করে সে সম্পর্কে সজাগ থাকেন তাহলে বিচার বিভাগ মানুষের প্রত্যাশা পূরণ করতে বহুলাংশে সক্ষম হবে।

১০। আইনের শাসন ছাড়া গণতন্ত্র বিকশিত হতে পারে না। যেখানে আইনের শাসন নাই সেখানে স্বৈরাচার মাথাচাড়া দিয়ে ওঠে। বাংলাদেশের সংবিধান আইনের শাসন প্রতিষ্ঠার গুরুভার অর্পন করেছে সুপ্রীম কোর্ট ও অধস্তন আদালতসমূহের ওপর। কিন্তু আদালতের একার পক্ষে এই গুরুদায়িত্ব পালন করা সম্ভব নয় যদি না বার আদালতের সহযোগিতায় এগিয়ে আসে। একটি শক্তিশালী বার বেঞ্চের সবচেয়ে কার্যকর বন্ধু। বার ও বেঞ্চের পারস্পারিক সহযোগিতার মাধ্যমে ন্যায় বিচার নিশ্চিত হতে পারে। আমাদের সমাজে বিচার বিভাগের একটি আলাদা মর্যাদা আছে। জনগণ বিচার বিভাগকে অত্যন্ত শ্রদ্ধার চোখে দেখে। আমাদের সম্পদের সীমাবদ্ধতা আছে কিন্তু আন্তরিকতার কোনো অভাব নেই। ন্যায় বিচার প্রতিষ্ঠার জন্য আমাদের দৃঢ় অঙ্গীকার আদালতের প্রতি সব শ্রেণী-পেশার নাগরিকের আস্থাকে করেছে সুদৃঢ়। এখনো জনগণ তাদের বিবাদ নিষ্পত্তি ও অধিকারের সুরক্ষায় যে কোনো কর্তৃপক্ষ, এমনকি সরকারের বিরুদ্ধে প্রতিকার পাওয়ার জন্যও আদালতের শরণাপন্ন হয়।

১১। দেশে বিদ্যমান মামলার পরিসংখ্যান থেকে এটা প্রতীয়মান হয় যে, বিচারের অভিজগম্যতা অনেক বেড়েছে। আমি এ প্রসঙ্গে বলব, জনসংখ্যা ও মামলার সংখ্যা অনুপাতে বর্তমানে আমাদের দেশে বিচারক সংখ্যা বাস্তবসম্মত নয়। সঙ্গতকারণে জনগণ ও মামলা অনুপাতে বিচারক সংখ্যা বৃদ্ধি এখন সময়ের দাবী। একথা অস্বীকার করার কোনো সুযোগ নেই যে, বাংলাদেশের আইন ব্যবস্থার প্রতি সাধারণ জনগণের প্রবল আস্থা রয়েছে। সাধারণ মানুষ মনে করে “Judiciary is the ultimate guardian of their rights and liberties”। বিচার বিভাগ কালের পরীক্ষায় উত্তীর্ণ। আমরা এ প্রতিষ্ঠানের নিকট গভীরভাবে ঋণী। আমরা বিচারের সমতার নীতি প্রয়োগের মাধ্যমে জনগণের আস্থা অর্জনে নিরন্তর কাজ করছি এবং করবো। কারণ জনগণের আস্থাই বিচারকদের সবচেয়ে বড় সম্পদ। বিচার বিভাগের প্রতি দেশের জনগণের আস্থা আরো সুসংহত করতে বিচারকদের Personal Commitment অপরিহার্য। এ প্রসঙ্গে বিশ্ব বিচার অঙ্গনের কিংবদন্তী ব্যক্তিত্ব Lord Denning M.R. এর এ উক্তিটি প্রণিধানযোগ্য-

“Justice must be rooted in confidence; and confidence is destroyed when right-minded people go away thinking: “The judge was biased.”

১২। বর্তমান যুগ তথ্য প্রযুক্তির যুগ। মামলার বিবাদমান পক্ষসমূহকে দ্রুত ও দক্ষ সেবাদানের ক্ষেত্রে তথ্য ও যোগাযোগ প্রযুক্তির ব্যবহারের কোনো বিকল্প নেই। বিষয়টি মাথায় রেখে ইতোমধ্যেই আমরা সুপ্রীম কোর্টে তথ্য প্রযুক্তির ব্যবহারের মাধ্যমে মামলা ব্যবস্থাপনায় সংস্কার সাধনের উদ্যোগ গ্রহণ করেছি। একটি সমৃদ্ধ ওয়েবসাইটসহ প্রতিদিনের কজলিস্ট অনলাইনে প্রকাশ এবং জামিনের আদেশের সত্যতা যাচাই এর জন্য বেইল কনফার্মেশন সফটওয়্যার এর ব্যবহার ইতোমধ্যেই বিচারপ্রার্থী জনগণের দুর্দশা বহুলাংশে হ্রাস করেছে এবং তাদের সময়, শ্রম ও অর্থের সাশ্রয় করতে সক্ষম হয়েছে।

১৩। সরকার ২০২১ সালের মধ্যে ডিজিটাল বাংলাদেশ গড়তে প্রতিজ্ঞাবদ্ধ। বাংলাদেশ সুপ্রীম কোর্ট ও প্রধানমন্ত্রীর কার্যালয়ের

a2i প্রকল্পের যৌথ উদ্যোগে ডিজিটাইজেশনের সুফল অধস্তন আদালতেও পৌঁছে দিতে তৈরি করা হয়েছে বিচার বিভাগীয় তথ্য বাতায়ন। বিচার বিভাগীয় কর্মকর্তাদের কাজের তত্ত্বাবধান ও মূল্যায়নের জন্য তৈরি করা হচ্ছে মনিটরিং ড্যাশবোর্ড। বাংলাদেশের সকল আদালতকে ই-কোর্টে পরিণতকরণ, ডিজিটাল পদ্ধতিতে রেকর্ড ধারণ ও সংরক্ষণ, জেলা ও কেন্দ্রীয় কারাগারের মধ্যে ভিডিও কনফারেন্স এর মাধ্যমে আদালতে সাক্ষী ও আসামীদের হাজিরা নিশ্চিতকরণ এবং দেশের বিচার ব্যবস্থায় ম্যানেজমেন্ট ইনফরমেশন সিস্টেমের প্রচলনের লক্ষ্যে সরকার দীর্ঘ মেয়াদি ই-জুডিসিয়ারি প্রকল্প গ্রহণ করার কাজ হাতে নিয়েছে জেনে আমরা আনন্দিত। বিচার ব্যবস্থার সামগ্রিক উন্নয়ন এবং দ্রুত ও মানসম্মত বিচার প্রদানে বিচার বিভাগের অবকাঠামোগত উন্নয়ন সহ Total Digitalization এর জন্য মহামান্য রাষ্ট্রপতির আন্তরিক সহযোগিতা এবং মাননীয় আইন মন্ত্রীর বাস্তবভিত্তিক জরুরী পদক্ষেপ কামনা করছি।

১৪। পরিশেষে আমি ঢাকা হাইকোর্টের প্রয়াত প্রথিতযশা মাননীয় প্রধান বিচারপতি আমিন আহম্মেদের কথার প্রতিধ্বনি করে আমার বক্তব্য শেষ করবো-

“The judiciary has no army or police force to execute its mandates or compel obedience to its decrees. It has no control over the purse strings of Government. Those two historic sources of power rest in other hands. Strength of the judiciary is in the command it has over the hearts and minds of men. That respect and prestige are the product of innumerable judgments and decrees, a mosaic built from the multitude of cases decided. Respect and prestige do not grow suddenly; they are products of time and experience. But they flourish when Judges are independent and courageous. The Court that raises its hand against the mob may be temporarily unpopular; but it soon wins the confidence of the nation. The Court that fails to stand before the mob is not worthy of the great tradition.”

সকলকে অসংখ্য ধন্যবাদ।

আল্লাহ হাফেজ।



Honorable Justice Md. Abdul Wahhab Miah, Performing the Functions of the Chief Justice of Bangladesh, addressing the audience on Supreme Court Day 2017

# REMARKS OF HONORABLE JUSTICE MUHAMMAD IMMAN ALI<sup>1</sup> AT THE INAUGURAL CEREMONY OF SEMINAR ON JUDICIAL INDEPENDENCE

Sunday May 7, 2017



Assalamu Alaikum, Namashkar and a very good afternoon.

I am very happy to be here with you all, because today marks the beginning of a new partnership between the Supreme Court of Bangladesh, the Commonwealth Secretariat and the Commonwealth Magistrates' and Judges' Association.

I thank Chief Magistrate Rinaudo, Judge Qureshi and Mr. Guthrie for coming to Bangladesh and extending their hands of cooperation and support for judicial education in this country. Incidentally, I met Judge Qureshi for the first time in September 2009 when I attended a colloquium held in the Turks and Caicos Islands. Since then, I know that he has been visiting many parts of the world as an expert imparting his knowledge regarding the topics which he will discuss during the course of the next two days.

The theme of today's seminar directly relates to the people's right to an independent judiciary. Independence of judiciary is one of the basic structures of the Constitution of Bangladesh. The preamble, Articles 11, 22 and 35 of the Constitution guarantee rule of law, fundamental human rights and freedom and people's right to an independent and impartial judiciary. Articles 94 and 116A expressly mention that the judges shall be independent in the exercise of their judicial functions. As the guardian of the Constitution, this court declared in the famous case of Masdar Hossain

*"The independence of the judiciary, as affirmed and declared by Articles 94(4) and 116A, is one of the basic pillars of the Constitution and cannot be demolished, whittled down, curtailed or diminished in any manner whatsoever, except under the existing provisions of the Constitution..."*

But what do we mean by judicial independence? I quote from Lord Justice Bingham<sup>2</sup>—

*"Any mention of judicial independence must eventually prompt the question independent of what? The most obvious answer is, of course, independent of government. I find it impossible to think of any way in which judges in their decision-making role should not be independent of government. But they should also be independent of the legislature."*

The importance of independence of the judiciary lies in the importance of the judiciary as the third branch of the government that is able to decide cases impartially, according to law and not based on external pressures and influences.

I would venture to suggest that independence of a judge is the sine qua non of any justice delivery system. Equally important is the public perception that the judiciary is independent.

It is generally acknowledged that an independent judiciary is the key to upholding the rule of law in a free, democratic society. It is also said that the true democracy is dependent on the existence of rule of law. I do not wish to go into all the different types of democracies that exist. However, I would like to dwell a little on the independence of the judiciary.

## **What does independence of the judiciary mean?**

It may have different meaning and connotation in different jurisdictions and systems of law and also may depend on the economic condition of a country. One may pose the question as to whether a judiciary is truly independent if, for example, there are financial constraints which make the judiciary dependent on the government.

<sup>1</sup>Honorable Judge of the Appellate Division of the Supreme Court of Bangladesh

<sup>2</sup>Lord Justice Bingham "Judicial Independence" (1997) 63(2) Arbitration 86, 89.

I would humbly suggest that a truly independent judiciary is one which has full autonomy in the decision making process, subject only to the bounds prescribed by the law and the Constitution. A judge must be able to make her/his decision in any given case freely and impartially based on the facts and law involved, without fear or favour. The judge must be able to protect the rights of the citizen in accordance with the law without having to look over his/her shoulders and without feeling any pressure or interference from other sources, especially government.

To put it simply, the judge must be free from all worries, other than his anxiety to ensure justice and the maintenance of the rule of law.

The Universal Declaration of Human Rights establishes in Article 10 that all persons are "entitled in full equality to a fair and public hearing by an independent and impartial tribunal" whenever criminal charges are laid against them. As stipulated in Article 11, they must be presumed innocent until it is proven otherwise, and may not be charged with an offence, or dealt a penalty, that was not part of the law when they are alleged to have committed the offence.

Judges are charged with the ultimate decision over life, freedoms, rights, duties and property of citizens. The citizens of every country look to judges to make a decision in their dispute justly.

Principle 2 of the "U.N. Basic Principles on the Independence of the Judiciary" defines judicial impartiality as judges deciding matters before them on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats, or interferences, direct or indirect, from any quarter or for any reason.

Given the facts that the Constitution guarantees judicial independence in Bangladesh and that the Supreme Court's consultative power protects judges of the subordinate courts from executive interference, it is equally important that judges are independent in person. And that's where this seminar focuses.

I have had the privilege of going through the seminar agenda, discussion scenario and other materials that you have in your folders. Apart from judicial independence and Latimer House Principles, you will take part in sessions on bias, impartiality, judicial conduct in the courts, disclosure and recusal, extra-judicial activities and role of judicial activism in promoting and protecting human rights.

I would like to thank the Commonwealth Secretariat and the CMJA for putting together all these very timely and important topics. I am also glad to learn that my brother judge Mr. Justice Moyeenul Islam Chowdhury will conduct a session. This will enable better exchange of ideas and knowledge, which would be helpful for all of us.

I am happy to see that this training program is attended by so many of our judicial officers from various levels of the service and from different parts of the country. The mix of this diverse group of judges with varied judicial functions will make the seminar vibrant and productive. I believe that the participants who have been selected are fortunate to get the opportunity to attend this seminar.

I hope that you will all benefit from the knowledge and expertise of the visiting speakers and that you will carry this knowledge to your respective workstations to disseminate the same among your colleagues. Only then will the hard work of the Commonwealth Secretariat and CMJA be fruitful. In this way we can improve the quality of the justice delivery system and strengthen public trust and confidence in the judiciary.

[The three-day seminar on Judicial Independence was jointly organized by the Supreme Court of Bangladesh and the Commonwealth Secretariat, the Commonwealth Magistrates' and Judges' Association from 7-9 May 2017]

## SPEECH DELIVERED BY HONORABLE JUSTICE MIRZA HUSSAIN HAIDER<sup>1</sup> AT THE 14<sup>TH</sup> SAARC LAW CONFERENCE AND 11<sup>TH</sup> SAARC CHIEF JUSTICES CONFERENCE, SRI LANKA



Mr. Chairperson;

Hon'ble Chief Justice of Sri Lanka, Hon'ble Chief justices of Afganistan, Bhutan, Maldives, Nepal and Pakistan;

Esteemed Justices of SAARC countries;

Learned Lawyers, Scholars and delegates from SAARC countries;

Distinguished participants, Ladies and Gentlemen;

Very Good Morning to you all;

At the very outset, I take the opportunity to extend my heartiest thanks and gratitude to Mr. Justice Priyasath Dep, the Hon'ble Chief Justice of Sri Lanka for inviting Mr. Justice Md. Abdul Wahhab Miah, performing the functions of the Hon'ble Chief Justice of Bangladesh to participate in the 14<sup>th</sup> SAARC Law

Conference and 11<sup>th</sup> SAARC Chief Justices Conference. Due to unavoidable reasons his Lordship Mr. Justice Md. Abdul Wahhab Miah is not in a position to attend the conference. He was pleased to nominate me to participate in this august conference and I am carrying his Lordship's best wishes for resounding success of the conference. I express my humble gratitude for giving me the opportunity to address the valedictory session. I also express deep sense of appreciation and gratitude to the government of Sri Lanka, the Supreme Court of Sri Lanka and the Organizers for the warm reception and hospitality extended to me and my entourage.

Ladies and Gentlemen,

On the 25<sup>th</sup> anniversary of SAARC LAW, I recollect the memories of the founders of SAARC LAW Association and eco-warrior heroes with profound gratitude, although many of them are no longer with us. Nonetheless, they will always be in all of our hearts as the source of inspiration.

I am delighted that you have chosen "Role of Law in balancing Capital Legislative, Executive and Judicial Activism" as the theme for SAARC LAW Conference. In a democratic state, the power rests on three separate organs namely the executive, the legislature and the judiciary. In common law countries, tension between the Executive, the Legislature and the Judiciary is the result; I would say the inevitable result, of the doctrine of separation of powers. Under that doctrine, the political system of a nation divides its governmental power between a legislature, an executive and a judiciary. Great historian Lord Acton said: "All powers trend to corrupt. Absolute power corrupts absolutely." Thus the doctrine constructs a system that avoids concentrating too much power in any single body of government - the three powers are separated from one another and "none is supposed to trespass into the domain of other's". Furthermore, no arm of government is supposed to abdicate power to another arm.

It is conspicuous that, the legislature is the law-making body, the executive is for the enforcement of all such laws and the judiciary deals with the matters that arise from a breach of law. Thus they are all interlinked organs of the government and their roles and functions tend to overlap each other, as it is not possible to completely separate the three from each other even then each of the organs is to act within some restricted limits.

Indeed, in a parliamentary form of government a lot of cooperation is required and thus each organ must correspond to the other on some level so that the state functions smoothly. Vesting any one organ with too much power may be very dangerous. A system of checks and balances has been developed over the years from the judicial pronouncements of apex courts of different countries and more precisely within this SAARC region. In my country these three organs act as a check and balance to each other and work in coordination and cooperation to make our parliamentary system a success. The system of checks and balance is a part of

<sup>1</sup>Honorable Judge of the Appellate Division of the Supreme Court of Bangladesh

our Constitution. It guarantees that no part of the government becomes too powerful, ignoring the others. Constructive relationships among the three arms/organs of government are essential to the effective maintenance of the constitution and the rule of law which is one of the basic features of Democracy. From the above backdrop, I hope that the scholarly discussion on the theme topic of SAARC Law Conference will definitely expand the horizon of our knowledge and add a new dimension in our thoughts. Chief Justice of India, Mr. Justice R. C. Lahoti, mentioned the relationship between judiciary and other organs of the State in his famous speech on Law Day, November 26<sup>th</sup>, 2004. His Lordship said:

“The executive, the legislature and the judiciary are the three organs of the State, and have an equally important role to play in our constitutional scheme. The system of checks and balances is applicable to all three and none must overstep their respective limits. The inevitable tension between the organs must be viewed as a creative one, which ultimately results in strengthening the foundations of constitutionalism.”

From the above, it is clear that the three organs of a state should maintain harmonious relationship among them for the purpose of establishing democracy. Unless rule of law and fundamental rights for equal and humanitarian treatment to all are ensured, the scheme of democracy will not be a success. In this respect, I would take the privilege to draw your kind attention to three pertinent issues which, at present, have become common crises in the world, specifically in our region. Amongst other those are human trafficking vis a vis refugee problems, terrorism and environmental degradation.

To start with, I would like to mention that almost 1 million Rohingya refugees have crossed into Bangladesh. All of them have distressed stories of their sufferings including losing of homes and families. The UN Refugee Agency has called the current crisis as- the fastest-growing refugee emergency in the world today. Bangladesh must not face it alone. We must raise our voice for their safe return to their home. We must set a strategy at South Asian regional level for supporting the problem created due to influx of Rohingya refugee in Bangladesh.

Secondly, terrorism, in any form, has been one of the constant life threatening concerns affecting more or less every country of the world in the 21<sup>st</sup> century. Terrorism inevitably has a transnational aspect. For example, a crime of terrorism can be initiated in one state and terminated in another. This gives rise to complex jurisdictional issues involving international co-operation and mutual legal assistance. Terrorism needs a common definition. I would like to inform you that the government of Bangladesh has demonstrated political will and firm commitment to fight out domestic and transnational terrorist groups, and its counterterrorism efforts made it harder for transnational terrorists to operate in or establish safe havens in its territory. However, it is a very complex and challenging task to address the terrorism phenomenon. We need a strong regional and international consensus in combating terrorism. Currently every country of the world is taking measures in combating terrorism. However, in South Asian regional level, we have not still set out as to how far we want to go in fighting out, rather root out terrorism. First, we have to connect all the members of SAARC and bring them under one umbrella and take all necessary measures by adopting treaties and agreement to combat terrorism. We must open our doors for greater regional cooperation and mutual legal assistance and support. Then only we can proceed to think as to how far we really want to and can go.

The environment issue is viewed as a resource base problem for the survival of the present and future generations. Environmental protection is an increasingly pressing issue all over the world. Ozone depletion, green house effect, global climate changes or global warming, etc, are the main issues concerning the environment. In recent years, many countries and various organizations have paid more attention to environmental protection. It is unrealistic to expect individual nation to take measures independently, sacrifice is very much necessary to prevent environment changes and degradation. None can deny that regional and international leadership and worldwide cooperation are essential, if we expect to protect the world for the future generations.

The role of lawyers and Courts in overcoming the aforesaid problems is very significant. There are good number of lawyers who are working hard for fighting out the above issues with the help of the order of the Court.

On the other hand, our courts themselves are very pro-active towards science, environment and ecology,



terrorism and refugee problems. Nevertheless role of Courts throughout SAARC region needs to be expanded and enhanced on mutual understanding.

Echoing the words of Justice A. S. Anand, Chief Justice of India as he then was, I would like to say that “Judicial activism, however, is not an unguided missile. It has to be controlled and properly channelised. Courts have to function within the established parameters and constitutional bounds. Decision should have a jurisprudential base with clearly discernible principles. Limits of jurisdiction cannot be pushed back so as to make them irrelevant. Courts have to be careful to see that they do not overstep their limits because, to them is assigned the sacred duty of guarding the Constitution. Courts cannot create rights, where none exist as such, otherwise it would lead to utter confusion. We must ensure that judicial activism does not become judicial adventurism. There is an onerous duty cast upon the Judiciary and it must ensure that it does not allow the instrumentality of the courts to be polluted and thereby eroding public trust and confidence in the institution itself.”

With these words, I want to conclude wishing you all a safe and pleasant journey back home. No doubt, we will carry sweet memories of our visit in the capital of Sri Lanka.

The friendship, mutual respect and trust among the SAARC countries live long.

Let us prosper together.

May God bless all of us.

Thank you very much for your patient hearing.

[The Conference was held in Sri Lanka in October 2017]



Honorable Justice Mirza Hussain Haider, representing the Chief Justice of Bangladesh at 14<sup>th</sup> SAARC Law Conference and 11<sup>th</sup> SAARC Chief Justices Conference, is seen among the Chief Justices of the SAARC countries

## FAREWELL SPEECH OF HONORABLE JUSTICE QUAMRUL ISLAM SIDDIQUE<sup>1</sup>

29 May 2017



Hon'ble Chief Justice of Bangladesh, Hon'ble Judges of the Appellate Division, learned Judges of the High Court Division.

Assalam u-alaikum!

Today is the 2<sup>nd</sup> day of holy month of Ramadan. I understand, after the day's work, you are all tired and eager to go home back to arrange and participate in the Ifter. So, I won't take much of your time, I shall be very brief.

It is hard to believe that my long 42 years 5 months wonderful journey in the Judiciary is going to an end today. I joined my service as Munsif on 26<sup>th</sup> day of December 1975. It was a sunny winter morning. I boarded a bus from Khulna to go to Jessore to join there. Arrived in Jessore at 10 AM, tried to meet the then District and Sessions Judge Mr. Nasiruddin Humayun Chowdhury who was the father-in-law of our former Chief Justice Mr. Justice M.M. Ruhul Amin. But the orderly of the District and Sessions Judge stood on the way. He was the last man to allow me to go inside the chamber of the District and Sessions Judge. In fact, he did not believe, I went there to join as Munsif. I was just fresh from University, having tender look with reasonably fair complexion and tuft of hairs on my head. He did not believe such a young man with tender look may be the 'Munsif'. Possibly he was right from his point of view. Because he was habituated to see that the Munsifs were always elderly persons. Two years later, while I was posted in Narail, discovered that the orderly, was, perhaps, right. One fine morning, I was going to Court on foot from my official residence. In those days the Judicial Officers had no transport except the District Judge. Two persons were walking just behind me. One guy was saying to other, showing at me "look, he is new Munsif in Narail". The other guy sharply reacted and said, I don't believe, it can't be, but since he is coming out from the official residence of Munsif, he must be the brother of Munsif'. The matter was resolved by a learned lawyer who was crossing the road at that time. He got down from his bi-cycle and gave me Salam. He heard their conversations and told the guys that there was no reason to entertain doubt about my position, "I was really the Munsif at Narail". The guy who said, "I was the brother of Munsif" was utterly disappointed. Do you know what he said? Still I can't believe, it is still pinching my eardrum. He said, "বাংলাদেশও হলো আর কত কিছু যে দেখলাম" I was very shocked to hear that, I understood my tender look was the real reason for passing such unkind comments about me. Immediately, I understood that the orderly of the District and Sessions Judge, was quite right not to accept me as Munsif.

Days rolled on. I worked in different places in Bangladesh, as Munsif, as Sub-Judge, now renamed, as Joint District Judge, Additional District Judge and District Judge. Those were the days! I will never forget those beautiful days. By the grace of Almighty, wherever I went to serve as a Judicial Officer, I always enjoyed my stay there and I have no hesitation to say that I could earn the confidence of the Bar, the litigant people and the general people at large. Apart from serving as Judicial Officer, I also served in the Ministry of Law, Justice and Parliamentary Affairs in two different capacities, as Assistant Secretary and as Deputy Secretary. At the Supreme Court also I served as the Deputy Registrar and the Registrar. In fact, I spent a good amount of time of my life in the Supreme Court. I served as the Registrar under five successive Chief Justices. It was again a record because normally, when a new Chief Justice assumes, he always takes his own man as Registrar. But for me it was all together different. Most importantly, I had an amazing experience when I worked as Private Secretary to the then Advisor to the Caretaker Government, the legal luminary Barrister Syed Ishtiaq Ahmed. That was the first Caretaker government in Bangladesh. Barrister Syed Ishtiaq Ahmed had to work very hard at that time. He was so fast and quick in understanding that it was not easy to keep pace with him. But I tried. As his Private Secretary I had to work very hard also to keep pace with him. When I was on leave, Late Barrister Ishtiaque Ahmed decided to take me as his Private Secretary in my absence even without my consent. I had no hand in it. I had no scope to say 'no', even. It was a rare opportunity to work with such a legal giant. Still I remember those busy and challenging days! He was so kind to me always.

<sup>1</sup>Former Honorable Judge of the High Court Division of the Supreme Court of Bangladesh



During my time as Registrar, massive refurbishment was done in the Supreme Court with the fund of World Bank. In fact, I was a party to every development work like construction of landscape by reputed Japanese firm, construction of gates with tomb on the top, refurbishment of Judges' Lounge, Judges' Meeting Room, Chief Justice's Chamber etc. In fact, because of my long association with the Supreme Court, I have a special feeling and special love for the Supreme Court.

Today I am going to retire. This is a regular phenomenon of life. On this day, I would like to recall those who played important role in my life to become a real human being! Obviously, the first man comes is my father. I owe to him a lot and I miss him a lot too, since 1985, when he passed away. He would always tell me there is no substitute to hard work, dedication, honesty, perseverance and education. He would tell me, remember it is immaterial in life, how much money you have in your bank Account, or how big your house is, or even how latest your car is. He would say, remember always honesty, honesty and only honesty is the key to success in life. Never chase money even if you are in hardship and passing bad days! Always depend on God, He will do whatever is better for you! Have a goal in life, but never try to have a shortcut and don't be upset if you can't reach the goal. It is the God who knows what is best for you! Always be grateful to him. Above all, try to be a good human being and lastly he said, "never forget to pray". Believe me, I always tried to follow the instructions of my father so meticulously and religiously. I would like to say today with confidence that the instructions of my father are the key to my success in life, if, I have achieved anything in life, at all.

Next comes my mother. What do I tell you about my mother? One common denominator in all of our life is that father raises the children. But in my case, it is also my mother. My mother was extremely a pious woman. She was a daughter of a 'Peer' of our locality. In those days people from far flung areas would come to my maternal grandfather to take "blessed water" I mean, 'পানি পড়া' from him with the belief that it would cure their disease. My mother was the daughter of such a reputed religious leader of that time. Can you believe her sacrifice for us? My elder brother studied in Ripon College, Calcutta in 1948. At one point of time my father lost his job for publication of an article in his paper against British Government. At this critical time and financial hardship, my mother had to run the show of our family. I was not born at that time. Would you believe my mother had to sell her "wedding Saari" for giving the examination fees of my eldest brother in Ripon College? My mother did it so gladly, happily and merrily. When I was a small kid, I used to wake up early in the morning and used to see my mother was reciting the Holy Quran sitting on her prayer mat, after Fazr prayer. I used to go to her, sit on her lap and used to raise my hands to God together with my mother. Now, I am convinced that if my mother had not raised her hands to God on those days, I would not have been standing before you today!

I worked long 42 years and 5 months in the Judiciary. When at work, I used to throw my heart, hand and head in my work. I never did anything half heartedly. I know greatness comes not from one's own position, it comes from help others, too. I believe, as a human being we have an obligation to pull others up. With my limitation, I always tried to do that.

As a Judge of High Court Division, I worked about 13 years. One quotation of great personality Fali Nariman shaped my life during this time. You must be knowing about Fali Nariman, he is the renowned lawyer of India and he is said to be the direct protector of rights and liberties of the people of India. He said, "Law is a very disciplined subject, God bless us but not every week, one must be very generous and lion hearted to survive in law. A chicken hearted person can't survive in law". His words really touched me. As lawyers and as Judges of the Supreme Court we have a unique position to help the oppressed who are in real distress. Let us pray to Almighty, so that we can discharge our sacred duties without fear and favour. God is always with us to help.

I promised, I won't take much of your time. I want to wrap up now. Before that, I want to record my gratitude to at least 4 senior Judges sitting here. The first one I would like to mention is Mr. Justice Syed Mahmud Hossain. I spent 1/4 of my life as Judge of the High Court Division with him. In my early days in the Supreme Court as Judge, he took so much pain to help me, to shape my life as Judge in right direction. In fact, what I am now, it is total creation of Justice Syed Mahmud Hossain. He taught me A to Z about Court Administration, best way to write judgment, manner in the Court, behavior with the learned lawyer and what not? I am ever grateful to you, Sir, for your immense help to shape my life in the Supreme Court. I always pray for you, for every member of your family. I really wish all the best to you and every member of your family. God bless you, Sir!

Next, I want to mention the name of Mr. Justice Abdul Wahhab Miah. At one point of time, I had a very bad time in the Supreme Court, while serving as Registrar. I had the misfortune to become Registrar of this Court in 2001 and I continued till 22.04.2004. I don't want to say in so many words, the pains, the agony, the tension I had to undertake at that time. Those days were simply the nightmare to me, the blackest period of my life. I could not even sleep at night because of fear, agony, tension and limitless oppression from certain corner. At one point of time, I started suffering from depression. In those gloomy days of my life, only one, single, person who stood up by my side and helped me a lot is Mr. Justice Md. Abdul Wahahab Miah. Sir, I don't want to even remember those days. You were so kind to me. At that critical juncture of my life, you were just an angel from God for me. You saved my life, you saved me from total ruination of my life. I have no language to express my gratitude to you, Sir. God bless you! Only thing I can say to you, you will be always in my 5-time prayer till my last breath.

I would now mention gladly and merrily the name of Mr. Justice Hasan Foez Siddique. I had the opportunity to work with him for couple of years in the Judicial Service Commission. I read in my early days in school, "those who have not seen the Taj at Agra, have not seen half of the beauty of the world". Now, I would like to say in a perfectly parallel mood, if I had not met Mr. Justice Hasan Foez Siddique and if I had not worked with him in the Judicial Service Commission for couple of years, I would not have seen a real gentleman in my life. You are simply an excellent man, an excellent colleague, an excellent boss. Your sympathy for the junior colleagues can't be measured by any scale. Many a days we worked together from 9 o'clock in the morning till 9 o'clock in the evening. During this time, we had our lunch together, we used to pray together, we had our evening tea together! What a lovely time it was! Sir, I am very grateful to you. You taught me, how to smile in bad days, how to keep one's cool in adverse situation in life, how to overcome obstacles in life, how to work 24 hours a day with smile. You are an exceptional man, Sir, I have ever seen! God is with you, Sir, and God will help you always. My respectful Salam and all the best wishes to you and to all the members of your family. Long live, Sir, with smile, good health and good sleep!

Last but not the least, I would like to express my gratitude to the Hon'ble Chief Justice Mr. Surendra Kumar Sinha. He was always kind to me, extremely helpful and always sympathetic to me. Whenever I met him with any problem, he embraced me with smile, helped me a lot and solved the problem instantly. I am so grateful and thankful to you, Sir! I pray for you, for your long life and good health, Sir!

Now, I would like to take an opportunity to thank all the fellow Judges, who were sitting with me in the High Court Division. They were all extremely helpful, co-operative and knowledgeable. I pray to almighty for all of you for your bright future, long life and good health.

On 23<sup>rd</sup> of August 2004, I took oath standing right here. On that day, I came empty handed and went out with a basket full of gifts. The most precious gift was a "flag" to hoist on my car! After 13 years, I am now standing on the same platform, leaving the place empty handed. The most precious thing I am loosing today is the "flag", it will never be hoisted on my car any more! Still no regret!! Today I am taking home, three good things from you, the things are, your love, affection and good wishes. Your love, your affection and your good wishes are also equally precious to me, no less important than my flag. Kindly pray for me, so that, I can pass rest of my life happily and merrily with good health and good sleep! Kindly forgive me if I have hurt anybody of you.

Salaam to you all!

Good bless you all!

With this I conclude.

Thank you all!

## THE BANGLADESHI EXPERIENCES OF THE ROLE OF JUDICIAL ACTIVISM IN PROMOTING AND PROTECTING HUMAN RIGHTS

**Justice Moyeenul Islam Chowdhury**  
High Court Division



When the Commonwealth Heads of Governments at their meeting in Abuja, Nigeria in 2003 adopted the Commonwealth Latimer House Principles on the Accountability of and the Relationship between the Three Branches of the Government, they demonstrated continuing Commonwealth commitment to advancing respect for the separation of powers including judicial independence, and a collective determination to raise levels of practical observance. Bangladesh is indisputably a Commonwealth country. The Commonwealth Charter states:

“We believe in the rule of law as an essential protection for the people of the Commonwealth and as an assurance of limited and accountable government. In particular, we support an independent, impartial, honest and competent judiciary and recognize that an independent, effective and competent legal system is integral to upholding the rule

of law, engendering public confidence and dispensing justice.”

The Commonwealth Latimer House Principles declare that ‘appropriate security of tenure and protection of levels of remuneration must be in place’ in relation to the Judiciary. Such guarantees serve to shield the Judges from external pressures and conflicts of interest when they hold powerful individuals or Government bodies legally to account, and thereby contribute to sustaining an independent Judiciary, which is an essential element of the rule of law.

Principle IV of the Commonwealth Latimer House Principles of 2003 states:

“The function of the Judiciary is to interpret and apply national constitutions and legislations, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country.”

An independent and impartial Judiciary is a precondition of rule of law. Constitutional provisions will be mere moral precepts yielding no result unless there is a machinery for enforcement of those provisions and faithful enforcement of those provisions is impossible in the absence of an independent and impartial Judiciary. In Masdar Hossain’s Case (Secretary, Ministry of Finance...Vs...Md. Masdar Hossain and others, 52 DLR (AD) 82), the Appellate Division has referred to the three essential conditions of independence of the Judiciary listed by the Canadian Supreme Court in *Walter Valente...Vs... Her Majesty The Queen and another*, ([1985] 2 R. C. S. 673) which are security of tenure, security of salary and other remunerations and institutional independence to decide on its own matters of administration bearing directly on the exercise of its judicial functions.

Independence and impartiality are, in fact, intertwined and it is futile to expect an impartial judgment from a Judge who is not immune from extraneous influences of any kind whatever. ‘Impartiality’, as one of America’s best Judges once observed, ‘is not a technical conception. It is a state of mind’ [Durga Das Basu’s *Limited Government and Judicial Review*, 1972, page 27].

An independent and impartial Judiciary is universally recognized as a basic requirement for the establishment of the rule of law; an inevitable and inseparable ingredient of a democratic and civilized way of life. It is only thus that a citizen can be assured of a just and fair determination of his disputes with other citizens, and with the State.

The role of Judges in the establishment of the rule of law was defined by the International Commission of Jurists in Athens in June, 1955 in the following terms:

“Judges should be guided by the rule of law, protect and enforce it, without fear or favour, and resist



any encroachments by Governments or political parties on their independence as Judges.”

In this connection, it is pertinent to refer to the eloquent statement of Chief Justice John Marshall of America who expressed himself as under:

“The judicial department comes home in its effects to every man’s fireside. It passes on his property, his reputation, his life, his all. Is it not, to the last degree important, that the Judge should be rendered perfectly and completely independent, with nothing to influence or control him but God and his conscience?” [Proceedings and Debates of the Virginia State Convention of 1829-30(1830), page-616].

Judicial independence has been called “the lifeblood of constitutionalism in democratic societies” (Beauregard...Vs...Canada, [1986] 2 S.C. R. 56) and has been said to exist “for the benefit of the judged, not the judges” (Ell...Vs...Alberta, [2003] 1 S.C.R. 857). We ought not to be oblivious of these dicta of the Canadian Supreme Court.

Judges promote and protect human rights through administration of justice. Almost all basic human rights as articulated in the United Nations Universal Declaration of Human Rights, 1948 have been enshrined in Part III of our Constitution. This Part III relates to the fundamental rights of the people of Bangladesh. As a matter of fact, human rights are those rights without which human existence is impossible on this planet. Anyway, Judges are charged with saying what the law means. When they speak, the force behind the law begins to operate with a view to promoting and protecting the human rights of the parties to the litigations.

#### **Writ Petition No. 7650 of 2012**

On the plea of maintenance of the law and order situation of the country, curbing terrorism and recovering illegal arms from miscreants etc., the Government issued an order on 16<sup>th</sup> October, 2002 to the disciplined forces to conduct drives under the name and style ‘Operation Clean Heart’ all over Bangladesh as and when required and accordingly they conducted drives till 9<sup>th</sup> January, 2003. During the drives of the joint forces, there were rampant allegations of violations of human rights and unlawful acts. Horrendous crimes such as harassment of people, illegal arrests, trespass, illegal seizure of property, torture, mutilation and killing of a considerable number of people in custody were committed. During that period, there were reports appearing almost every day in the national daily newspapers and electronic media about the widespread human rights violations and heinous crimes committed by the joint forces. The Daily Prothom Alo, the Daily Star and other daily newspapers carried the reports of the victimization of the people and the brutalities perpetrated upon them and custodial deaths. As per those paper-clippings, during 85(eighty-five) days of the drives conducted by the joint forces, at least 43(forty-three) people were killed in their custody. The losses suffered by the victims of the so-called ‘Operation Clean Heart’ could be redressed both under civil and criminal jurisdictions of the Courts of law. In cases of known, admitted and recognized failures of the State, funds were set apart and a Special Commission or Body or Authority was constituted to disburse funds as compensation among the victims of wrongful and unjustified State actions in various jurisdictions.

It is a truism that the Constitution is the “suprema lex” of the country. In other words, the Constitution is the supreme law of the land. In this connection, Article 7(2) of the Constitution may be mentioned. Article 7(2) mandates that this Constitution is, as the solemn expression of the will of the people, the supreme law of the Republic, and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void. This Article has proclaimed the supremacy of the Constitution to bring home the point that no law, or any part thereof, can be valid if it is found to be inconsistent therewith.

Supremacy of the Constitution means that its mandates shall prevail under all circumstances. As it is the source of legitimacy of all actions, legislative, executive or judicial, no action shall be valid unless it is in conformity with the Constitution both in letter and spirit. If any action is actually inconsistent with the provisions of the Constitution, such action shall be void and can not under any circumstances be ratified by passing a declaratory law in Parliament. If a law is unconstitutional, it may be re-enacted removing the inconsistency with the Constitution or re-enacted after amendment of the Constitution. However, supremacy of the Constitution is a basic feature of the Constitution and as such even by an amendment of the Constitution, an action in derogation of the supremacy of the Constitution can not be declared to have been validly taken. Such an amendment is beyond the constituent power of Parliament and must be discarded as a fraud on the Constitution.



Ours is a written Constitution. It is axiomatic that judicial review is the soul of the Judiciary in a written Constitution. In a written Constitution, the power of the Parliament in enacting laws is always subject to the provisions of the Constitution. Our Parliament is not as sovereign as the British Parliament. In Great Britain, the Constitution is unwritten and the Parliament is supreme. It is often said that the British Parliament can do and undo anything except making a man woman and a woman a man. Such is the amplitude of the sovereignty or supremacy of the British Parliament. But on the other hand, our Constitution has delineated the limitations of the Parliament in enacting laws. What I am driving at boils down to this: our Parliament is sovereign in enacting laws, but that sovereignty is subject to the provisions of the Constitution. For example, our Parliament can not make any law contrary to the fundamental rights as enshrined in Part III of the Constitution.

In the case of *Raja Ram Pal...Vs...Hon'ble Speaker, Lok Sabha and others*, (2007) 3 SCC 184, it was held by the Supreme Court of India:

“Parliament in India, unlike in England, is not supreme. Rather it is the Constitution of India that is supreme and Parliament will have to act within the limitations imposed by the Constitution. The law in England of exclusive cognizance of Parliament has no applicability in India which is governed and bound by the Constitution. A Legislature created by a written Constitution must act within the ambit of its power as defined by the Constitution and subject to the limitations prescribed by the Constitution. Parliament, like other organs of the State, is subject to the provisions of the Constitution and is expected, nay, bound to exercise its powers in consonance with the provisions of the Constitution. Any act or action of Parliament contrary to the constitutional limitations will be void.”

The above view of the Indian Supreme Court, in my humble opinion, clearly holds good in our jurisdiction.

Article 26 of our Constitution runs as follows:

“26.(1) All existing laws inconsistent with the provisions of this Part shall, to the extent of such inconsistency, become void on the commencement of this Constitution.

(2) The State shall not make any law inconsistent with any provisions of this Part, and any law so made shall, to the extent of such inconsistency, be void.”

The next relevant Article is Article 27 of the Constitution. According to Article 27, all citizens are equal before law and are entitled to equal protection of law.

Sir Ivor Jennings in his “The Law and the Constitution” stated:

“Equality before the law means that among equals, the law should be equal and should be equally administered, that like should be treated alike”.

In the case of *Southern Rly Co. V. Greane*, 216 U. S. 400, Day-J observed:

“Equal protection of the law means subjection to equal laws, applying alike to all in the same situation.”

Article 28 of our Constitution prohibits discrimination amongst the citizens on grounds of religion, race, caste, sex or place of birth.

Article 29 of the Constitution envisages equality of opportunity for all citizens in respect of employment or office in the service of the Republic.

Article 31 provides that 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.

Article 32 mandates that no person shall be deprived of life or personal liberty save in accordance with law.

Article 33 contemplates that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. Article 33 further provides that every person who is arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours of



such arrest, excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

Article 35(3) contemplates that every person accused of a criminal offence shall have the right to a speedy and public trial by an independent and impartial court or tribunal established by law. It is worthy of notice that Article 35(5) provides that no person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.

Article 37 envisages that every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health.

The provisions of Article 39 of our Constitution run as follows:

“39. (1) Freedom of thought and conscience is guaranteed.

(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence—

(a) the right of every citizen to freedom of speech and expression; and

(b) freedom of the press, are guaranteed.”

What is of paramount importance is that no one is above law and everybody is subject to law. This is the essence of the rule of law in a constitutional dispensation like ours. In this respect, we are reminded of an oft-quoted legal dictum, ‘Be you ever so high, the law is above you’.

Bangladesh, a member of UN, is under an obligation to comply with the principles enumerated in the United Nations Universal Declaration of Human Rights, 1948. She has also acceded to International Covenant on Civil and Political Rights, 1976 and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987. Apart from the provisions of our Constitution adverted to above, as a State Party as well, Bangladesh is committed to translate into reality the provisions of those international instruments and to see that no one is subjected to torture, intimidation, coercion, degrading treatment, brutality or custodial death save in accordance with law.

The members of the joint forces, or for that matter, the law-enforcing personnel are not above the law of the land. Any sort of deliberate torture on the victims in the custody of the joint forces or law-enforcing agencies is ex-facie illegal, unconstitutional and condemnable. In that event, they have the right to seek the protection of the law in any independent and impartial Court or Tribunal, as the case may be. Custodial death is the worst form of violation of human rights. Even a hard-core criminal has the right to be tried in the competent Court of law for his alleged perpetration of crimes. He can not be physically annihilated or killed by the members of the joint forces for his alleged crimes. The law-enforcing agencies or the joint forces can not take the law into their own hands and by so doing, they have infringed the relevant provisions of the Constitution.

Incidentally a reference may be made to the Repression and Custodial Death (Prevention) Act, 2013 (নির্যাতন এবং হেফাজতে মৃত্যু (নিবারণ) আইন, ২০১৩ (Act No. 50 of 2013). Section 12 of the Act No. 50 of 2013 is quoted below verbatim:

“এই আইনের অধীনে কৃত কোনো অপরাধ যুদ্ধাবস্থা, যুদ্ধের ছমকি, আভ্যন্তরীণ রাজনৈতিক অস্থিতিশীলতা অথবা জরুরী অবস্থায়; অথবা উদ্ভবর্তন কর্মকর্তা বা সরকারি কর্তৃপক্ষের আদেশে করা হইয়াছে এইরূপ অজুহাত অগ্রহণযোগ্য হইবে।”

This provision, without any shadow of doubt, upholds the basic spirit of the rule of law even under any exceptional circumstances.

It is true that criminal liability of a person is his personal liability. But none the less, the State can not shy away from its responsibility for the illegal and unconstitutional actions of the public functionaries. The State must be called to account for the unlawful and unconstitutional State-actions during the ‘Operation Clean Heart’.

Needless to say, the Bangladesh National Liberation Struggle (Indemnity) Order, 1973 (P. O. No. 16 of 1973) is fundamentally, perspectively and notionally different from the Joint Operation Indemnity Act, 2003 (সৌখ অভিযান দায়মুক্তি আইন, ২০০৩) (Act No. 1 of 2003). So the alleged constitutionality of the Act No. 1 of 2003 can



not be tested by the yardstick of the P. O. No. 16 of 1973.

By way of according absolute and unqualified indemnity under Section 3 of the impugned Act No. 1 of 2003, the members of the joint forces and all their actions during the period between 16<sup>th</sup> October, 2002 and 9<sup>th</sup> January, 2003 have been put above the law of the land, thereby creating a supra-law entity purportedly above and beyond the Constitution which itself destroys the very foundation of the rule of law and equality before law as enshrined and guaranteed in the Constitution.

The idea of the supremacy of the Constitution is at the core of constitutional democracy and governance and the guarantee and protection of fundamental rights are the centre-piece of the Constitution. If any legislative action contravenes any provision of the Constitution or the fundamental rights guaranteed thereunder, it can not be sustained by the touchstone of the Constitution.

The life and liberty of an individual is so sacrosanct that it can not be allowed to be interfered with except under the authority of law. It is a principle which has been recognized and applied in all civilized countries. The object of Article 32 of our Constitution (Article 21 of the Indian Constitution) is to prevent encroachment on the personal liberty of citizens by the Executive save in accordance with law and in conformity with the provisions thereof and in accordance with the procedure established by law. The meaning and content of right to life and personal liberty have several facets and attributes and the Indian Supreme Court has time and again declared their scope and ambit in a good number of judicial pronouncements. Right to life and personal liberty is a basic human right and not even the State has the authority to violate this right.

It is implicit that a person must be free from fear and threat to life inasmuch as life under fear and threat of death will be no life at all. Right to life would include the right to live with human dignity. (Chameli Singh...Vs...State of U. P., AIR 1996 SC 1051). There is a great responsibility on the police to ensure that any citizen in their custody is not deprived of his right to life. Wrongdoer is answerable to the victim and the State. The State can not shirk its responsibility if the victim is deprived of his life except in accordance with law.

Protection of an individual from torture and abuse by the police and other law-enforcing agencies is a matter of deep concern in a free society. Custodial torture is a naked violation of human dignity which destroys, to a very large extent, the individual personality. It is a calculated assault on human dignity. Whenever human dignity is wounded, civilization takes a retrograde step. The flag of humanity must on each such occasion fly half-mast. The police are, no doubt, under a legal duty and have the legitimate right to arrest an accused and to interrogate him during the investigation of an offence. But the law does not permit the use of third-degree methods or torture of any accused in their custody during interrogation and investigation in order to unravel the mystery of the offence. The end can not justify the means. The interrogation and investigation into a crime should be in true sense purposeful to make the investigation effective. By torturing a person and using third-degree methods, the police may accomplish some hidden agenda behind closed doors what the demands of our legal regime forbid. No civilized society can countenance the third-degree methods of the police.

The Courts have the obligation to satisfy the social aspirations of the citizens because the courts and the law are for the people and expected to respond to their aspirations. A court of law can not be blind to stark realities. Mere punishment of the offender can not give much solace to the family of the victim. A civil action for damages is a long-drawn-out and cumbersome judicial process. So monetary compensation by way of redress is, therefore, useful and at times perhaps the only effective remedy to apply balm to the wounds of the affected people.

In Radhakanta Majhi...Vs...State of Orissa, AIR 2014 Ori 206, it was spelt out in paragraph 9:

“9. Compensation in a writ proceeding can never be a substitute for loss of life and normally is by way of palliative and token in nature. This, by no means, as has been held by the Apex Court in a catena of decisions, is a bar to a person to pursue his other remedies available in law. The amount of compensation is only a public law remedy for violation of Article 21 of the Constitution of India.”

In Puspa Reang...Vs...The State of Tripura, AIR 2014 Tripura 49, it was held in paragraph 10:

“10. It is a clear case of unconstitutional deprivation of fundamental right to life and liberty. Thus this Court is competent to invoke the jurisdiction in the public law for penalizing the wrong-doer

and fixing the liability for the public wrong on the State which failed in the discharge of its public duty to protect the fundamental rights of its citizen. No law has authorized the police to perpetrate any custodial torture. The law's abhorrence is no more funnelled in the international covenant. On umpteen occasions, the Supreme Court has held that the purpose of public law is not only to civilize the public power but also to assure the citizens that they live under a legal system which aims at protecting their interests and preserving their rights."

Ultimately in the facts and circumstances of that case, the High Court of Tripura directed the State Government to pay monetary compensation to the tune of Rupees 4(four) lac to the petitioner without prejudice to any other action for damages which is lawfully available to the petitioner or to the heirs of the victim for the tortious acts committed by the functionaries of the State.

In *R. Gandhi and others...Vs...Union of India (UOI)* and another, AIR 1989 Mad 205, it was observed in paragraph 8:

"8. The scope and ambit of public interest litigations, the rights of the citizens and the duties of the State under the Constitution have been the subject-matter of a series of recent enlightened judgments of the Supreme Court. The learned Judges have pointed out that it is not only the right but also the duty of the Court, not only to enforce fundamental rights but also to award compensation against the State for violation of these rights. In other words, the power of the Court is not only injunctive in ambit, that is preventing the infringement of a fundamental right; but it is also remedial in scope and provides the relief against the breach of the fundamental right already committed."

In that case, finally a Writ of Mandamus was issued directing the State of Tamil Nadu to pay compensation to the victims of the Coimbatore riots strictly as per the report of the Collector of Coimbatore dated 11.02.1985 in the sum of Rupees 33,19,033 as assessed and recommended by the Collector.

In *Rudul Sah...Vs...State of Bihar*, (1983) 4 SCC 141, the petitioner filed a habeas corpus petition under Article 32 seeking his release from detention in jail on the ground that his detention after his release by the Sessions Court on June 3, 1968 was illegal, and also seeking ancillary reliefs, viz., compensation for his illegal detention in jail for over 14 years, his medical treatment at Government expense and ex-gratia payment for his rehabilitation. The Supreme Court of India completely departed from the old doctrine of Crown immunity and observed as follows:

"Although Article 32 can not be used as a substitute for the enforcement of rights and obligations which can be enforced efficaciously through the ordinary processes of Courts, such as money claims, yet the Supreme Court in exercise of its jurisdiction under this Article can pass an order for the payment of money if such an order is in the nature of compensation consequential upon the deprivation of a fundamental right. In these circumstances, the refusal of the Supreme Court to pass an order of compensation in favour of the petitioner will be doing mere lip-service to his fundamental right to liberty which the State Government has so grossly violated. Article 21 will be denuded of its significant content, if the power of the Supreme Court is limited to passing orders of release from illegal detention. The only effective method open to the Judiciary to prevent violation of that right and to secure due compliance with Article 21 is to mulct its violators by the payment of monetary compensation. The right to compensation is thus some palliative for the unlawful acts of instrumentalities of the State. Therefore, the State must repair the damage done by the officers to the petitioner's rights. It may have recourse against these officers."

In *Nilabati Behra...Vs...State of Orissa*, (1993) 2 SCC 746, the Indian Supreme Court considered the question whether the constitutional remedy of compensation for infringement of any fundamental right is distinct from and in addition to the remedy in private law for damages. The deceased aged 22 years was taken into police custody and on the next day, his dead body with multiple injuries was found on a railway track without being released from the custody. The State's plea that the deceased had escaped from police custody by chewing off the rope with which he was tied and was run over by a train was not substantiated by the evidence of the doctor who conducted post-mortem examination and the police officers were found responsible for the death. In such facts and circumstances, the Indian Supreme Court held in that case:

"Award of compensation in a proceeding under Article 32 by the Supreme Court or under Article



226 by the High Court is a remedy available in public law, based on strict liability for contravention of fundamental rights to which the principle of sovereign immunity does not apply, even though it may be available as a defence in private law in an action based on tort. A claim in public law for compensation for contravention of human rights and fundamental freedom, the protection of which is guaranteed in the Constitution, is an acknowledged remedy for enforcement and protection of such rights, and such a claim based on strict liability made by resorting to a constitutional remedy provided for the enforcement of a fundamental right is distinct from, and in addition to, the remedy in private law for damages for the tort resulting from the contravention of the fundamental right.”

In *Chairman, Railway Board and others...Vs...Chandrima Das (Mrs) and others*, 2000 (2) SCC 465, a writ petition was filed seeking compensation from Railway Authorities for a victim, a Bangladeshi national, by name Hanuffa Khatoon who was gangraped by the employees of Railway, when the lady had arrived at Howrah Railway Station with a view to catching a train to Ajmeer; she was taken by the employees of Railway Board to Yathri Nivas. Room in the Yathri Nivas was booked by one of the employees against a railway card pass. She was raped there by 4 employees. Later she was taken out to a rented house by another employee and raped there. A practising lady Advocate of Calcutta High Court filed a Writ Petition before the High Court seeking compensation for the victim. Though it was allowed by the High Court, Railway Board preferred an appeal. Dismissing the appeal, the Supreme Court of India held as follows:

“Where public functions are involved and the matter relates to violation of fundamental rights or the enforcement of public duties, the remedy would still be available under the public law; notwithstanding that a suit could be filed for damages under private law. The public law remedies have also been extended to the realm and the court can award compensation to the petitioner who suffered personal injuries amounting to tortious acts at the hands of the officers of the Government.”

The propositions laid down in the above decisions speak volumes about the awarding of compensation to the victims of violations of human rights in the custody of the public functionaries under Article 32 or under Article 226 of the Indian Constitution by the Supreme Court of India or the High Court concerned, as the case may be.

Although there is no express provision in the Constitution of India for grant of compensation to the victims by the State for the infringement of their right to life and personal liberty guaranteed under Article 21 of the Constitution of India, yet the Supreme Court of India has judicially evolved that such victims are entitled to get compensation under public law in addition to the remedies available under private law.

Speaking about Bangladesh jurisdiction, the High Court Division has not come across any judicial pronouncement of the Appellate Division that has awarded compensation to the victims by the State out of the State coffers for illegal and unconstitutional actions of the public functionaries as yet.

However, the High Court Division is in respectful agreement with the Indian decisions that have evolved a Jurisprudence of Compensation for the benefit of the victims of torture or the dependants/family members of the deceased in case of custodial deaths under writ jurisdiction, apart from any claim for damages in any action for tort under private law.

Given this scenario, the High Court Division is led to hold that in a writ proceeding under Article 102 of the Constitution of the People’s Republic of Bangladesh, adequate compensation can be awarded to the victims of human rights violations in the custody of the law-enforcing agencies/joint forces or to the dependants/family members of the deceased in case of custodial deaths by the High Court Division. The quantum of compensation to be assessed and awarded to the victims or to the dependants/family members of the deceased, as the case may be, will vary from case to case depending upon their facts and circumstances. On this issue, no hard and fast rule can be laid down.

Since this is a Public Interest Litigation and no affected individual or victim has personally invoked the writ jurisdiction of the High Court Division for awarding compensation under Article 102 of the Constitution, the High Court Division refrains from passing any wholesale order of payment of compensation to the victims of brutalities or torture or to the dependants/family members of the deceased in case of custodial deaths by the State; but nevertheless, they will be entitled to call in aid the writ jurisdiction of the High Court Division for reparations by way of pecuniary compensation to be paid to them by the State for the unlawful and unconstitutional State actions during the ‘Operation Clean Heart’.



In the facts and circumstances of the case, the High Court Division finds that the Act No. 1 of 2003 is void abinitio and ultra vires the Constitution. In consequence, the affected persons/victims of brutalities or torture or the dependants/family members of the deceased in case of custodial deaths during the 'Operation Clean Heart' will be at liberty to file cases against the perpetrators of the crimes, that is to say, the concerned members of the joint forces/law-enforcing agencies both under civil and criminal laws of the land for justice. They may also invoke the writ jurisdiction of the High Court Division under Article 102 of the Constitution for compensation, if they are so advised, in addition to the reliefs sought for under the prevalent civil as well as criminal laws of Bangladesh. Besides, the State may take necessary steps for enactment of a law like the Philippines Human Rights Victims' Reparation and Recognition Act of 2013 so as to provide for reparation and recognition to the victims/affected persons of human rights violations during the 'Operation Clean Heart', if deemed fit and proper.

#### **Civil Appeal No. 53 of 2004**

(Arising out of the judgment and order dated 07.04.2003 passed by the High Court Division in Writ Petition No. 3806 of 1998)

On 23rd July 1998, Shamim Reza Rubel, a BBA student of Independent University, Dhaka died in police custody after being arrested under Section 54 of the Code of Criminal Procedure, 1898. A public outcry occurred with protests by the members of the public, political parties, lawyers, teachers, students and human rights activists. His father, a retired Government official, demanded a judicial inquiry. Sheikh Hasina, the incumbent Prime Minister and the then leader of the Opposition Khaleda Zia visited the bereaved family members of Rubel. Within a few days, that is to say, on 27th July 1998, the Ministry of Home Affairs constituted a one-member Judicial Inquiry Commission comprising Mr. Justice Habibur Rahman Khan under the Commissions of Inquiry Act, 1956 by a gazette notification in order to "inquire into the incident involving Shamim Reza Rubel, find out the perpetrators and make recommendations on how to prevent such incidents in the future" within 15 days.

The writ-petitioners and others appeared before the Commission of Inquiry and made submissions and recommendations based on their experience of providing legal aid and advice to individual victims of torture and ill-treatment. The Commission made a set of recommendations for the prevention of custodial torture, but no tangible and concrete action was taken by the Government in the light of the recommendations. Even after the submission of the inquiry report, the deaths in the hands of law-enforcing agencies, abusive exercise of powers, torture and other violation of fundamental rights of the citizens continued to increase day by day. The Government did not pay any heed to the report of Justice Habibur Rahman Khan Commission and kept the same unimplemented. This being the panorama, 3(three) organizations, namely, Bangladesh Legal Aid and Services Trust (BLAST), Ain-O-Salish Kendra, Shomilito Shamajik Andolon and 5(five) individuals, namely, Sabita Rani Chakraborti, Al-Haj Syed Anwarul Haque, Sultan-uz Zaman Khan, Ummun Naser alias Ratna Rahmatullah and Moniruzzaman Hayet Mahmud filed Writ Petition No.3806 of 1998 by way of Public Interest Litigation seeking directions upon the writ respondents to refrain from unwarranted and abusive exercise of powers under Sections 54 and 167 of the Code of Criminal Procedure and to strictly exercise the powers of arrest and remand within the limits established by law and the Constitution.

Anyway, the High Court Division recommended amendment of Sections 54, 167, 176 and 202 of the Code of Criminal Procedure on the reasoning that those provisions are inconsistent with Part III of the Constitution.

According to the Appellate Division, the rule of law provides a potent antidote to executive lawlessness. It is a salutary reminder that wherever law ends, tyranny begins. In the developed as well as developing countries due to the prevalence of the rule of law, no administrator or official can arrest or detain a person unless there is legislative authority for such action. In those countries, a Police Commissioner or any other public functionary can not ban a meeting or the staging of a play or the screening of a movie by passing a departmental order or circular which is not backed by law. The rule of law ensures certainty and predictability as opposed to whimsicality and arbitrariness so that the citizens are able to regulate their conduct according to a published standard against which to measure and judge the legality of any official action. Experience testifies that absence of the rule of law leads to executive highhandedness and arbitrariness.

The rule of law requires the protection of the fundamental rights of the citizens against the Government and



other entities and instrumentalities. Whenever one speaks of law, it must satisfy at least the prerequisite that it guarantees basic human rights and human dignity and ensures their implementation by due process through an independent judiciary. In the absence of this requirement, the rule of law will become a hollow slogan. Lord Justice Stephen Sedley of the Court of Appeal in the UK observed:

“The irreducible content of the rule of law is a safety net of human rights protected by an independent judicial system” (quoted from Soli, J. Sorabjee).

In *D.K. Basu...Vs...State of W.B.*, (1997) 1 SCC 416, the Indian Supreme Court spelt out:

“Custodial violence, including torture and death in the lock-ups, strikes a blow at the rule of law, which demands that the powers of the executive should not only be derived from law but also that the same should be limited by law. Custodial violence is a matter of concern. It is aggravated by the fact that it is committed by persons who are supposed to be protectors of the citizens. It is committed under the shield of uniform and authority in the four walls of a police station or lock-up, the victim being totally helpless.... It can not be said that a citizen ‘sheds off’ his fundamental right to life the moment a policeman arrests him. Nor can it be said that the right to life of a citizen can be put in ‘abeyance’ on his arrest. ... If the functionaries of the Government become lawbreakers, it is bound to breed contempt for law and would encourage lawlessness and every man would have the tendency to become law unto himself thereby leading to anarchy. No civilized nation can permit that to happen. The Supreme Court as the custodian and protector of the fundamental and basic human rights of the citizens can not wish away the problem. ... State terrorism is no answer to combat terrorism. State terrorism would only provide legitimacy to terrorism. That would be bad for the State, the community and above all for the rule of law.”

The Appellate Division opines that the rule of law demands that power is to be exercised in a manner which is just, fair and reasonable and not in an unreasonable, capricious or arbitrary manner leaving room for discrimination. Absence of arbitrary power is the first essential of the rule of law upon which our constitutional system is based. Discretion conferred on the executive must be confined within the defined limits and decisions should be made by the application of known principles and rules and in general, such decisions should be predictable and the citizen should know where he stands. A decision without any principle or rule is unpredictable and is the antithesis of a decision in accordance with the rule of law.

The citizens eagerly look forward to the day when the quintessential principle of the rule of law, namely, protection and promotion of human rights and human dignity is universally accepted. One hopes that in a world torn by violent sectarian and religious strife, the rule of law with its capacious dynamic content becomes the secular religion of all nations based on tolerance and mutual respect.

Appellate Division’s Guidelines for the Law-Enforcing Agencies:

- (i) A law-enforcing officer making the arrest of any person shall prepare a memorandum of arrest immediately after the arrest and such officer shall obtain the signature of the arrestee with the date and time of arrest in the said memorandum.
- (ii) A law-enforcing officer who arrests a person must intimate to the nearest relative of the arrestee and in the absence of his relative, to a friend to be suggested by the arrestee, as soon as practicable but not later than 12(twelve) hours of such arrest notifying the time and place of arrest and the place of custody.
- (iii) An entry must be made in the diary as to the ground of arrest and name of the person who informed the law-enforcing officer to arrest the person or made the complaint along with his address and shall also disclose the names and particulars of the relative or the friend, as the case may be, to whom information is given about the arrest and the particulars of the law-enforcing officer in whose custody the arrestee is staying.
- (iv) Registration of a case against the arrested person is the sine qua non for seeking the detention of the arrestee in the law-enforcing officer’s custody or in the judicial custody under Section 167(2) of the Code of Criminal Procedure.
- (v) No law-enforcing officer shall arrest a person under Section 54 of the Code for the purpose of detaining him under Section 3 of the Special Powers Act, 1974.



(vi) A law-enforcing officer shall disclose his identity and if demanded, shall show his identity card to the person arrested and to the persons present at the time of arrest.

(vii) If the law-enforcing officer finds any marks of injury on the person arrested, he shall record the reasons for such injury and shall take the person to the nearest hospital for treatment and shall obtain a certificate from the attending doctor.

(viii) If the person is not arrested from his residence or place of business, the law-enforcing officer shall inform the nearest relation of the person in writing within 12 (twelve) hours of bringing the arrestee to the police station.

(ix) The law-enforcing officer shall allow the person arrested to consult a lawyer of his choice, if he so desires or to meet any of his nearest relations.

(x) When any person is produced before the nearest Magistrate under Section 61 of the Code, the law-enforcing officer shall state in his forwarding report under Section 167(1) of the Code as to why the investigation can not be completed within twenty-four hours and why he considers that the accusation or the information against that person is well-founded. He shall also transmit a copy of the relevant entries in the case diary B. P. Form 38 to the Magistrate.

Appellate Division's Guidelines for the Magistrates, Judges and Tribunals having power to take cognizance of offences:

(a) If a person is produced by the law-enforcing agency with a prayer for his detention in any custody, without producing a copy of the entries in the diary as per Section 167(2) of the Code, the Magistrate or the Court or the Tribunal, as the case may be, shall release him in accordance with Section 169 of the Code on taking a bond from him.

(b) If a law-enforcing officer seeks an arrested person to be shown arrested in a particular case, who is already in custody, such Magistrate or Judge or Tribunal shall not allow such prayer unless the accused/arrestee is produced before him with a copy of the entries in the diary relating to such case and if the prayer for showing him arrested is not well-founded and baseless, he shall reject the prayer.

(c) On the fulfillment of the above conditions, if the investigation of the case can not be concluded within 15 days of the detention of the arrested person as required under Section 167(2) of the Code of Criminal Procedure and if the case is exclusively triable by the Court of Session or the Tribunal, the Magistrate may send such accused person on remand under Section 344 of the Code for a term not exceeding 15 days at a time.

(d) If the Magistrate is satisfied on consideration of the reasons stated in the forwarding report and the case diary that the accusation or the information is well-founded and that there are materials in the case diary for detaining the person in custody, the Magistrate shall pass an order for further detention in such custody as he deems fit and proper.

(e) The Magistrate shall not make an order of detention of a person in the judicial custody if the police forwarding report discloses that the arrest has been made for the purpose of putting the arrestee in preventive detention.

(f) It shall be the duty of the Magistrate/Tribunal, before whom the accused person is produced, to satisfy that these requirements have been complied with before making any order relating to such accused person under Section 167 of the Code.

(g) If the Magistrate has reason to believe that any member of the law-enforcing agency or any officer who has legal authority to commit a person to confinement has acted contrary to law, the Magistrate shall proceed against such officer under Section 220 of the Penal Code.

(h) Whenever a law-enforcing officer takes an accused person in his custody on remand, it is his responsibility to produce such accused person in Court upon expiry of the period of remand and if it is found from the post-remand forwarding report or otherwise that the arrested person is dead, the Magistrate shall direct examination of the victim by a medical board, and in the event of burial of the victim, he shall direct exhumation of the dead body for medical examination by a medical board, and if the report of the board reveals that the death is homicidal in nature, he shall take cognizance of the



offence punishable under Section 15 of the Repression and Custodial Death (Prevention) Act, 2013 against such officer and the Officer-in-Charge of the police station concerned or the Commanding Officer of such officer in whose custody the death of the accused person took place.

(i) If there are materials or information to a Magistrate that a person has been subjected to 'Nirjatan' or has died in custody within the meaning of Section 2 of the Repression and Custodial Death (Prevention) Act, 2013, the Magistrate shall refer the victim to the nearest doctor in case of 'Nirjatan' and to a medical board in case of death for ascertaining the injury or the cause of death, as the case may be, and if the medical evidence reveals that the person detained has been tortured or has died due to torture, the Magistrate shall take cognizance of the offence suo motu under Section 190(1)(c) of the Code of Criminal Procedure without awaiting the filing of a case under Sections 4 and 5 of the Repression and Custodial Death (Prevention) Act, 2013 and proceed in accordance with law.

According to Edmund Burke, law and arbitrary power are in eternal conflict. Where in any country, there is rule of law, there can not be exercise of arbitrary power by any public functionary to the detriment of human rights. A good Judge, so to say, is a human rights activist. He will always strive to protect and vindicate human rights at the time of administration of justice. But nevertheless, the Judges can not establish the rule of law single-handed. The other concerned agencies and stakeholders must play their appropriate roles in this regard. Otherwise the establishment of the rule of law will remain a far cry and a will-o'-the-wisp.

Anyway, the above-mentioned guidelines formulated by the Appellate Division, if followed in toto by the law-enforcing agencies and the Magistrates, Judges and Tribunals concerned, will hopefully improve the human rights situation and pave the way for establishment of the rule of law in the country.

Judges are mandated by law to dispense even-handed justice to the litigant people without fear or favour and ill will or affection. The nature of their job is very strenuous, arduous, taxing, demanding and exacting. They are virtually students of law throughout their lives. In their day-to-day judicial work, they are mindful of the well-known legal dictum "Let justice be done, though the Heavens fall." In any event, they should march forward in establishing the Judiciary as an institution of the highest value in the society, come what may.

[This write-up was presented by the author at the seminar on "Judicial Independence" in Dhaka on 9th May, 2017 which was sponsored by the Bangladesh Supreme Court in collaboration with the Commonwealth Secretariat, London, United Kingdom.]



(From left to right) Judge Shamim Qureshi, Brimingham, England (Director of Programmes of CMJA), Mark Guthrie, Legal Advisor, Commonwealth Secretariat & Judge Ray Rinaudo, Chief Magistrate of Queensland, Australia took part in the Seminar



## DOMESTIC TRIBUNALS FOR INTERNATIONAL CRIMES: COMPARATIVE STUDY<sup>1</sup>

**Justice Obaidul Hassan**

High Court Division

Former Chairman, International Crimes Tribunal-2



### I. Introductory Words

Undeniably culture of impunity makes a nation ashamed and severely hurt. It infringes civilians' universally recognized right to justice. During the war of liberation in 1971, parallel forces e.g. Razakar Bahini, Al-Badar Bahini, Peace Committee were formed as accessory forces of the Pakistani armed force who provided moral supports, assistance and substantially contributed to the commission of atrocities throughout the country. Thousands of incidents happened throughout the country as part of organized and planned attack. Target was the pro-liberation Bangalee population, Hindu Community, Political group, freedom fighters and finally the 'intellectuals'.

Millions of civilians laid their lives and honour for the cause of birth of an independent motherland- Bangladesh. During the nine months war of liberation of Bangladesh horrific annihilation of rights and property of civilians and brutal

killing of civilian population systematically occurred as the regular facet of attack of the Pakistani occupation army and their local collaborators belonging to pro-liberation political parties [JEI, Muslim League, Nejame-e-Islami, Convention Muslim League, ICS the student wing of JEI] who took stance in favour of Pakistan's solidarity and they did it culpably in the name of preserving Islam.

In 1973, the Parliament of Bangladesh enacted a legislation known as International Crimes (Tribunals) Act 1973 intending to prosecute, try and punish the perpetrators including the members of Pakistani armed force responsible for the criminal acts constituting the offences as crimes against humanity and genocide as enumerated in the Act of 1973.

### II. ICT-BD: Jurisdiction

International Crimes (Tribunals) Act, 1973 (the Act XIX of 1973) and after significant updating the ICTA 1973 through amendment in 2009, the present government has constituted the Tribunal (1st Tribunal) on 25 March 2010. The 2nd Tribunal has been set up on 22 March 2012. The degree of fairness as has been contemplated in the Act and the Rules of Procedure formulated by the Tribunals under the powers conferred in section 22 of the principal Act are to be assessed with reference to the national needs such as, the long denial of justice to the victims of the atrocities committed during 1971 independence war and the nation as a whole.

It is necessary to state that the provisions of the ICTA 1973 [(International Crimes (Tribunals) Act, 1973)] and the Rules framed offer adequate compatibility with the rights of the accused enshrined under Article 14 of the ICCPR. Domestic jurisdiction of the state is one of the manifestations of state sovereignty also and hardly raises any concern from other states or bodies. The 1973 Act of Bangladesh has the merit and mechanism of ensuring the standard of the safeguards needed universally to be provided to the person accused of crimes against humanity.

The Act of 1973 is meant to prosecute and punish not only the armed forces but also the perpetrators who belonged to 'auxiliary forces', or who committed the offence as an 'individual' or member of 'group of individuals' and nowhere the Act says that without prosecuting the armed forces (Pakistani) the person or persons having any other capacity specified in section 3(1) of the Act cannot be prosecuted. Rather, it is manifested from section 3(1) of the Act of 1973 that even any person (individual or member of group of individuals), if he is *prima facie* found individually criminally responsible for the offence(s), can be brought to justice under the Act of 1973. The tribunals set up under the Act of 1972 are absolutely domestic Tribunal but meant to try internationally recognized crimes committed in violation of customary international law.

<sup>1</sup>This writing is an expression of my experience during my working in the International Crimes Tribunal-2 in the capacity of its Chairman till 15 September 2015 since its inception.



Justice delayed is no longer justice denied, particularly when the perpetrators of core international crimes are brought to the process of justice. Considerations of material justice for the victims should prevail when prosecuting crimes of the extreme magnitude is on the process. However, there can be no room to insist that such a system crime can only be pursued within a given number of years.

### **III. Composition of the Tribunal**

Section 6(2) provides that any person who is a Judge or is qualified to be a judge, or has been a judge of the Supreme Court of Bangladesh shall be appointed as Chairman and Member of the tribunal. Accordingly, each tribunal is composed of one Chairman and two Members and all of them are the sitting Judges of the Bangladesh Supreme Court. Since 15 September 2015 only the Tribunal No. 01 has been functioning and the other one has been kept inoperative, considering the number of cases.

### **IV. ICT-BD: Purely domestic tribunal**

The ICT-BD is purely a domestic tribunal that has been established to try crimes of international nature criminalized under our domestic legislation enacted by the sovereign Parliament of Bangladesh.

There has been a misconception that the Tribunal ( ICT-BD) is 'International' in character, merely for the reason that the Tribunal is named as 'International Crimes Tribunal'. It is a gross misconception indeed. Ours is a domestic judicial mechanism constituted under domestic legislation which is known as 'International Crimes (Tribunals) Act 1973' to try the perpetrators of 'internationally recognized crimes'. Merely for the reason that the Tribunal is preceded by the word "international" and possessed jurisdiction over crimes such as Crimes against Humanity, Crimes against Peace, Genocide, and War Crimes, it will be wrong to assume that the Tribunal must be treated as an "International Tribunal" despite the fact that ours is a domestic tribunal set up under our own domestic legislation. The tribunals have been practicing the universally recognized norms and principles laid down in international law and International Criminal Law with a blend of national law.

In functioning, the Tribunal provides all opportunities to both parties particularly giving attention to the right of defence. It always remains careful in maintaining recognized standard in respect of procedural fairness of the trial of a case before it.

### **V. Does delay frustrate in bringing prosecution**

Long thirty-seven years after the enactment of the Statute Government established a Tribunal in March 2010. It was indeed a challenge in collecting evidence, due to various obvious factors. Despite all these realities the settled legal position propounds that there has been no limitation in bringing criminal prosecution.

From the point of morality and sound legal dogma, time bar should not apply to the prosecution of human rights crimes. Neither the Genocide Convention of 1948, nor the Geneva Conventions of 1949 contain any provisions on statutory limitations to war crimes and crimes against humanity. Criminal prosecutions are always open and not barred by time limitation.

We have already given our observation in the case of The Chief Prosecutor V. Abdul Quader Molla [ICT-BD Case No. 02 of 2012; ICT-2: 05 February 2013] that indubitably, a prompt and indisputable justice process cannot be motorized solely by the painful memories and aspirations of the victims. It requires strong public and political will together with favourable and stable political situation. Mere state inaction, for whatever reasons, does not render the delayed prosecution readily frustrated and barred by any law.

Crimes against humanity and genocide, the gravest crime never get old and that the perpetrators who are treated as the enemies of mankind will face justice. We should not forget it that the millions of victims who deserve that their tormenters are held accountable; the passage of time does not lessen the culpability.

### **VI. Standard of procedural fairness**

One important concern for international community is that any trial must be fair to gain credibility in the eye of them. What is procedural fairness? There are three fundamental requirements of such fairness; due process, natural justice and the cardinal principles of procedural fairness. The ICT Act of 1973 and the Rules fairly cover many rights of accused under international human rights law including the right to know the offence charged, the right to trial within reasonable time, the right to fair trial and public hearing by a competent, independent and impartial tribunal which is guaranteed in Article 14.1 of the ICCPR.

Further, presumption of innocence, burden of proof, being promptly informed of the accusation, adequate time to prepare a defense, assistance of an interpreter, assistance of legal counsel, right to examine witnesses, right against compelled self-incrimination etc are the key rights and procedural fairness which have been ensured in Article 14 of the ICCPR. All these rights have been adequately ensured under the International Crimes (Tribunals) Act, 1973 and we will find that those fairly correspond to the ICCPR.

Besides, the provision that the burden of proving the charge shall lie upon the prosecution (Rule 50 of the ICT-BD Rules) adequately implicates the theory of innocence of an accused until and unless he is held guilty through trial. Here in ICT -BD the individuals detained, under the ICTA are being treated fairly and the full range of legal protections are being afforded to them that surely meet fairness and due process. All possible provisions ensuring adequate rights of defense have been enshrined in the ICTA and the Rules of Procedure (ROP) as well.

#### **VII. Safeguards against arbitrary detention**

It is to be noted ardently that both the Tribunals have guaranteed detention of accused persons only on the basis of rational and clearly defined criteria. It is not correct to designate any detention order passed by the ICT-BD that it is not based on rational and clearly defined criteria. The Act and the Rules contain provision of releasing an accused on bail at any stage. We will find that in exercise of this authority the Tribunal granted bail to one accused M.A. Alim within couple of days from the date of his arrest in execution of warrant issued by the tribunal and also to another accused Syed Md. Quaiser at trial stage. The Rules explicitly embody the provisions relating to bail.

Thus, the persons detained cannot be said to have been arbitrarily detained on any count. Mr. Raap, US Ambassador-at-large himself observed that pre-trial detention does not automatically, is not automatically, and pre-charging detention, isn't automatically a violation of international standards. Pre-charge arrest-detention is admittedly internationally permitted. Mr. Raap added that there were instances where the accused were detained during the pre-charge and pre-trial period and the accused could even be detained on informal charges. However, he said there should be rules in this regard and the question of bail needs to be periodically reviewed by the Tribunal.

#### **VIII. Adequate time to prepare defence**

The key element of fair trial notion is the right of an accused to have adequate time and facilities for the preparation of his defense during all stages of the trial. What time is considered adequate depends on the circumstances of the case. The concept of fairness is the idea of doing what's best and legal, he added. Section 9(3) of the Act of 1973 explicitly provides that 'at least three weeks' before the commencement of the trial, the Chief Prosecutor shall have to furnish a list of witnesses along with the copies of recorded statement and documents upon which it intends to rely upon. Additionally, what time is considered adequate depends on the circumstances of the case. The ICT-BD is in practice not to deny the right of the accused to have time necessary for preparation of his defense or interest.

#### **IX. Right to examine witnesses**

Under section 10(1)(f) of the Act of 1973 defence shall have right to examine witness, if any. But submitting a long list of defence witnesses is indeed unheard of. However, eventually considering the defence case extracted from the trend of cross-examination of prosecution witnesses the Tribunal is in practice to permit the defence to produce and examine reasonable number of witnesses preferably from their list, in exercise of power given in section 22 of the Act and rule 46A of the ROP.

A portrayal on compatibility of provisions in ICT Act with the ICCPR has been made in the case of Muhammad Kamaruzzaman [ICT-BD Case No. 03 of 2012, Judgment 09 May 2013, Para 63]. All the key rights which have been adequately ensured under the International Crimes (Tribunals) act, 1973 fairly correspond to the ICCPR.

#### **X. Universally Recognised Rights of Victims**

Victims' rights as well can never be ignored or kept aside. The Tribunal notes that the State has an obligation to remedy serious human rights violations. Bangladesh recognizes Article 8 of the Universal Declaration of Human Rights [UDHR] and Article 2(3) of the International Covenant on Civil and Political Rights [ICCPR] which ensure the right to an effective remedy for the violation of human rights.



We have recorded our reasoned observation in the case of Muhammad Kamaruzzaman [ICT-BD Case No. 03 of 2012, Judgment 09 May 2013, para 66, 67], with reference to Article 2(3) ICCPR that-

the victims of systematic and organized diabolical atrocities committed in 1971 within the territory of Bangladesh in violation of customary international law need justice to heal. Bangladesh considers that the right to remedy should also belong to victims of crimes against humanity. It is also to be kept in mind together with the rights of accused for rendering justice effectively.

#### **XI. Witness victim protection**

Sometimes, direct witnesses, if available, may not be forthcoming to testify, particularly if they do not feel secured and protected. Providing protective measure to the victims and witnesses is thus imperative to ensure their effective participation to the justice system. Such measures may be needed even at post-trial stage. The Tribunal has incorporated rules in this regard in its Rules of Procedure [ROP].

#### **XII. Absence of reparation or compensation provision in the Act of 1973**

The Act of 1973 does not provide provision in respect of 'reparation' or 'compensation' to the victims as it exists in the ICC Statute. But in trying the rape charge in the case of Syed Md. Quaiser we, on this issue, observed that –

We must say that the state cannot ignore designing program removing the stigma of rape by honoring and compensating the victims for the supreme sacrifice they laid and also to provide long-term support to them aiming to see that the ripple effects do not continue to haunt our society and community in the days to come. Mothers and sisters of this land contributed the supreme wealth of their own for the cause of our independence. But in absence of explicit provision and in view of above discussion, we, going beyond the provision of the Act of 1973, cannot order for 'reparation' or 'compensation' in addition to sentence to be awarded as urged on part of the prosecution [Syed Md. Quaiser judgment, 23 December 2014, paragraph 982]

We further observed -

However, the Government may take immediate initiative of forming 'Reparation/Compensation Scheme/Board for war time rape victims who sacrificed their supreme self worth for the cause of our independence. And it may act awarding compensation to cover costs of their livelihood, funeral expenses, and loss of earnings, mental stress and trauma, aiming to provide special care for ensuring honour and peace in carrying livelihood and also for narrowing the incalculable loss they sustained in 1971..... To conclude the issue, we prefer to add the observations of our own so that the state, society and non government organizations come forward to hold the war time rape victims close ensuring their socio-economic psychological rehabilitation. [Syed Md. Qaiser judgment, 23 December 2014, paragraphs 983-984].

#### **XIII. Appeal Process and right to Interlocutory Appeal**

The ICTA does not provide provision of preferring appeal against an interlocutory order, but the Tribunal has incorporated the provision of review in its Rules of Procedure (ROP). The presumption that the absence of appeals against interlocutory orders will automatically result in an unfair trial or the denial of justice has no basis. There is no evidence, legal or whatsoever, to suggest this, nor are there any causal links to demonstrate that the absence of the provision of an interlocutory appeal bears a greater likelihood of injustice for the accused.

The way the 1973 Act is better in standard than any other law is that all the tribunals or trials, namely Nuremberg or Tokyo or Manila, were independent in nature and decision of those tribunals were final whereas the 1973 Act entertains the provision for appeal as contained in Section -21 of the Act of 1973 which states that-

"A person convicted of any crime specified in section 3 and sentenced by a Tribunal shall have the right of appeal to the Appellate Division of the Supreme Court of Bangladesh against such conviction and sentence."



Any such appeal shall have to be preferred within thirty days of the date of order of conviction and sentence to the Appellate Division of the Supreme Court of Bangladesh, the highest judicial forum of the country.

Mere absence of provision of appeal from interlocutory orders does not automatically rule out remedial interventions by the Court viewing the process as a whole. In the case of ICTA, it is not such that the accused will never be accorded the opportunity to invoke remedial measures. The accused shall have opportunity to raise any judicial error if committed by the Tribunal even in the final appeal from conviction before the Appellate Division under section 21 of the ICTA. It is in this manner that ICTA adequately ensures that the accused is not without any recourse, even in the absence of any provision for appeal against interlocutory orders.

#### **XV. Conclusion**

The Tribunal (ICT-BD), in exercise its wisdom and legal acumen, has taken several rational steps in conformity of universally recognized standard and norms to ensure fullest respect of the rights of the accused persons and on occasions being prompted by its good judicial conscience even afforded facilities to accused persons to the highest standard of compliance with the ICTA 1973 and Rules which other accused in Bangladesh ordinarily do not enjoy. It will be palpably evident from the comparative account that the ICTA does indeed adhere to most of the rights of the accused enshrined under Article 14 of the ICCPR.

All the practices facilitated by the Tribunal amply establish that the Tribunals are quite mindful about the rights, well being and special needs of the accused persons and that there is no indication of harbouring any kind of bias or apathy towards the accused persons. The Tribunals have been functioning independently according to law of the land and also by ensuring due rights to accused persons in line with the universally recognized norms.

Already thirty cases have been disposed of by both the Tribunals and the Appellate Division has disposed of seven appeals preferred by the convict accused persons. Of seven appeals, sentence has been enhanced by the Appellate Division in one case and in one appeal death sentence has been commuted to imprisonment for life and death sentences awarded by the Tribunal has been affirmed in five cases. Two convict appellants died during pendency of appeal. Six convict accused persons have already been executed after exhausting all legal procedures.

I like to conclude with the saying that the Government of Bangladesh cannot circumvent its duty to investigate and prosecute Crimes Against Humanity perpetrated in 1971 independence war on any pretext. The entire nation wants to come out from the culture of impunity. Without prosecutions, there would be no healing. In post conflict societies, peace only comes with justice. The Government of Bangladesh cannot shrink from its responsibilities, if it aims at a democratic, developed and peaceful Bangladesh. It has to fulfill its obligations, without which, all aims will remain elusive. Through the process of prosecution and trial in the ICT-BD not only the perpetrators are being condemned but at the same time the truth and the horrific atrocities committed in 1971 in the territory of Bangladesh have become settled and established which inevitably will enthuse the new generation to go on with the spirit of the war of liberation.



## Leading Decisions of the Supreme Court of Bangladesh in the year 2017

In view of Article 111 of the Constitution of People's Republic of Bangladesh, the law declared by the Appellate Division of the Supreme Court of Bangladesh is binding on all courts within the territory of Bangladesh including the High Court Division of the Supreme Court. Every judgment delivered by the Appellate Division has its own significance. Brief note of some judgments, delivered or reported during the year 2017, is given below:

**1. Assistant Commissioner of Taxes, Salaries and another vs. BM Baker Hossain and others, 69 DLR (AD) 6 [Income Tax Ordinance (XXXVI of 1984); Section 92]:** Legal representatives shall be liable to pay tax or other sum payable under Ordinance but the liabilities of the legal representatives under this Ordinance shall be limited to the extent to which the estate of the deceased is capable of meeting the liability...

**2. Assistant Commissioner of Taxes, Salaries and another vs. BM Baker Hossain and others, 69 DLR (AD) 6 [Income Tax Ordinance (XXXVI of 1984); Section 165 and 166]:** Launching of criminal case against any person under sections 165 and 166 of the Ordinance is a separate and independent proceeding of the ones provided for assessment and realization of penalty...

**3. Chief Engineer (Project), Rural Electrification Board and another vs. Biswajit Ganguly and others, 69 DLR (AD) 10 [Constitution of Bangladesh, Article 40]:** Right to profession/Right to profession/business/livelihood though is a classified right, but suspending/debarring the respondent from participating in REB's all bids without assigning any reason and non-renewal of his enlistment licence appears to be arbitrary and the right of the petitioner to participate as an enlisted contractor of REB having been taken away without assigning any reason is also without lawful authority...

**4. Bangladesh Vs. Md. Ataur Rahman & ors., 9 SCOB [2017] AD 1 [Article 102 of the Constitution; Warrant of Precedence ]:** The High Court Division having considered the respective status and positions of different constitutional functionaries and the persons in service of the Republic rightly held that though impugned Warrant of Precedence is a policy decision of the Government, yet in the absence of evidence of any discernible guidelines, objective standards, criteria or yardsticks upon which the impugned Warrant of Precedence is ought to be predicated, we feel constrained to hold that the said Warrant of Precedence cannot shrug off the disqualification of being arbitrary, irrational, whimsical and capricious and is, therefore, subject to judicial review under Article 102 of the Constitution...

**5. Bangladesh Vs. Md. Ataur Rahman & ors., 9 SCOB [2017] AD 1 [Article 102 of the Constitution; Warrant of Precedence ]:** Ends of justice would be best served if the District Judges and equivalent judicial officers are placed in the same table of the Warrant of Precedence along with the Secretaries and equivalent public servants. There is no denying that members of the judicial service (i.e., the subordinate judiciary) are not holders of the constitutional posts but they being public servants are in the service of the Republic and the nature of their service is totally different from the civil administrative executives. District Judges and holders of the equivalent judicial posts are the highest posts in the subordinate judiciary. In view of the provisions of the Article 116A of the Constitution all persons employed in the judicial service and all magistrates exercising judicial functions shall be independent in the exercise of their judicial functions, so it is immaterial to say that members of judicial service or the subordinate judiciary are above the senior administrative and defence executives...

**6. Bangladesh Vs. Md. Ataur Rahman & ors., 9 SCOB [2017] AD 1 [Article 102 of the Constitution; Warrant of Precedence]:** When there is a deviation from the constitutional arrangements or constitutional arrangements have been interfered with or altered by the Government or when the Government fails to implement the provisions of Chapter II of Part VI of the Constitution and instead follow a different course not sanctioned by the Constitution, the High Court Division as well as the Appellate Division is competent enough to give necessary directions to follow the mandate of the Constitution. This means the apex Court of the country is competent to issue directions upon the authorities concerned to perform their obligatory duties whenever there is a failure on their part to discharge their duties...

**7. Bangladesh Vs. Md. Ataur Rahman & ors., 9 SCOB [2017] AD 1 [Article 102 of the Constitution; Warrant of Precedence]:** The Warrant of Precedence of the neighbouring countries include the holders of highest civil awards, however the impugned Warrant of Precedence of our country does not include such dignitaries, who are not constitutional or public functionaries. As such, it is expected that those dignitaries who have been honoured or decorated with civil awards, e.i., Shadhinata Padak, or Ekhushey Padak, and those valiant freedom fighters who have been honoured with gallantry awards of Bir Uttam should be included in the Table of the impugned Warrant of Precedence in such order as deemed appropriate...

**8. Mohammad Zafar Iqbal and others Vs. Bangladesh and others, 9 SCOB [2017] AD 25 [Acquisition and Requisition of Immovable Property Ordinance, 1982 Section 3]:** The law gives the Deputy Commissioner to acquire any property if he is satisfied that the property is needed for public purpose. In the notice the Deputy Commissioner specifically mentioned the purpose for which the notice was served that it was for the public purpose of Baddyabhumi. This order clearly spelt out the actual existence of requirement for a public purpose within the meaning of section 3 of the Acquisition and Requisition of Immovable Property Ordinance, 1982. If the reason for the issuance of the notice of acquisition was not one contemplated by law, the initiation of the proceedings would be void. It is the Deputy Commissioner who is primarily the judge of the facts which would attract section 3 of the ordinance. This opinion cannot be replaced by any other authority...

**9. Mohammad Zafar Iqbal and others Vs. Bangladesh and others, 9 SCOB [2017] AD 25:** A mausoleum for the memory of martyrs of the war of liberation is normally constructed on the site where the martyrs were killed and buried. This site cannot be shifted to another site. It is because a monument is built on the killing spot with a view to remember the memories of martyrs who sacrificed their lives for the independence of the country. The preservation of the memory of the martyrs and the national heroes is necessary because this would remind our next generation the cruel assassination and mass killing by the Pakistani occupation army with their accomplices and also to show the outsiders that this is the evidence of our history of liberation war. If this memory is erased from the memory of our next generation, the very cause for which martyrs had sacrificed their lives would be fruitless...

**10. The Government of Bangladesh, represented by Chairman Abandoned Property Management Board vs. Md. Mizanur Rahman, 9 SCOB [2017] AD 37 [The Code of Civil Procedure, 1908; Rules: 1 and 2 of Order XVIII]:** In the instant case, the defendant did not admit the case of the plaintiff and filed written statement denying the plaintiff's claim that the suit property was an abandoned property, so it was the plaintiff who had the right to begin the hearing of the suit as per provision of rule 1 of order XVIII of the Code. Rule 2(1) of the Code has clearly provided that on the day fixed for hearing of the suit the party having the right to begin shall state his case and produce evidence in support of the issues which he is bound to prove, the other party shall then state his cause and produce his evidence (if any) and may then address the Court generally on the whole case. Therefore, there was no scope on the part of the plaintiff to avoid examination of witness and state the facts of the plaint at the hearing of the suit...

**11. Most. Rabeya Khatun being dead her heirs: Md. Abdur Rakib Sarker and others vs. Jahanara alias Shefali Bewa being dead her heirs: Salma Akter alias Most. Maya Khatun and others, 9 SCOB [2017] AD 40 [Mohamedan Law of Bequest]:** Bequest by a Mohamedan to his heir of any quantum of property requires the consent of his other heirs after his death to be valid. But a bequest by a Mohamedan to any stranger (other than his heir) upto one-third of the surplus of his property which remains after payment of his funeral expenses and debts is valid and does not require consent of the heirs of the testator. Bequest to a stranger over and above one-third of the property of the testator which remains after payment of funeral expenses and debts of the testator requires the consent of the heirs of the testator after his death to be valid...

**12. Bangladesh & ors Vs. Professor Nurul Islam & anr, 9 SCOB [2017] AD 46:** Right to life is not only limited to protection of life and limbs but also extends to the protection of health, enjoyment of pollution free water and air, bare necessities of life, facilities for education, maternity benefit, maintenance and improvement of public health by creating and sustaining conditions congenial to good health and ensuring quality of life consistent to human dignity...



**13. Bangladesh & ors Vs. Professor Nurul Islam & anr, 9 SCOB [2017] AD 46 [Constitution of Bangladesh; Articles 18(1), 31 and 32]:** No one has any right to endanger the life of the people which includes their health and normal longevity of an ordinary healthy person. Articles 31 and 32 of the Constitution not only means protection of life and limbs necessary for full enjoyment of life but also includes amongst others protection of health and normal longevity of an ordinary human being. It is the obligation of the State to discourage smoking and consumption of tobacco materials and the improvement of public health by preventing advertisement of tobacco made products. Though the obligation under Article 18(1) of the Constitution cannot be enforced, State is bound to protect the health and longevity of the people living in the country as right to life guaranteed under Articles 31 and 32 of the Constitution includes protection of health and longevity of a man free from threats of man-made hazards. Right to life under the aforesaid Articles of the Constitution being fundamental right it can be enforced by this Court to remove any unjustified threat to health and longevity of the people as the same are included in the right to life...

**14. Bangladesh & ors Vs. Professor Nurul Islam & anr, 9 SCOB [2017] AD 46:** When the right to life of the people is at stake, the legislature is under the obligation to enact law to protect such right as per directives of the Court. As such the question of encroaching upon the domain of the legislature by the Court does not arise...

**15. Non-Government Teacher's Registration and Certification Authority (NTRCA) and another vs. Lutfor Rahman & ors, 9 SCOB [2017] AD 62:** It is patent from the records that all the respondents went through the rigorous process of selection and were appointed in their respective post. They were served with notices cancelling their appointment without issuing any show cause notice. The respondents joined their posts and served accordingly for more than nine months at the time of filing their writ petition. We are of the view that without issuing any show cause notice the petitioners could not lawfully cancel the letter of appointment of the respondents...

**16. Biman Bangladesh Airlines And others vs. Al Rojoni Enterprise, 9 SCOB [2017] AD 66[Carriage by Air (International Convention) Act, 1966; Rule 29 of the first schedule Read with section 29 of the Limitation Act]:** The High Court Division committed an error of law in holding that the date on which carriage stopped was the date on which the carrier defendants admitted its failure to deliver its goods finally and offered payment of compensation in lieu of the goods. The time for limitation began to run from the expiry of 7 days after the date on which the goods ought to have arrived, that is, on 22.01.1999. Since the suit was filed on 24.05.2001 apparently the same was barred by limitation in view of special limitation provided in Rule 29 of the first schedule of the Carriage by Air (International Convention) Act, 1966 read with section 29 of the Limitation Act...

**17. President, Bangladesh Garments Manufacturers and Exporters Association (BGMEA) vs. Bangladesh and others, 9 SCOB [2017] AD 70 [Joladhar Ain 2000 (Act XXXVI of 2000), Sections 5 and 8]:** The BGMEA has constructed a fifteen storied commercial complex on the "Begun Bari Khal" and "Hatir Jheel Lake" which are natural waterbodies (প্রাকৃতিক জলাধার) as has been specifically admitted in the schedule to the transfer deed, Annexure-K-2 as well as in the government record and in the Master Plan of the Dhaka City, as Lake/Jolashoy/Doba. As such from the above provision of law, the class or the nature and character of the same cannot be changed nor can be used in any other manner/purpose nor can the same be leased out, rented or transferred by anybody. The law further provides that any person changing the nature and character of such "Joladhar" (waterbody), in violation of section 5 of the said Act of 2000, shall be dealt with in accordance with law as provided in section 8. Since BGMEA has constructed the multi-storied commercial building upon the said waterbody in violation of the law such illegal construction/obstruction must be demolished for which the BGMEA or any other person, notwithstanding anything contained in any other law, cannot claim any compensation as provided in Section 8(2) of the Joladhar Ain 2000...

**18. President, Bangladesh Garments Manufacturers and Exporters Association (BGMEA) vs. Bangladesh and others, 9 SCOB [2017] AD 70:** We perused the Dhaka Metropolitan Development Plan, VOL-II Urban Area Plan (1995-2015) published in the Gazette notification vide SRO No. 91-AIN/1997 on 05.04.1997, commonly known as "Proposed Master Plan", wherein the "Begunbari Khal" has been recorded and

recognized as a “Joladhar”. Side by side the registered deed in favour of EPB executed by the Bangladesh Railway Annexure K-2, in its schedule clearly mentioned the transferred property as “Doba”-(waterbody) which attracts Section 2(Cha) of the “Joladhar Ain 2000” as well as section 2(ka ka) of the Environment Conservation Act. As such pursuant to the non-obstante clause incorporated in section 3 of the “Joladhar Ain 2000” as well as section 2Ka of the Environment Conservation Act 1995, both the laws shall prevail over any other law prevailing in the country for the time being in force. Thus the prohibition imposed by section 5 of the Joladhar Ain and section 6 (Uma) of the Environment Conservation Act shall automatically come into operation and any violation of the said prohibition shall be dealt with in accordance with section 8 of the “Joladhar Ain,” as well as section 15 of the Environment Conservation Act 1995. In such view of the matter the transfer/allotment of the water body by EPB to BGMEA and consequently the change of the nature and character of the said water body (“Joladhar”) by BGMEA is completely violative of the said two laws and as such the violators are liable to be punished with imprisonment and fine and such illegal construction is liable to be demolished for which BGMEA or any other person is not liable to get any compensation...

**19. Sharif vs State, 69 DLR (AD) 41:** In an application under section 561A of the Code, there is little scope to scan the evidence of witnesses and that since it is not a case of no evidence it is difficult to interfere with the judgment passed by the Tribunal...

**20. Abdul Motaleb vs Md Kamal Uddin and others, 69 DLR (AD) 42[Muslim Marriages and Divorce (Registration) Act CLII of 1974]; Section 4]:** When a Kazi is appointed, his service will continue as Kazi until and unless he is in any way disqualified under the law. Upon conversion of the Union Parishad to a Poursava only the character of the Administrative unit changes. It is our view that Kazi, who was operating as such within the Union Parishad continued as Kazi for the whole area of that Union Parishad, which then became the Poursava, i.e.. he continued as Kazi for all Wards of the newly created Poursava until his jurisdiction was lawfully curtailed in respect of some Wards. The law permits the Government to curtail the jurisdiction of Kazis...

**21. Chairman, District Council, Feni, Deputy Commissioner, Feni and another vs. Feni Alia Madrasha Mosque Committee and others, 69 DLR (AD) 46 [Local Government Ordinance (XC of 1976) Section 91]:** Maintainability of suit for non-service of notice-where there are mandatory provisions of law to be complied with before filing a suit, such provisions must be complied with before institution of the suit. Since the provision of section 91 of the Ordinance was not complied with the suit was not maintainable...

**22. Government of Bangladesh, represented by the Secretary, Ministry of Communication Dhaka and others vs. Zafar Brothers Limited and another, 69 DLR (AD) 52[Constitution of Bangladesh; Article 102]:** While exercising the writ jurisdiction under Article 102, the High Court Division is a Court of law and not a Court of equity and it also cannot pass any order for ends of justice. The High Court Division must act in terms of the letters of Article 102 and not beyond that taking into consideration what would be good or bad under the principle of equity...

**23. Government of Bangladesh, represented by the Secretary, Ministry of Communication Dhaka and others vs. Zafar Brothers Limited and another, 69 DLR (AD) 52[Constitution of Bangladesh; Article 102]:** A Court of equity is authorized to apply the principle of equity as opposed to law to the cases brought before it. A Court of law must follow the black letters of the statute while a Court of equity has the ability to do what is fair and equal...

**24. Md. Sharifullah and another vs. Md Tafazzal Hossain and another, 69 DLR (AD) 61[Code of Civil Procedure (V of 1908); Order XVIII, rule 17 and Evidence Act (I of 1872); Sections 137 and 138]:** A witness is not entitled to correct his deposition after putting his signature in the deposition sheet and if such a recourse is allowed to be practised by a witness, then the whole purpose of cross examination shall be frustrated and in the process the cross examination shall become a mockery...



**25. Bangladesh and others vs BLAST and others, 69 DLR (AD) 63:** In clause 'Firstly' of section 54 the words 'credible information' and 'reasonable suspicion' have been used relying upon which an arrest can be made by a police officer. These two expressions are so vague that there is chance for misuse of the power by a police officer, and a police officer while exercising such power, his satisfaction must be based upon definite facts and materials placed before him and basing upon which the officer must consider for himself before he takes any action. It will not be enough for him to arrest a person that there is likelihood of cognizable offence being committed...

**26. Bangladesh and others vs BLAST and others, 69 DLR (AD) 63:** Since a remand order is a judicial order, the Magistrate has to exercise this power in accordance with the well settled norms of making a judicial order. The norms are that he is to see as to whether there is report of cognizable offence and whether there are allegations constituting the offence which is cognizable. Non-disclosure of the grounds of satisfaction by a police officer should not be accepted. Whenever, a person is arrested by a police during investigation he is required to ascertain his complicity in respect of a cognizable offence..



Supreme Court Judges' Sports Complex being inaugurated by Honorable Mr. Justice Md. Abdul Wahhab Miah, Performing the Functions of the Chief Justice of Bangladesh. Honorable Former Chief Justice Mr. Md. Muzammel Hossain was also present in the occasion.

## Selected Circulars issued by the High Court Division in 2017

### বাংলাদেশ সুপ্রীম কোর্ট হাইকোর্ট বিভাগ, ঢাকা www.supremecourt.gov.bd

সার্কুলার নং- ০৪/২০১৭ এ, তারিখ- ০৯/০২/২০১৭ খ্রি.  
বিষয়ঃ অধস্তন আদালতের বিচারকগণের নৈমিত্তিক ছুটি ও কর্মস্থল ত্যাগ সংক্রান্তে “e-application software”  
চালুকরণ প্রসংগে।

অধস্তন আদালতসমূহে বিচারাধীন মামলার আধিক্য হ্রাস, মামলা নিষ্পত্তিতে দীর্ঘসূত্রিতা পরিহার তথা দ্রুত বিচার নিষ্পত্তির লক্ষ্যে দেশের বিভিন্ন আদালতে কর্মরত সকল পর্যায়ের বিচার বিভাগীয় কর্মকর্তাদের সাপ্তাহিক ছুটির দিনেও কর্মস্থলে অবস্থান করা বাঞ্ছনীয় হওয়ায় সুপ্রীম কোর্টের রেজিস্ট্রারকে অবহিতকারণ ব্যতিরেকে বিচার বিভাগীয় কর্মকর্তাগণকে কর্মস্থল ত্যাগ না করার জন্য অত্রকোর্ট হতে ইতোমধ্যে ০২/০৬/২০১৫ খ্রি. তারিখে সার্কুলার নং- ০৭/২০১৫ জারী করা হয়েছে।

০২। তৎপ্রেক্ষিতে অধস্তন আদালতে কর্মরত বিচার বিভাগীয় কর্মকর্তাগণের কর্মস্থল ত্যাগসহ নৈমিত্তিক ছুটি গ্রহণের বিষয়ে অত্র কোর্টের রেজিস্ট্রারকে অবহিত করলেও আধুনিক তথ্য প্রযুক্তির ব্যবহার ব্যতিরেকে সংশ্লিষ্ট বিচার বিভাগীয় কর্মকর্তাগণের ছুটি বা কর্মস্থল ত্যাগের বিষয়ে রেজিস্ট্রি অফিস থেকে দ্রুত তথ্য সেবা প্রদান করা সম্ভব হচ্ছে না। সে কারণে অধস্তন আদালতে কর্মরত বিচার বিভাগীয় কর্মকর্তাগণের নৈমিত্তিক ছুটি ও কর্মস্থল ত্যাগের বিষয়টি দ্রুত ও কার্যকরভাবে নিষ্পত্তি করার লক্ষ্যে অত্র কোর্ট কর্তৃক “e-application software” চালু করা হয়েছে। “e-application software” চালু করার ফলে বিচার বিভাগীয় কর্মকর্তাগণের নৈমিত্তিক ছুটির বিষয়টি নিষ্পত্তি করা সহজ হবে; ফলশ্রুতিতে বিচার কাজে গতিশীলতা আসবে।

০৩। ইতোমধ্যে বিচার বিভাগীয় কর্মকর্তাগণের নৈমিত্তিক ছুটি ও কর্মস্থল ত্যাগ সংক্রান্তে “e-application software manual” প্রস্তুত করা হয়েছে। উক্ত ম্যানুয়ালে বিচার বিভাগীয় কর্মকর্তাগণের ছুটি ও কর্মস্থল ত্যাগ সংক্রান্তে যাবতীয় তথ্যাদি সন্নিবেশিত করা হয়েছে ( কপি সংযুক্ত)।

০৪। প্রাথমিকভাবে সফটওয়্যারটি বাংলাদেশের সকল জজশীপে একই সাথে প্রয়োগ না করে পরীক্ষামূলকভাবে প্রথমে ২১টি এবং পরবর্তীতে আরও ৪৩টি জেলাসহ মোট ৬৪টি জেলায় শুধুমাত্র জেলার দায়িত্বপ্রাপ্ত জেলা জজগণের জন্য প্রয়োগ করা হয়। বর্তমানে ৬৪টি জেলাতে জেলার দায়িত্বপ্রাপ্ত জেলা জজগণের জন্য “e-application software” সফলভাবে কাজ করছে।

০৫। এক্ষণে, ৬৪টি জেলার জেলা জজ সমপর্যায়ের অন্যান্য সকল বিচার বিভাগীয় কর্মকর্তাগণের (মহানগর দায়রা জজ, বিভাগীয় স্পেশাল জজ, বিশেষ জজ এবং নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল পরিবেশ আপীল ট্রাইব্যুনাল, দ্রুত বিচার ট্রাইব্যুনাল, জননিরাপত্তা বিঘ্নকারী অপরাধ ট্রাইব্যুনাল ও সাইবার ট্রাইব্যুনাল এর বিচারকগণ) জন্য এই সফটওয়্যারটি কার্যকর করা হচ্ছে এবং তাঁদের প্রত্যেকের জন্য আলাদা ID ও Password প্রস্তুত করা হয়েছে যা ইতিমধ্যে সংশ্লিষ্ট কর্মকর্তার মোবাইলে এসএমএস এর মাধ্যমে প্রেরণ করা হয়েছে।

০৬। এমতাবস্থায়, সারাদেশের অধস্তন আদালতে কর্মরত জেলা ও সমপর্যায়ের কর্মকর্তাদের আগামী ১৫ ফেব্রুয়ারি ২০১৭ খ্রিঃ তারিখ হতে নৈমিত্তিক ছুটি ও কর্মস্থল ত্যাগের আবেদন দ্রুত ও কার্যকরভাবে নিষ্পত্তির লক্ষ্যে প্রচলিত নিয়মে প্রেরণ না করে “e-application software” প্রয়োগ করে প্রেরণ করার জন্য অনুরোধ করা হলো।

০৭। 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।

প্রধান বিচারপতির আদেশক্রমে

স্বাঃ/-

(আবু সৈয়দ দিলজার হোসেন)  
রেজিস্ট্রার (হাইকোর্ট বিভাগ)



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এ,

তারিখ-

১০ ফাল্গুন, ১৪২৩ বঙ্গাব্দ

২২ ফেব্রুয়ারি, ২০১৭ খ্রিস্টাব্দ

বিষয়ঃ শিশু আইন, ২০১৩ এর বিধানাবলী আবশ্যিকভাবে প্রতিপালন সংক্রান্ত।

শিশু আইন, ২০১৩-এর ১৬ ধারা অনুযায়ী প্রত্যেক জেলা এবং ক্ষেত্রমত, মেট্রোপলিটন এলাকার এক বা একাধিক অতিরিক্ত দায়রা জজ-এর আদালতকে শিশু আদালত হিসেবে নির্ধারণ করার বিধান রয়েছে।

০২। সম্প্রতি অত্র কোর্টের Special Committee for Child Rights-এর গোচরীভূত হয়েছে যে, শিশু আইন, ২০১৩ বলবৎ থাকা সত্ত্বেও প্রচলিত আদালতের কাঠগড়া ও লালসালু ঘেরা আদালত কক্ষে শিশু আদালতের কার্যক্রম পরিচালিত হচ্ছে যা শিশুর জন্য উপযুক্ত নয় এবং শিশু আইনের লংঘন।

০৩। শিশু আইন ২০১৩ এর ১৭(৪) ধারায়- সাধারণতঃ যে সকল দালান বা কামরায় এবং যে সকল দিবস ও সময়ে প্রচলিত আদালতের অধিবেশন অনুষ্ঠিত হয় উহা ব্যতীত, যতদূর সম্ভব, অন্য কোনো দালান বা কামরায়, প্রচলিত আদালতের ন্যায় কাঠগড়া ও লালসালু ঘেরা আদালতকক্ষের পরিবর্তে একটি সাধারণ কক্ষে এবং অন্য কোনো দিবস ও সময়ে প্রাপ্তবয়স্ক ব্যক্তি ব্যতীত শুধুমাত্র শিশুর ক্ষেত্রে শিশু আদালতের অধিবেশন অনুষ্ঠান করার বিধান থাকা সত্ত্বেও বাস্তবে তা প্রতিপালিত হচ্ছেনা। শিশু আদালতের অধিবেশনের জন্য আলাদা কক্ষের ব্যবস্থা করা না গেলে এজলাস কক্ষে পর্দা দিয়ে এজলাস, ডক, কাঠগড়া ঢেকে শিশুর জন্য উপযুক্ত পরিবেশের ব্যবস্থা করতে হবে। পর্দা দিয়ে শিশুর জন্য উপযুক্ত পরিবেশের ব্যবস্থা করা সম্ভব না হলে আদালতের বিচারক তাঁর খাস কামরায় শিশু আদালতের বিচারকার্য পরিচালনা করবেন। এছাড়াও শিশু আদালতের পাশে শিশুর জন্য উপযুক্ত পরিবেশ সম্মত একটি অপেক্ষা কক্ষের (Waiting Room) ব্যবস্থা করতে হবে যাতে মামলা শুনানীর আগে বা পরে শিশুরা সেখানে অবস্থান করতে পারে।

০৪। তাছাড়া, শিশু আইন, ২০১৩ এর ১৯ ধারা অনুযায়ী শিশু আদালতের কক্ষের বিন্যাস, সাজসজ্জা ও আসন ব্যবস্থা বিধি দ্বারা নির্ধারিত হবে। এটি নিশ্চিত করতে হবে যে, বিচার চলাকালে শিশুর মা-বাবা এবং তাদের উভয়ের অবর্তমানে তত্ত্বাবধানকারী অভিভাবক বা কর্তৃপক্ষ অথবা আইনানুগ বা বৈধ অভিভাবক বা ক্ষেত্রমত, বর্ধিত পরিবারের সদস্যগণ এবং প্রবেশন কর্মকর্তা ও তাঁর আইনজীবী যতদূর সম্ভব তাঁর কাছাকাছি বসতে পারে। শিশু আদালতে শিশুর জন্য উপযুক্ত আসন এবং প্রতিবন্ধী শিশুদের জন্য, ক্ষেত্রমত, বিশেষ ধরনের আসনের ব্যবস্থা করতে হবে। শিশুর বিচার চলাকালীন, বিচারক, আইনজীবী, পুলিশ বা আদালতের কোনো কর্মচারী আদালত কক্ষে তাদের পেশাগত বা দাপ্তরিক ইউনিফর্ম পরিধান করবেন না।

০৫। অধিকন্তু, উক্ত আইনের ২২ (১) ধারানুসারে বিচার প্রক্রিয়ার সকল স্তরে ব্যক্তিগতভাবে অংশগ্রহণ করা সংশ্লিষ্ট শিশুর অধিকার। তবে ২২ (২) ধারা মতে আদালত শিশুর সর্বোত্তম স্বার্থের জন্য তাঁদের উপস্থিতি প্রয়োজন না হলে শিশুর সম্মতি সাপেক্ষে বিচার চলাকালীন যে কোন সময়ে তাঁকে ব্যক্তিগত হাজিরা (Personal appearance) থেকে অব্যাহতি দিতে পারবেন এবং তার অনুপস্থিতিতে বিচার বা কার্যধারা চালাতে পারবেন। তবে, শিশুর মা-বাবা এবং তাদের উভয়ের অবর্তমানে তত্ত্বাবধানকারী অভিভাবক বা কর্তৃপক্ষ অথবা আইনানুগ বা বৈধ অভিভাবক বা ক্ষেত্রমত, বর্ধিত পরিবারের সদস্যের এবং একই সাথে প্রবেশন কর্মকর্তা ও তাঁর আইনজীবীর উপস্থিতি নিশ্চিত করতে হবে। বর্ধিত অবস্থার প্রেক্ষিতে শিশুর কল্যাণের বিষয় বিবেচনায় শিশুকে ব্যক্তিগত হাজিরা হতে অব্যাহতি প্রদানের ব্যবস্থা নিতে হবে। যে সকল শিশু আদালতে ভিডিও কনফারেন্সের সুবিধা আছে সে সকল আদালতে ভিডিও লিংক ব্যবহার করে ব্যক্তিগত হাজিরা হতে অব্যাহতি দিয়ে শিশুর কার্যত (virtual) উপস্থিতি নিশ্চিত করতে হবে।

০৬। এমতাবস্থায়, শিশু আইন, ২০১৩ এর উপরি-উক্ত বিধানাবলী আবশ্যিকভাবে প্রতিপালন ও শিশু আদালতের অবস্থান এবং সর্বোপরি শিশুর জন্য উপযুক্ত পরিবেশ নিশ্চিত করতে দ্রুত কার্যকরী ব্যবস্থা গ্রহণের জন্য সংশ্লিষ্ট সকলকে নির্দেশনা প্রদান করা হলো।

মাননীয় প্রধান বিচারপতির আদেশক্রমে

(আবু সৈয়দ দিলজার হোসেন)

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বিষয়ঃ এজলাস/খাস-কামরার কম্পিউটারে টাইপকৃত আদেশ/রায়/নথির অন্যান্য অংশের (জাবেদা নকল প্রদানযোগ্য) পুনরায় টাইপ না করে জাবেদা নকল সরবরাহ ও ফটোকপি জাবেদা নকল সরবরাহ প্রসঙ্গে।

অধস্তন আদালতে বিচারপ্রার্থীদের সহজে ন্যায়বিচার প্রাপ্তি ও মামলা জট হ্রাস করার লক্ষ্যে মামলার আদেশ/রায়/নথির অন্যান্য অংশের (জাবেদা নকল প্রদানযোগ্য) জাবেদা নকল সরবরাহের বিদ্যমান পদ্ধতি সহজ ও দ্রুততর করা আবশ্যিক। বিদ্যমান পদ্ধতিতে যে সকল মামলার আদেশ/রায় বিচারকের এজলাসে/খাস-কামরার কম্পিউটারে টাইপ করা হচ্ছে, ঐ সব আদেশ/রায়/নথির অন্যান্য অংশের (জাবেদা নকল প্রদানযোগ্য) জাবেদা নকলের জন্য আদালতের অনুলিপি বিভাগে আবেদন করা হলে সংশ্লিষ্ট মামলার মূল নথি হতে পুনরায় অনুলিপি শাখায় টাইপ করে উক্ত জাবেদা নকল সরবরাহের ব্যবস্থা করা হয়। এর ফলে একদিকে অনুলিপি বিভাগের কর্মচারীদের মূল্যবান সময় অপচয় হচ্ছে, অন্যদিকে কাজিত জাবেদা নকল প্রাপ্তিতে বিলম্ব হচ্ছে। এ কারণে, বিচারকের এজলাসে/খাস-কামরার কম্পিউটারে টাইপ করা আদেশ/রায়/নথির অন্যান্য অংশের (জাবেদা নকল প্রদানযোগ্য) জাবেদা নকল সরবরাহের ক্ষেত্রে পুনরায় টাইপ না করে নিম্নবর্ণিত পদ্ধতি অনুসরণের জন্য সংশ্লিষ্ট সকলকে নির্দেশনা প্রদান করা হলোঃ

(ক) এক্ষেত্রে, প্রত্যেক আদালতের, যতদূর সম্ভব, সকল আদেশ/রায় কম্পিউটারে টাইপকৃত হতে হবে। আদালতের কম্পিউটারে টাইপকৃত আদেশ/রায়/নথির অন্যান্য অংশ (জাবেদা নকল প্রদানযোগ্য) সমূহ মাইক্রোসফট ওয়ার্ড ফাইলের পাশাপাশি নির্দিষ্ট একটি ড্রাইভে জাবেদা নকল প্রদানের নির্ধারিত ফরম্যাটে পিডিএফ ফাইল আকারে সংরক্ষণ করতে হবে। জাবেদা নকল প্রদানের ফরমেটের বিষয়ে প্রয়োজনে অনুলিপি বিভাগের কর্মচারীগণ বেঞ্চ সহকারী/স্টেনোগ্রাফার/স্টেনোগ্রাফার-টাইপিষ্ট/কম্পিউটার অপারেটরদের প্রাথমিক প্রশিক্ষণ দিবেন। পিডিএফ করার জন্য প্রত্যেক কম্পিউটারে আবশ্যিকভাবে পিডিএফ কনভার্টার সফটওয়্যার ইনস্টল করতে হবে। অবশ্যই প্রত্যেকটি মামলার জন্য পৃথক পৃথক ওয়ার্ড ফাইল ও পিডিএফ ফাইল সংরক্ষণ করতে হবে। প্রত্যেক ফাইলের নাম আবশ্যিকভাবে মামলার নম্বর দ্বারা চিহ্নিত হবে। একই মামলায় একাধিক আদেশের ক্ষেত্রে ফাইলের নামে মামলা নম্বর ছাড়াও আদেশের তারিখ থাকতে হবে।

(খ) কম্পিউটারে টাইপকৃত কোনো আদেশ/রায়/নথির অন্যান্য অংশের (জাবেদা নকল প্রদানযোগ্য) জন্য অনুলিপি শাখায় আবেদন দাখিল হওয়ার পর অনুলিপি শাখা সকল আনুষ্ঠানিকতা সম্পন্ন করে প্রয়োজনীয় ফোলিও প্রাপ্তির পর যে আদালতের কম্পিউটারে সংশ্লিষ্ট আদেশ/রায়/নথির অন্যান্য অংশ (জাবেদা নকল প্রদানযোগ্য) টাইপ করা হয়েছিল সে আদালতের বেঞ্চ সহকারী/স্টেনোগ্রাফার/স্টেনোগ্রাফার-টাইপিষ্ট/কম্পিউটার অপারেটর বরাবরে প্রয়োজনীয় ফোলিও প্রেরণ করবেন এবং বর্ণিত কর্মচারী চাহিতমতে উক্ত ফোলিওতে পিডিএফ ফাইল হতে সংশ্লিষ্ট আদেশ/রায়/নথির অন্যান্য অংশ (জাবেদা নকল প্রদানযোগ্য) প্রিন্ট করে অনুলিপি প্রস্তুতকারী হিসেবে স্বাক্ষর প্রদান করে তাৎক্ষণিকভাবে অনুলিপি শাখায় প্রেরণ করবেন। অতঃপর অনুলিপি শাখা মূল নথির আদেশ/রায়/নথির অন্যান্য অংশের (জাবেদা নকল প্রদানযোগ্য) সাথে উক্ত প্রিন্ট কপি তুলনা করে এবং অন্যান্য আনুষ্ঠানিকতা সম্পন্ন করে অবিলম্বে জাবেদা নকল সরবরাহ করবে।

০২। এছাড়া, প্রচলিত পদ্ধতিতে জাবেদা নকল সরবরাহের পরিবর্তে, প্রযোজ্য ক্ষেত্রে, দেওয়ানী মামলায় সিভিল রুলস্ এন্ড অর্ডারস্ এর রুল ৫৮৩ক [বাংলাদেশ গেজেট এর ২৭ ফেব্রুয়ারি, ১৯৯৭ খ্রি. তারিখের অতিরিক্ত সংখ্যায় প্রকাশিত প্রজ্ঞাপন] অনুসারে এবং ফৌজদারি মামলায় ক্রিমিনাল রুলস্ এন্ড অর্ডারস্, ২০০৯ এর রুল ২৮৭ হতে রুল ৩০১ এ বর্ণিত বিধান অনুসরণ করে ফটোকপি জাবেদা নকল সরবরাহের নির্দেশনা প্রদান করা হলো।

মাননীয় প্রধান বিচারপতির আদেশক্রমে  
(আবু সৈয়দ দিলজার হোসেন)  
রেজিস্ট্রার



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বিজ্ঞপ্তি নং- ০৩/২০১৭

এ,

তারিখ- ০৭ মে ২০১৭ খ্রি.

**বিষয়ঃ Criminal Rules and Orders (Practice and Procedure of Subordinate Courts) ২০০৯ এর ৪৮১**  
বিধি মতে পুলিশ-ম্যাজিস্ট্রেসি কনফারেন্স আয়োজন এবং উক্ত কনফারেন্সে অনুসরণীয় নির্দেশাবলী সংক্রান্ত।

Criminal Rules and Orders (Practice and Procedure of Subordinate Courts) 2009 এর 481 বিধিতে পুলিশ-ম্যাজিস্ট্রেসি কনফারেন্স আয়োজন এর নির্দেশনা রয়েছে। কিন্তু উক্ত কনফারেন্স কীভাবে আয়োজিত হবে, কারা তাতে উপস্থিত থাকবে, কীভাবে কনফারেন্স এর কার্যক্রম পরিচালিত হবে, কোন কোন বিষয়গুলো আলোচনার জন্য অবশ্যই কনফারেন্সে উত্থাপিত হবে, কনফারেন্স এর প্রতিবেদন কীভাবে প্রস্তুত করতে হবে ইত্যাদি বিষয়ে কোনো বিস্তারিত নির্দেশনা কোথাও না থাকায় দেশের একেক স্থানে একেক রকম ভাবে কনফারেন্স আয়োজিত হচ্ছে। ফলে কনফারেন্স আয়োজনের মূল উদ্দেশ্য অর্জিত হচ্ছে না।

২। এরূপ পরিস্থিতিতে দেশের প্রতিটি জেলায় সময়মত পুলিশ ম্যাজিস্ট্রেসি কনফারেন্স আয়োজন এবং উক্ত কনফারেন্সে গঠনমূলক আলোচনার মাধ্যমে যেন ফৌজদারী মামলার তদন্ত ও বিচার কার্যক্রমে গতিশীলতা আনয়ন করা যায় সে উদ্দেশ্যকে সামনে রেখে উক্ত কনফারেন্সে অনুসরণীয় বিষয়াবলী সংক্রান্ত বিজ্ঞপ্তিটি আপনার অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য অত্রসাথ প্রেরণ করা হলো।

সংযুক্তঃ অনুসরণীয় বিষয়াবলী ৮ (আট) ফর্দ।

(মোঃ আজিজুল হক)  
ডেপুটি রেজিস্ট্রার (প্রশাসন ও বিচার)  
হাইকোর্ট বিভাগ  
ফোনঃ ৯৫৬৬৮২৬

বিতরণ ( জ্যেষ্ঠতার ক্রমানুসারে নয়)ঃ-

- ১। সচিব, আইন ও বিচার বিভাগ, আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ২। সচিব, জন নিরাপত্তা বিভাগ, স্বরাষ্ট্র মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৩। সচিব, সুরক্ষা সেবা বিভাগ, স্বরাষ্ট্র মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৪। জেলা ও দায়রা জজ.....(সকল)। [সকল বিচার বিভাগীয় কর্মকর্তাকে কপি]
- ৫। মহানগর দায়রা জজ.....(সকল)। [সরবরাহকরণের অনুরোধসহ]
- ৬। মহা পুলিশ পরিদর্শক, বাংলাদেশ পুলিশ, পুলিশ হেডকোয়ার্টার্স, ফুলবাড়িয়া, ঢাকা। [সকল পুলিশ সুপার বরাবর কপি সরবরাহের অনুরোধসহ]
- ৭। কারা-মহাপরিদর্শক, কারা সদর দপ্তর, বকশী বাজার, ঢাকা [দেশের সকল কারাগারে কপি সরবরাহের অনুরোধসহ]
- ৮। মহা-পরিচালক (লিগ্যাল এন্ড প্রসিকিউশন), দুর্নীতি দমন কমিশন, সেগুন বাগিচা, ঢাকা।
- ৯। বিভাগীয় বিশেষ জজ, বিভাগীয় বিশেষ জজ আদালত, .....(সকল)।
- ১০। বিচারক (জেলা জজ), নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল,.....(সকল)।
- ১১। বিচারক (জেলা জজ), জননিরাপত্তা বিষয়কারী অপরাধ দমন ট্রাইব্যুনাল,.....(সকল)।
- ১২। বিচারক (জেলা জজ), দ্রুত বিচার ট্রাইব্যুনাল,.....(সকল)।
- ১৩। স্পেশাল জজ (জেলা জজ), স্পেশাল জজ আদালত.....(সকল)।
- ১৪। বিচারক (জেলা জজ), সাইবার ট্রাইব্যুনাল, ঢাকা।
- ১৫। চীফ জুডিসিয়াল ম্যাজিস্ট্রেট, .....(সকল)।
- ১৬। চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট,.....(সকল)।
- ১৭। পরিচালক (অভিযোগ ও তদন্ত), জাতীয় মানবাধিকার কমিশন, ঢাকা। [সকল বিচার বিভাগীয় কর্মকর্তাকে কপি সরবরাহকরণের অনুরোধসহ]
- ১৮। আইন কর্মকর্তা, পুলিশ হেডকোয়ার্টার্স, ঢাকা।
- ১৯। সিস্টেম এনালিস্ট, হাইকোর্ট বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা। (বাংলাদেশ সুপ্রীম কোর্টের ওয়েবসাইটে প্রকাশের অনুরোধসহ)

## বাংলাদেশ সুপ্রীম কোর্ট হাইকোর্ট বিভাগ, ঢাকা

**Criminal Rules and Orders (Practice and Procedure of Subordinate Courts) 2009 এর 481 বিধি**  
মোতাবেক পুলিশ-ম্যাজিস্ট্রেসি কনফারেন্স আয়োজন এবং উক্ত কনফারেন্সে অনুসরণীয় বিষয়াবলীঃ-

১। প্রত্যেক মাসের ২য় শনিবার পুলিশ-ম্যাজিস্ট্রেসি কনফারেন্স (অতঃপর 'কনফারেন্স' হিসাবে উল্লিখিত) আয়োজন করতে হবে। কোনো কারণে উক্ত নির্ধারিত দিনে কনফারেন্স আয়োজন করা সম্ভব না হলে মাসের ৩য় বা ৪র্থ শনিবারেও তা' করা যাবে। কমপক্ষে ৩ (তিন) দিন পূর্বে সকলকে পত্র মারফত কনফারেন্স এর বিষয় অবহিত করতে হবে।

২। কনফারেন্স আয়োজনের জন্য প্রত্যেক জুডিসিয়াল বা মেট্রোপলিটন ম্যাজিস্ট্রেসিতে একজন ম্যাজিস্ট্রেটকে ৬ (ছয়) মাসের জন্য ফোকাল পার্সন নিয়োগ করতে হবে। কনফারেন্স আয়োজনের সকল দায়িত্ব উক্ত ফোকাল পার্সন পালন করবেন। অন্য ম্যাজিস্ট্রেটগণ তাঁকে সহায়তা করবেন। প্রতি ৬ (ছয়) মাস পর পর ফোকাল পার্সন পরিবর্তন করতে হবে।

৩। প্রতিটি কনফারেন্সের ক্রমিক নম্বর বছরের শুরু থেকে গণনা করতে হবে। যে কোনো সিদ্ধান্ত বাস্তবায়নের প্রয়োজনে কনফারেন্সের নম্বর ও সাল রেফারেন্স হিসাবে ব্যবহার করতে হবে।

৪। ফোকাল পার্সন কনফারেন্স আয়োজনের কমপক্ষে ৭ (সাত) দিন পূর্বে তাঁর নিয়ন্ত্রণকারী কর্মকর্তার সাথে পরামর্শক্রমে কনফারেন্স এর আলোচ্য সূচি নির্ধারণ করবেন এবং সংশ্লিষ্ট সকলকে তা সরবরাহ করবেন। পুলিশ বা অন্য কোনো কর্তৃপক্ষের তরফ হতে কোনো বিষয় আলোচ্য সূচিতে অন্তর্ভুক্তকরণের আবেদন করা হলে সেটাও অন্তর্ভুক্ত করা যাবে।

৫। কনফারেন্স এর আলোচ্য সূচিতে যে সকল বিষয় আবশ্যিকভাবে থাকতে হবে তা' নিম্নরূপঃ

- (ক) সর্বশেষ সভার কার্য বিবরণী অনুমোদন;
- (খ) সর্বশেষ সভায় গৃহীত সিদ্ধান্তের বাস্তবায়ন অগ্রগতি পর্যালোচনা;
- (গ) সমন জারী/গ্রেফতারী/হুলিয়া ও ক্রোকি পরোয়ানা (পিএন্ডএ) তামিল;
- (ঘ) পুলিশ কর্তৃক মামলায় সাক্ষী উপস্থিতকরণ;
- (ঙ) আদালতে আসা-যাওয়ার পথে এবং আদালত চত্বরে সাক্ষীদের নিরাপত্তা;
- (চ) ইনকোয়ারি বা ইনভেস্টিগেশন এর ক্ষেত্রে প্রতিবন্ধকতা দূরীকরণ;
- (ছ) সময়মত মেডিক্যাল সার্টিফিকেট/ময়না তদন্ত প্রতিবেদন/ফরেনসিক/ভিসেরা রিপোর্ট প্রাপ্তি;
- (জ) হুলিয়া জারী এবং সম্পত্তি জব্দ করার বিষয়ে দ্রুত প্রতিবেদন প্রাপ্তি;
- (ঝ) বিচারক ও ম্যাজিস্ট্রেটগণের নিরাপত্তা ব্যবস্থা এবং আদালত চত্বরের নিরাপত্তা বিধান;
- (ঞ) সময়মত মালখানা হতে আদালতে আলামত উপস্থাপন;
- (ট) বিচারাধীন আসামীদের জেল-হাজত হতে আদালতে সময়মত উপস্থিতকরণ;
- (ঠ) পুলিশ ও ম্যাজিস্ট্রেসীর মধ্যে সমন্বয় ও সহযোগিতা;
- (ড) মামলার দ্রুত নিষ্পত্তির জন্য গ্রহণীয় পদক্ষেপসমূহ;
- (ঢ) মামলায় জন্মকৃত আলামতের নিষ্পত্তি/ধ্বংসের ব্যবস্থাকরণ/ নিলাম বিক্রয়ের বিষয়;
- (ণ) পুলিশ রিমান্ড ও ফৌজদারী কার্যবিধির ৫৪ ধারায় গ্রেফতারের ক্ষেত্রে আপীল বিভাগের নির্দেশনা প্রতিপালন হচ্ছে কি না তা তদারকি;
- (ত) পারিবারিক মামলায় গ্রেফতারী পরোয়ানা তামিল;
- (থ) বিবিধ।

৬। উপরিউক্ত আলোচ্য সূচিতে উল্লিখিত বিষয়াবলী আলোচনার জন্য চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট বা চীফ জুডিসিয়াল ম্যাজিস্ট্রেট পূর্বেই তাঁর নিয়ন্ত্রাধীন ম্যাজিস্ট্রেটদের নিকট হতে সংযুক্ত ছক "ক" এর মাধ্যমে প্রতিবেদন গ্রহণ করবেন।

৭। ম্যাজিস্ট্রেটগণের নিকট হতে ছক "ক" অনুসারে প্রতিবেদন প্রাপ্তির পর প্রয়োজনে চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট বা চীফ জুডিসিয়াল ম্যাজিস্ট্রেট তাঁর অধস্তন ম্যাজিস্ট্রেটদের নিয়ে বৈঠক করে প্রতিবেদনসমূহে উল্লিখিত মামলাসমূহের বিষয়ে কনফারেন্সে আলোচনার জন্য সিদ্ধান্ত গ্রহণ করবেন।



- ৮। পুলিশ-ম্যাজিস্ট্রেট কনফারেন্সে সাধারণত চীফ জুডিসিয়াল ম্যাজিস্ট্রেট বা চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট সভাপতিত্ব করবেন। মেট্রোপলিটন এলাকা/জেলার বিজ্ঞ দায়রা জজ উপস্থিত থাকতে আগ্রহী হলে তাঁকে প্রধান অতিথি এবং জেলার জেলা ও দায়রাজজ সমমর্যাদার অন্যান্য পদাধিকারী উপস্থিত থাকতে আগ্রহী হলে তাঁদেরকে বিশেষ অতিথি হিসাবে কনফারেন্সে উপস্থিত থাকার জন্য অনুরোধ জানানো যেতে পারে।
- ৯। জেলা ম্যাজিস্ট্রেট, পুলিশ কমিশনার/পুলিশ সুপার, সিভিল সার্জন/সরকারী হাসপাতালের তত্ত্বাবধায়ক বা পরিচালক জেল সুপার, পাবলিক প্রসিকিউটর এবং আইনজীবী সমিতির সভাপতি ও সাধারণ সম্পাদককে কনফারেন্স এ উপস্থিত থাকার জন্য অনুরোধ করতে হবে।
- ১০। পারিবারিক মামলাসমূহের বিচার করতে গিয়ে প্রথম শ্রেণীর ম্যাজিস্ট্রেট হিসাবে সহকারী জজ/ সিনিয়র সহকারী জজদের দায়িত্ব পালন করতে হয় বিধায় যে সকল সহকারী জজ/সিনিয়র সহকারী জজ পারিবারিক মামলার বিচার কাজ পরিচালনা করেন, তাঁদেরকে কনফারেন্স এ উপস্থিত থাকার জন্য অনুরোধ জানাতে হবে।
- ১১। সকল থানার অফিসার ইনচার্জকে কনফারেন্সে উপস্থিত থাকতে হবে।
- ১২। কনফারেন্স এ উপস্থিত থাকার জন্য নিম্নোক্ত প্রতিষ্ঠানসমূহের প্রতিনিধিদের অনুরোধ জানাতে হবেঃ-
- (ক) স্থানীয় র‍্যাভের প্রতিনিধি (এএসপি/সহকারী পরিচালক পদমর্যাদার নীচে নয়);
- (খ) মাদক দ্রব্য নিয়ন্ত্রণ অধিদপ্তরের প্রতিনিধি (পরিদর্শক/সহকারী পরিচালক পদমর্যাদার নীচে নয়);
- (গ) প্রবেশন অফিসার;
- (ঘ) জেলা দুর্নীতি দমন কর্মকর্তা (পরিদর্শক/সহকারী পরিচালক পদমর্যাদার নীচে নয়);
- (ঙ) পুলিশ ব্যুরো অব ইন্ভেস্টিগেশন (পিবিআই) এর প্রতিনিধি (পরিদর্শক/এএসপি পদমর্যাদার নীচে নয়);
- (চ) সিআইডি এর ইন্সপেক্টর;
- (ছ) ডিবি এর অফিসার ইনচার্জ;
- (জ) ট্রাফিক ইন্সপেক্টর; এবং
- (ঝ) বিদ্যুত/বন/নৌ/সিটি কর্পোরেশন/ডিপিডিসি/আরইবি (প্রয়োজ্য ক্ষেত্রে) প্রভৃতি প্রতিষ্ঠানসমূহের উপযুক্ত প্রতিনিধি।
- ১৩। কনফারেন্স এ উপস্থিত সকলের উপস্থিতির স্বাক্ষর সংযুক্ত ছক-“খ” অনুসারে সংগ্রহ করতে হবে এবং অত্র কোর্টে কনফারেন্স এর প্রতিবেদন প্রেরণের সময় এর একটি কপি প্রতিবেদনের সাথে সংযুক্ত করতে হবে।
- ১৪। কনফারেন্সের শুরুতে চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট বা চীফ জুডিসিয়াল ম্যাজিস্ট্রেট কর্তৃক মনোনীত কর্মকর্তা (সাধারণভাবে অতিরিক্ত চীফ জুডিসিয়াল ম্যাজিস্ট্রেট/ অতিরিক্ত চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট হতে পারে) স্বাগত বক্তব্য রাখবেন। স্বাগত বক্তব্যের পরে সভাপতি/ফোকাল পার্সন পূর্ববর্তী কনফারেন্স এর প্রতিবেদনে উল্লিখিত আলোচনা ও সিদ্ধান্ত বাস্তবায়নের অগ্রগতি আলোচনা করবেন এবং এরপর এজেন্ডা অনুসারে আলোচনা শুরু করবেন। এছাড়াও যে সকল মামলার দ্রুত নিষ্পত্তিতে পুলিশ বা অন্য কোনো কর্তৃপক্ষের সহযোগিতা প্রয়োজন এবং যে বিষয়ে সহযোগিতা প্রয়োজন তা’ মামলার নম্বর ও প্রয়োজনে নথিসহ সুনির্দিষ্টভাবে আলোচনা করবেন। কনফারেন্স চলাকালীন ফোকাল পার্সন বা চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট বা চীফ জুডিসিয়াল ম্যাজিস্ট্রেট কর্তৃক মনোনীত কোনো কর্মকর্তা সঞ্চালকের দায়িত্ব পালন করবেন।
- ১৫। অতঃপর এ বিষয়ে উপস্থিত অন্যান্য ব্যক্তিবর্গ তাঁদের মতামত/ পরামর্শ/গৃহীতব্য পদক্ষেপ সকলকে অবহিত করবেন।
- ১৬। কনফারেন্স এ সকল থানার অফিসার ইনচার্জ অন্যান্য প্রতিবেদন ছাড়াও তাঁর বরাবর ইস্যুকৃত সকল প্রসেস এর বিষয়ে সংযুক্ত ছক- “গ” মোতাবেক প্রতিবেদন প্রস্তুত করে মেট্রোপলিটন ম্যাজিস্ট্রেট বা চীফ জুডিসিয়াল ম্যাজিস্ট্রেট সমীপে উপস্থাপন করবেন।
- ১৭। ফোকাল পার্সন বা অন্য একজন ম্যাজিস্ট্রেট তাৎক্ষণিকভাবে কনফারেন্সের কার্যধারা লিপিবদ্ধ করবেন এবং তার ভিত্তিতে তপশিল- “ক” তে উল্লিখিত ফরমেটে কনফারেন্সের প্রতিবেদন প্রণয়ন করবেন। অনুষ্ঠানের পরবর্তী ৭ (সাত) কার্য দিবসের মধ্যে প্রণীত প্রতিবেদন এর একটি করে কপি কনফারেন্সে উপস্থিত সকলকে বিতরণের ব্যবস্থা করবেন এবং একটি অনুলিপি অত্র কোর্টে প্রেরণ করবেন।
- ১৮। মেট্রোপলিটন সেশন জজ/ জেলা ও দায়রা জজের (যদি উপস্থিত থাকেন) সমাপনী বক্তব্যের মাধ্যমে কনফারেন্স সমাপ্ত হবে।
- ১৯। কনফারেন্স আয়োজনের জন্য এটি দিক নির্দেশনা হিসাবে কাজ করবে। স্থানীয় বিশেষ প্রয়োজন ছাড়া এই দিক নির্দেশনার তারতম্য কাম্য নয়।

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৩০ মে, ২০১৭ খ্রিস্টাব্দ

বিষয়ঃ সারাদেশের অধস্তন আদালতের গ্রন্থাগারে আইনের পর্যাপ্ত মূল বই (Bare Act) ও রেফারেন্স বই (DLR, MLR, BLC, BLD, ADC অনুরূপ প্রকাশনা) সংরক্ষণ প্রসঙ্গে।

বাংলাদেশের মাননীয় প্রধান বিচারপতি মহোদয় দায়িত্ব গ্রহণের পর থেকে দেশের অধস্তন আদালতসমূহ সরেজমিনে পরিদর্শন করছেন। অধস্তন আদালতসমূহ পরিদর্শনকালে প্রতিভাত হয় যে, অধস্তন আদালতের গ্রন্থাগারসমূহে পর্যাপ্ত সংখ্যক আইনের মূল বই (Bare Act) ও রেফারেন্স বই (DLR, MLR, BLC, BLD, ADC অনুরূপ প্রকাশনা) সংরক্ষণ করা হয় না। বরং অধস্তন আদালতের গ্রন্থাগারসমূহে অতি নিম্নমানের বই সংরক্ষণ করা হয়। ফলে অধস্তন আদালতে কর্মরত বিচারকগণ গ্রন্থাগার ব্যবহারে প্রত্যাশিত ফল লাভ থেকে বঞ্চিত হচ্ছেন। প্রকৃতপক্ষে অধস্তন আদালতে কর্মরত বিচারকগণের আইনের জ্ঞান সমৃদ্ধ করার ক্ষেত্রে গ্রন্থাগারে পর্যাপ্ত সংখ্যক আইনের মূল বই (Bare Act) ও রেফারেন্স বই (DLR, MLR, BLC, BLD, ADC অনুরূপ প্রকাশনা) সংরক্ষণ করার কোনো বিকল্প নেই। সে কারণে অধস্তন আদালতসমূহের গ্রন্থাগারসমূহ প্রয়োজনীয় সংখ্যক আইনের মূল বই (Bare Act) ও রেফারেন্স বই (DLR, MLR, BLC, BLD, ADC অনুরূপ প্রকাশনা) সংরক্ষণের মাধ্যমে সমৃদ্ধ করা একান্ত আবশ্যিক।

০২। এমতাবস্থায়, সারাদেশের অধস্তন আদালতের গ্রন্থাগারে প্রয়োজনীয় সংখ্যক আইনের পর্যাপ্ত মূল বই (Bare Act) ও রেফারেন্স বই (DLR, MLR, BLC, BLD, ADC অনুরূপ প্রকাশনা) সংরক্ষণ করার প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে অনুরোধ করা হলো।

(আবু সৈয়দ দিলজার হোসেন)

রেজিস্ট্রার

ফোনঃ ৯৫১৪৬৪৬

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সদয় অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য অনুলিপি প্রেরিত হলোঃ-

- ১। সচিব, আইন ও বিচার বিভাগ, আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ২। জেলা ও দায়রা জজ,------(সকল)।
- ৩। মহানগর দায়রা জজ,------(সকল)।
- ৪। বিভাগীয় বিশেষ জজ, বিভাগীয় বিশেষ জজ আদালত,------(সকল)।
- ৫। বিচারক (জেলা জজ), নারী ও শিশু নির্যাতন দমন ট্রাইব্যুনাল,------(সকল)।
- ৬। বিচারক (জেলা জজ), জননিরাপত্তা বিঘ্নকারী অপরাধ দমন ট্রাইব্যুনাল,------(সকল)।
- ৭। বিচারক (জেলা জজ), দ্রুত বিচার ট্রাইব্যুনাল,------(সকল)।
- ৮। সদস্য (জেলা জজ), প্রশাসনিক অ্যাপীলেট ট্রাইব্যুনাল, ১৪, আঃ গণি রোড, ঢাকা।
- ৯। সদস্য (জেলা জজ), প্রশাসনিক ট্রাইব্যুনাল,------(সকল)।
- ১০। সদস্য (জেলা জজ), শ্রম আপীল ট্রাইব্যুনাল, ঢাকা।
- ১১। চেয়ারম্যান (জেলা জজ), শ্রম আদালত,------(সকল)।
- ১২। স্পেশাল জজ (জেলা জজ), স্পেশাল জজ আদালত------(সকল)।
- ১৩। বিচারক (জেলা জজ), পরিবেশ আপীল আদালত, ঢাকা।
- ১৪। সদস্য (জেলা জজ), কাস্টমস্ এক্সসাইজ ও ভ্যাট আপীলাত ট্রাইব্যুনাল,------(সকল)।
- ১৫। চেয়ারম্যান (জেলা জজ), ১ম/২য় কোর্ট অব সেটেলমেন্ট, সেগুন বাগিচা, ঢাকা।
- ১৬। বিচারক (জেলা জজ), সাইবার ট্রাইব্যুনাল, ঢাকা।
- ১৭। চেয়ারম্যান (জেলা জজ), নিম্নতম মজুরী বোর্ড, তোপখানা রোড, ঢাকা।
- ১৮। বিচারক (জেলা জজ), স্পেশাল ট্রাইব্যুনাল, সিকিউরিটিজ অ্যান্ড এক্সচেঞ্জ কমিশন, ঢাকা।
- ১৯। সদস্য (জেলা জজ), ট্যাকসেস অ্যাপীলেট ট্রাইব্যুনাল, দ্বৈত বেঞ্চ-৫, ঢাকা।
- ২০। চীফ জুডিসিয়াল ম্যাজিস্ট্রেট,------(সকল)।
- ২১। চীফ মেট্রোপলিটন ম্যাজিস্ট্রেট,------(সকল)।



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তারিখ- ২৯/০৫/২০১৭

**বিষয়ঃ The Code of Criminal Procedure, 1898 এর 35A ধারার বিধান অনুসরণ প্রসঙ্গে।**

The Code of Criminal Procedure, 1898 এর 35A ধারা অনুযায়ী শাস্তি কেবলমাত্র মৃত্যুদণ্ড এরূপ অপরাধ ব্যতীত অন্যান্য অপরাধের ক্ষেত্রে সশ্রম বা বিনাশ্রম যে কোনো প্রকারের কারাদণ্ড প্রদানক্রমে প্রচারিত রায় বা আদেশে আসামীর মামলা বিচারাধীন থাকা অবস্থায় আসামী কর্তৃক কারা হেফাজতে থাকা/অবস্থানরত সময়কাল তার মোট দণ্ডের সময়কাল হতে বিয়োগ (deduct) হবে। যদি একই অপরাধের জন্য মামলা বিচারাধীন থাকা অবস্থায় আসামীর কারা হেফাজতে থাকা/অবস্থানরত সময় মোট দণ্ডের সময়কালের অধিক হয়, তবে আসামী তার দণ্ড ভোগ সম্পন্ন করেছে বলে গণ্য হবে এবং অন্য কোনো অপরাধের কারণে কারাগারে আটক রাখার প্রয়োজন না হলে অবিলম্বে তাকে মুক্তি প্রদান করতে হবে। এরূপ ক্ষেত্রে আসামীকে যদি কারাদণ্ডের অতিরিক্ত অর্থদণ্ড প্রদান করা হয় তাহলে আসামীর উক্ত অর্থদণ্ড মওকুফ হয়েছে মর্মে গণ্য হবে।

২। কিন্তু লক্ষ্য করা যাচ্ছে যে, অনেক ক্ষেত্রেই আদালত ও ট্রাইব্যুনালের রায়ে কারাদণ্ডপ্রাপ্ত আসামীর মোট কারাদণ্ডের সময়কাল হতে মামলা বিচারাধীন থাকা অবস্থায় আসামীর কারা হেফাজতে থাকা/অবস্থানরত সময়কাল বিয়োগের বিষয়ে কোনো প্রকার নির্দেশনা প্রদান করা হচ্ছে না বা হলেও সাজা পরোয়ানায় (Conviction Warrant) তা উল্লেখ করা হচ্ছে না। ফলে কারা কর্তৃপক্ষ আসামীর দণ্ডের মোট মেয়াদ হতে মামলা বিচারাধীন থাকা অবস্থায় আসামীর কারা হেফাজতে অবস্থানকালীন সময়কাল বিয়োগ করা হতে বা উক্ত সময়কাল কারাদণ্ডের মোট মেয়াদ হতে অধিক হলে আসামীকে তাৎক্ষণিকভাবে মুক্তি প্রদান করতে (যদি না অন্য অপরাধে তাকে কারাগারে আটক রাখা আবশ্যিক হয়) কিংবা ক্ষেত্রমতে, কারাদণ্ডের অতিরিক্ত অর্থদণ্ড মওকুফ গণ্য করা হতে বিরত থাকছে, যা আইনগত বিধি বিধানের লংঘন।

৩। এমতাবস্থায়, ফৌজদারী মামলায় আদালত ও ট্রাইব্যুনালসমূহ-কে আসামীকে দোষী সাব্যস্তক্রমে কারাদণ্ড প্রদান করতঃ প্রদত্ত রায় বা আদেশে এবং সাজা পরোয়ানায় কারা কর্তৃপক্ষের প্রতি The Code of Criminal Procedure, 1898 এর 35A ধারার বিধান মতে সশ্রম বা বিনাশ্রম যে কোনো প্রকারের কারাদণ্ডপ্রাপ্ত আসামীর মোট কারাদণ্ডের সময়কাল হতে মামলা বিচারাধীন থাকা অবস্থায় আসামীর কারা হেফাজতে থাকা/অবস্থানরত সময়কাল বাদ দেওয়ার এবং উক্ত সময়কাল কারাদণ্ডের মোট মেয়াদ হতে অধিক হলে আসামীকে তাৎক্ষণিকভাবে মুক্তি প্রদান (যদি না অন্য অপরাধে তাকে কারাগারে আটক রাখা আবশ্যিক হয়) ও কারাদণ্ডের অতিরিক্ত অর্থদণ্ড মওকুফ গণ্য করার আদেশ সুস্পষ্টভাবে রায়ে ও সাজা পরোয়ানায় উল্লেখ করার নির্দেশ প্রদান করা গেল।

৪। সর্বোপরি The Code of Criminal Procedure, 1898 এর 35A ধারার বিধান মতে আদালত ও ট্রাইব্যুনালসমূহের রায় বা সাজা পরোয়ানায় (Conviction Warrant) কোনো কারাদণ্ড প্রাপ্ত আসামীর মামলা বিচারাধীন থাকা অবস্থায় কারা হেফাজতে থাকা/অবস্থানরত সময় বিয়োগের (deduct) বিষয়/নির্দেশনা উল্লেখ না থাকলেও কারা কর্তৃপক্ষ কর্তৃক উক্ত আইনের বিধান মতে আসামীর মোট কারাদণ্ড হতে মামলা বিচারাধীন থাকা অবস্থায় আসামী কর্তৃক কারা হেফাজতে থাকা/অবস্থানরত সময় বাদ দিতে এবং উক্ত সময়কাল কারাদণ্ডের মোট মেয়াদ হতে অধিক হলে আসামীকে তাৎক্ষণিকভাবে মুক্তি প্রদান (যদি না অন্য অপরাধে তাকে কারাগারে আটক রাখা আবশ্যিক হয়) ও কারাদণ্ডের অতিরিক্ত অর্থদণ্ড মওকুফ গণ্য করতে আইনত কোনো বাধা নেই।

৫। উল্লেখ্য যে, যদি একজন আসামী একই সময়ে একাধিক বিচারাধীন মামলায় আটক হয়ে কারা হেফাজতে অবস্থান করে, সেক্ষেত্রে প্রত্যেক মামলায় আসামী কবে প্রথম গ্রেফতার হয়ে কারা হেফাজতে অবস্থান করা শুরু করেছে এবং/ অথবা জামিনের শর্ত ভঙার জন্য গ্রেফতার হয়ে সময়ে সময়ে কারাগারে অবস্থান করেছে তার মোট সময়কাল প্রত্যেক মামলার মোট কারাদণ্ডের মেয়াদ হতে বিয়োগ (deduct) করতে হবে। কেননা, একজন আসামী প্রতিটি আলাদা মামলায় যে কারাদণ্ড প্রাপ্ত হয়, তার প্রত্যেকটির ক্ষেত্রে 35A ধারায় প্রদত্ত সুবিধা ভোগ করতে অধিকারী। আরো উল্লেখ্য যে, 63 DLR (AD) 18 মামলার 41 নম্বর প্যারা ও 60 DLR (2008) 363 মামলার রায়ে আলোকে The Code of Criminal Procedure, 1898 এর 35A ধারার বিধান ভূতাপেক্ষভাবে প্রয়োগযোগ্য বিধায় ফৌজদারী কার্যবিধিতে 35A ধারা সংযুক্তির পূর্বে যে সব মামলা দায়ের হয়ে চলমান আছে সে সব মামলার প্রত্যেক আসামী এ ধারায় প্রদত্ত সুবিধা ভোগের অধিকারী হবেন।

(আবু সৈয়দ দিলজার হোসেন)  
রেজিস্ট্রার, হাইকোর্ট বিভাগ

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এ,

তারিখ- ০১ আষাঢ়, ১৪২৪ বঙ্গাব্দ  
১৫ জুন, ২০১৭ খ্রিস্টাব্দ

বিষয়ঃ শিশু আদালতে শিশু বান্ধব পরিবেশ নিশ্চিত করার জন্য UNICEF Bangladesh কর্তৃক গৃহীত উন্নয়নমূলক কাজে সার্বিক সহযোগিতা প্রদান প্রসঙ্গে।

শিশু আইন, ২০১৩ এর ১৯ ধারার বিধান মতে শিশু আদালতের আদালত কক্ষের বিন্যাস সাজ-সজ্জা ও আসন ব্যবস্থা শিশুর জন্য উপযোগী হতে হবে। সেমতে UNICEF Bangladesh এবং বাংলাদেশ সুপ্রীম কোর্টের মধ্যে ১৪.০২.২০১৭ খ্রি. তারিখে স্বাক্ষরিত MoU অনুযায়ী UNICEF Bangladesh শিশু আদালতে শিশু বান্ধব পরিবেশ নিশ্চিত করার জন্য শিশু আদালতের এজলাস, ডক, কাঠগড়া সহ আনুষঙ্গিক উন্নয়নমূলক কাজ শুরু করেছে।

০২। Supreme Court Special Committee for Child Rights এর গত ২৩.০৫.২০১৭ খ্রি. তারিখের ১৪ তম সভায় সারাদেশের শিশু আদালতে শিশু বান্ধব পরিবেশ নিশ্চিত করার জন্য UNICEF Bangladesh কর্তৃক গৃহীত উক্ত উন্নয়নমূলক কাজ সফলভাবে সম্পন্ন করার নিমিত্ত সকল জেলা জজ আদালত এবং শিশু আদালত সার্বিক সহযোগিতা প্রদান করবে মর্মে সিদ্ধান্ত গৃহীত হয়।

০৩। এমতাবস্থায়, শিশু আইন, ২০১৩ এর কার্যকর প্রয়োগ ও শিশু আদালতে শিশু বান্ধব পরিবেশ নিশ্চিত করার জন্য এজলাস, ডক, কাঠগড়া সহ আনুষঙ্গিক উন্নয়নমূলক কাজে UNICEF Bangladesh-কে সার্বিক সহযোগিতা প্রদান করার জন্য সকল জেলা জজ আদালত এবং শিশু আদালতসহ সংশ্লিষ্ট সকলকে বিশেষভাবে নির্দেশনা প্রদান করা হলো।

মাননীয় প্রধান বিচারপতির আদেশক্রমে

(আবু সৈয়দ দিলজার হোসেন)

রেজিস্ট্রার

ফোনঃ ৯৫১৪৬৪৬

ই-মেইলঃ registrar\_hcd@supremecourt.gov.bd

কার্যার্থে বিতরণ (জ্যেষ্ঠতার ক্রমানুসারে নয়)ঃ-

- ১। সচিব, আইন ও বিচার বিভাগ, আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ২। জেলা ও দায়রা জজ, -----(সকল)।
- ৩। মহানগর দায়রা জজ, -----(সকল)।
- ৪। শিশু আদালত, -----(সকল)।
- ৫। অতিরিক্ত রেজিস্ট্রার, আপীল বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা।
- ৬। মাননীয় প্রধান বিচারপতির একান্ত সচিব, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা।
- ৭। ডেপুটি রেজিস্ট্রার (অর্থ ও উন্নয়ন), হাইকোর্ট বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা।
- ৮। রেজিস্ট্রার জেনারেলের একান্ত সচিব, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা।
- ৯। সিস্টেম এনালিস্ট, হাইকোর্ট বিভাগ, বাংলাদেশ সুপ্রীম কোর্ট, ঢাকা (বাংলাদেশ সুপ্রীম কোর্টের ওয়েবসাইটে প্রকাশের অনুরোধসহ)

(মো'তাছিম বিল্যাহ)

সহকারী রেজিস্ট্রার (বিচার)

ফোনঃ ৯৫৬১৯৩২



## 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.



## Signing Ceremony of Memorandum of Understanding Between Supreme Court of Bangladesh and UNICEF

Judges' Lounge, Supreme Court of Bangladesh

Supreme Court of Bangladesh signed a Memorandum of Understanding on 14 February 2017 at the Judges' Lounge, Supreme Court of Bangladesh. The Registrar General of the Supreme Court of Bangladesh and the Unicef Country Representative Mr. Edouard Beigbeder signed the MoU on behalf of their respective organization.



The main objective of the programme is to support strengthening the child protection system in Bangladesh in the light of the Children Act 2013. The Programme is developed based on the concluding recommendation of the United Nations Convention on the Rights of the Child (UNCRC) committee to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programme and projects affecting children. It also aims to develop procedures and criteria for all relevant persons in authority for determining the best interests of the child. The key thematic areas that are covered by the agreement are:

- a. Monitoring Implementation of Shishu Ain 2013 (Children Act 2013) and specially strengthening access to justice for children
- b. Information management system for justice for children
- c. Strengthen Alternative Care facilities and monitoring

The Programme process includes the following component steps:

- d. Administrative procedures to set up the Children Court and development of the data base and other monitoring framework and digital set up in pilot courts and institutions.
- e. Procurement of supplies and logistics and distribution and installation.

- f. Consultation and monitoring workshops with district and upazilla level professionals and stakeholders for better coordination, sharing information and challenges and reporting.

Under the MoU UNICEF Bangladesh agrees to support implementation of the programme by the Supreme Court Special Committee on Child Rights including, inter alia, by rendering in a timely fashion the following forms of support:

- a. Support to organise workshops and information sessions for duty bearers at national, sub-national level whereby the members of the committee will be present to get the update and also listen to the challenges in the implementation of the Act and put forward suggestions/directions that will be recorded.
- b. Formation/renovation of Children Courts in 8 divisional Headquarters with logistic support and supply of relevant equipment to establish a child friendly environment in the court room in accordance with the Children Act.
- c. Establish digital video connectivity with the Pilot 8 courts with 3 Shishu Unnayan Kendra (SUKs) and 6 Safe Homes to organise regular video conference during the trial of the cases and to expedite the cases of children.
- d. Review digital software to incorporate regular update and data base on children cases and its follow up by the Children Courts.
- e. Support to the MoSW/DSS and SUKs to make 'Project Connect' functional with regular monitoring.
- f. Guidance and directions will be pursued from the Committee on any emerging issues or concerns which have national importance and for safeguarding the best interest of the children.
- g. Monitoring implementation, measuring results, and documenting and externally communicating good practices, challenges, and lessons learned.





## Seminar on Judicial Independence

7-9 May 2017

Supreme Court of Bangladesh

To enable a core group of judicial officers from Bangladesh to undertake a training programme in the Commonwealth (Latimer House) Principles, in particular judicial independence, ethics, and the protection of human rights a Seminar on Judicial Independence was held at the Supreme Court of Bangladesh in collaboration with the Commonwealth Magistrates' and Judges' Association from 7-9 May 2017.



### Aims of the Seminar:

Judicial officers are entrusted with the exercise of decision making which has a significant effect upon life, liberty and property. Such power can only be reposed in those whose standards of personal conduct are unquestionable. The maintenance of high standards of judicial conduct upholds public confidence in the administration of justice and enhances public respect for the institution of the judiciary.

Any course of action that has the potential to put these objectives at risk must therefore be very carefully considered and, as far as possible, avoided. Off the bench, every judicial officer must observe "standards of conduct on a plane much higher than for those of society as a whole." They must therefore accept restrictions on their conduct that might be viewed as burdensome by ordinary citizens.

This seminar was intended to create a forum for judicial officers to consider a variety of problems and to discuss appropriate responses. The purpose of the seminar was to provide the judicial officers with a framework to learn and to be able to teach others with analysing and resolving issues of judicial independence and ethics that may arise in their future lives. The issues that may arise before a judicial officer in a trial court of first instance may be different from those who sit in an appellate court. There is no formal teaching, and any "teaching" element in respect of the content of judicial ethics is intended only to assist a judicial officer to choose the most prudent course of action when faced with an ethical issue.



### **Speakers and Facilitators:**

Judge Ray Rinaudo, Chief Magistrate of Queensland, Australia

Judge Shamim Qureshi, Birmingham, England (also Director of Programmes of Commonwealth Magistrates' and Judges' Association)

Mark Guthrie, Legal Adviser, Commonwealth Secretariat

### **Topic discussed:**

1. Judicial Independence and the Commonwealth (Latimer House) Principles

2. Judicial Conduct in Court

Goals of the topic discussed:

-To increase awareness of what constitutes judicial integrity in the courtroom setting

-To increase knowledge of what constitutes appropriate and inappropriate behaviour

-To be aware of the impact of this upon the public

3. Disclosure and Recusal

Goals of the topic discussed:

-To increase awareness of the situations that may warrant recusal

-To understand the test of perceived bias

-To increase knowledge on judicial thinking and experience in this area

4. Extra-judicial activities

Goals of the topic discussed:

-To understand extra-judicial activity as an ethical issue

-To understand how these may affect perception of bias

-To understand the restraints placed on the personal lives of judges and judicial officers

-To examine personal activities and judge how they would stand up to scrutiny

5. The Bangladeshi experiences of the role of the judge in promoting and protecting human rights

Goals of the topic discussed:

-To strengthen awareness of the human rights of different types of people

-To recognise when a case invokes human rights of an individual

-To increase awareness of important cases where courts have protected human rights

-To appreciate that properly discharging one's judicial functions necessarily needs continuous training and learning

6. Judicial corruption-gifts and favours

Goals of the topic discussed:

-To understand the difference between corruption as a criminal offence and as an ethical issue

-To discuss the state of any corruption in the country and the initiatives with which the country is involved to eradicate it

-To provide practise on how to deal with situations when one's integrity may be at stake

7. Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects

Goals of the topic discussed:

- Aside from impeccable conduct both in and out of court, to promote the understanding that Judicial independence is not a privilege or prerogative of the individual judge but in fact it is the responsibility imposed on each judge to enable him or her to adjudicate a dispute honestly and impartially on the basis of the law and the evidence, without external pressure or influence and without fear of interference from anyone.

-To understand the difference between Impartiality and Independence



## Signing Ceremony of Cooperation Agreement Between Supreme Court of the Russian Federation and Supreme Court of Bangladesh

09 October, 2017 at Judges' Lounge  
Supreme Court of Bangladesh

Supreme Court of Bangladesh signed a Cooperation Agreement on 09 October, 2017 at the Judges' Lounge, Supreme Court of Bangladesh with the Supreme Court of the Russian Federation. Honourable Chief Justice of the Supreme Court of the Russian Federation Mr. Justice Vyacheslav M. Lebedev and Honourable Judge, Performing the Function of the Chief Justice of Bangladesh Mr. Justice Md. Abdul Wahhab Miah signed the Cooperation Agreement on behalf of the two Supreme Courts. This Agreement will remain in force for an initial period of 5 years from the date of its signing.



Honorable Chief Justice of the Supreme Court of the Russian Federation Mr. Justice Vyacheslav M. Lebedev and Honorable Mr. Justice Md. Abdul Wahhab Miah, Performing the Functions of the Chief Justice of Bangladesh exchanging agreement at a ceremony organized in the Judges' Lounge of the Supreme Court

### The main purposes of the agreement are:

- 1) Exchange of experience and knowledge in the sphere of administration of justice between the judiciaries of Russia and Bangladesh;
- 2) Mutual assistance and cooperation between the two judiciaries, aimed at implementation of e-services and case management technologies for the judiciaries of Russia and Bangladesh to improve access to justice.

### Areas of Cooperation

The Supreme Court of the Russian Federation has gained significant experience in such spheres as case backlog reduction, case management, court administration and e-Justice. Under the agreement Judicial officers of Bangladesh will gain new experience to see e-Court management and video conferencing with the

judges in Russia. This will help a lot in introducing and strengthening e- Justice in Bangladesh. Therefore, mutual cooperation and work between the two judiciaries will help assist the judges of the two friendly countries to dispense justice entailing less cost, time and energy.

### **Responsibilities and Obligations of the Parties under the agreement**

1. The Supreme Court of the Russian Federation will organize visits by the members and officials of the judiciary of Bangladesh of all levels to Russia. The Supreme Court of Bangladesh or the individuals designated by the Supreme Court of Bangladesh will be responsible for all costs associated with such visits and vis-a-vis the Supreme Court of Bangladesh will also organize visits by the members and officials of the Supreme Court of the Russian Federation under the same condition.
2. Both Parties will strive to provide assistance and cooperation in areas of mutual interest, such as experience, knowledge sharing in the sphere of administration of justice and other related activities.
3. Both Parties will organize visits for training, research, as well as to hold conferences and seminars within the territory of Russia and Bangladesh as appropriate and as possible.
4. Both Parties will facilitate the development of joint research and training programmes with mutual consent.
5. Each Party will provide adequate security and protocol to the judges/visitors of the other Party during their stay.
6. Both Parties can write and display information on their web sites about the partnership and can use the logo and other details of one another for display on their websites.



Honorable Chief Justice of the Supreme Court of the Russian Federation Mr. Justice Vyacheslav M. Lebedev planting a Bokul Tree (*Mimusops elengi*) in the Supreme Court premises



## National Judicial Conference 2017

2 December 2017, Saturday

Bangabandhu International Conference Center, Dhaka

Judiciary of Bangladesh, being mandated by the Constitution, has been continuously working to dispense timely justice among the litigant people. Trust and confidence of the people are the propelling force that thrust Judiciary to achieve excellence in dispute resolution. In this era of technological revolution, excellence in adjudication of justice can only be attained through proper utilization of Information and Communication Technology (ICT). Reducing procrastination, minimizing cost and visit by the litigants to the Courts and widening the avenue of access to justice for the poor, marginalized and toiling people of this country are the targets Judiciary aims to achieve to fulfill its constitutional obligation. With these goals set in mind, in the year 2017 the theme for the National Judicial Conference was JUSTICE FOR ALL. Although it was a 'singular theme' conference, this Conference addressed issues related to promote judicial excellence, judicial skill building and judicial education for the Judges.



Honorable President of the People's Republic of Bangladesh Mr. Md. Abdul Hamid addressing Judges of the Subordinate Judiciary at the inaugural session of the National Judicial Conference 2017

The 2017 conference was a forum for improving judicial professionalism represented by the Judges of all the Courts of Bangladesh. This Conference aimed to provide in-depth perspectives and expert insights on variety of issues confronted by the Judges of the Subordinate Judiciary while dispensing justice and complying with various laws and the Constitution.



### Aim of the Conference:

Judiciary, being one of the three organs of the State, is entrusted with the solemn duty of protecting fundamental rights as enumerated in the Constitution and the legal rights of the people as derived from the various legislations enacted by the Parliament. It adjudicates disputes impartially between and among persons and the State. It also promotes the observance and the attainment of human rights, equality, justice and fairness in the society through all probable means of dispute resolution. The State is constitutionally bound to ensure equality before law and equal protection of law for its citizens. In order to fulfill this obligation, the Government administers country-wide legal aid programs for poor and underprivileged. Legal aid has an important role in providing access to justice by ensuring equality before the law. Therefore, money plays no role for having access to justice by poor and vulnerable citizens in Bangladesh.

But, the Judiciary of Bangladesh is now overburdened with a staggering number of cases. In recent years, the disposals of judicial officers have actually been improving with each passing year, but the rate of institution of fresh proceedings is far higher. The traditional model of adversarial system and complicated legal procedures are key reasons behind this huge pile up and causes of the slower rate of disposal than the filing of cases. Moreover, lack of proper infrastructure, inadequate logistics and shortage of Judges add up to the reasons for delayed disposals. Although, a number of alternative dispute resolution mechanisms and forums are available in Bangladesh, the very low rate of resorting to those alternative mechanisms by the justice seekers and high rate of institution of cases with the courts reflects people's reliance on the formal justice system.

The following tables show the trend of institution and disposal of cases from 2011 to 2016 in subordinate judiciary:

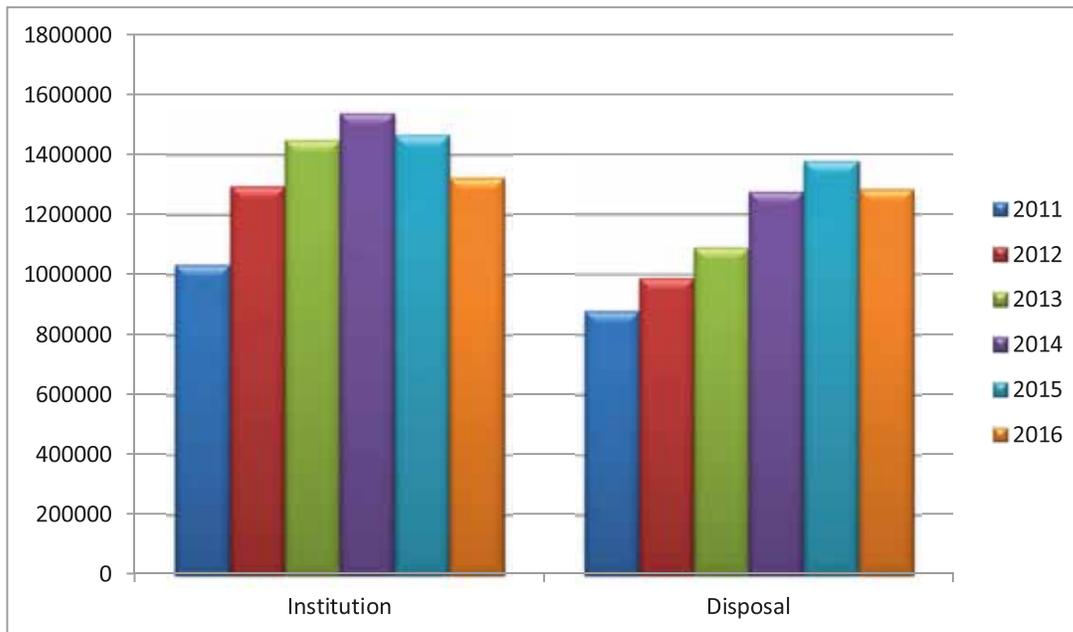
Name of the Court	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015	Year 2016
All District and Sessions Judges' Courts and all Tribunals	327915	496539	697988	747834	691374	592361
Magistrate Courts	706069	800282	751180	792433	776181	732049
Total	1033984	1296821	1449168	1540267	1467555	1324410

### Year wise Trend of Institution of Cases in the Subordinate Judiciary:

Name of the Court	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015	Year 2016
All District and Sessions Judges' Courts and all Tribunals	207477	263128	427950	541797	531533	503246
Magistrate Courts	671628	725523	662022	734359	847398	780805
Total	879105	988651	1089972	1276156	1378931	1284051



### Year wise Trend of Disposal of Cases in the Subordinate Judiciary:



The tables and the chart indicate that during these years with the strength of only around 1600 Judges of different tiers, (of whom around 200 Judges are serving on deputation in various administrative functions of the judiciary and other branches) the subordinate Judiciary is consistently improving performance in terms of disposal of cases. At present the predominant requirement is to increase the number of Judges at the subordinate courts. A considerable number of judicial officers are down-hearted with very poor infrastructural facilities. It is one of the constitutional mandates of the government to ensure consistent financial commitment to the judiciary. More pertinently, the implementation of e-Judiciary project will equip the judiciary with Information and Communication Technology (ICT). It will also ensure administration of justice for all by publishing daily cause list as well as orders and judgments on courts' websites. There is a compelling need to depart from some well established practice of traditional adversarial system in order to reduce case backlog. It should also be borne in mind that a Judge cannot alone dispense justice without the support of lawyers, prosecutors, police and parties to the case or suit.

In this Context, the National Judicial Conference, 2017 was held with the aims to find out ways for affirming timely justice and ensuring excellence in justice delivery system. It provided an opportunity of face-to-face discussions of Judges from every district of the country.

In broad and explicit terms, the Conference aimed to:

- Identify the existing challenges and opportunities to remove case backlog and to ensure speedy and quality justice;
- Find out ways to introduce ICT in Court and case management that will contribute to reducing case backlog;
- Increase awareness and understanding case management system among the Judges of the subordinate courts and tribunals;
- Identify the ways to increase access to justice for the poor and people from vulnerable groups;
- Sketch out a comprehensive time bound action plan for step by step implementation of case management system to deliver speedy and quality justice;
- Find out ways to enhance logistic support to the Courts for their better performance;

- Find out ways to reduce time, cost and visit by litigants to the courts in the process of dispute resolution.
- Find out ways to improving the quality of the trial.
- Find out ways to establishing early and continuing control so that the cases will not be protracted because of lack of management.
- Identify the measures to enhance trust and confidence of the people in the formal justice system.

### Speakers

We feel proud and are extremely delighted that the Honorable President of Bangladesh Mr. Md. Abdul Hamid addressed the gathering as Chief Guest focusing on the expectation of the nation from the Judges and their role in ensuring better access to justice for the poor and people from vulnerable groups of the country.

The Honorable Performing Chief Justice of Bangladesh Mr. Justice Md. Abdul Wahhab Miah also addressed the gathering giving guidelines on how to achieve judicial excellence while holding trials and how to overcome challenges that hinder smooth functioning of the court in dispensing speedy as well as quality justice to the litigants. His lordship also pinpointed the flaws that usually take place during trials and can contribute to creating backlog and how to overcome them so that trust and confidence of the people upon judiciary always remains high.

Honorable Minister, Ministry of Law, Justice and Parliamentary affairs Mr. Anisul Huq M.P. also delivered his valuable speech as Special Guest in the inaugural session.



Honorable Judges of the Supreme Court, Honorable Minister for Law, Justice and Parliamentary Affairs and Judges of the Subordinate Judiciary at the National Judicial Conference 2017



## Supreme Court Day 2017

Observed on 2<sup>nd</sup> January 2018

Sports Center

Supreme Court of Bangladesh

The Full Court of the Supreme Court of Bangladesh took decision 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.



Supreme Court is the guardian of the Constitution. It is the only organ of the State which is empowered to interfere in the affairs of other organs 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 maintaining the law and order situation of 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, to manifest the success of the Supreme Court, each year Supreme Court Day will be observed.

In 2017 prior to taking decision about the observation of the Day, court's working days for the whole year were fixed and 18 December fell in during the last span of vacation of the court in 2017. 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 observed. On the occasion, the Honorable President of the Republic Mr. Md. Abdul Hamid was present as the Chief Guest. The Honorable Minister of the Ministry of Law, Justice and Parliamentary Affairs Mr. Anisul Huq MP was the Special Guest of the occasion.

A special book has been published as souvenir on this occasion.



Honorable President of Bangladesh Mr. Md. Abdul Hamid, Honorable Law Minister Anisul Huq MP, Honorable Mr. Justice Md. Abdul Wahhab Miah, Performing the Functions of the Chief Justice of Bangladesh and Honorable Members of the Supreme Court Day Observance Committee are holding the souvenir published on Supreme Court Day 2017



Honorable Judges of the Supreme Court, Honorable Minister of Law Justice and Parliamentary Affairs Ministry and other distinguished guests in the Supreme Court Day Programme



## Honorable Judges of the Supreme Court at Bangabhaban with the Honorable President of Bangladesh



Honorable Judges of the Supreme Court with the Honorable President of Bangladesh

## Former Chief Justices of Bangladesh

SL. No.	Name	Duration
1.	Mr. Justice Abu Sadat Mohammad Sayem*	16.12.1972 — 5.11.1975
2.	Mr. Justice Syed A.B. Mahmud Husain*	18.11.1975 — 31.1.1978
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 Ahmmmed*	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

\* Deceased. \*\* Date of resignation. ° Date of termination. °° Date of death. ● Performed as Additional Judge.

SL.No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
54.	Mr. Justice Md. Mozammel Haque	27.01.1987		01.12.2000
55.	Mr. Justice Quazi Shafi Uddin*	27.01.1987		01.11.2001
56.	Mr. Justice Mahmudul Amin Chowdhury	27.01.1987	28.06.1999	17.06.2002
57.	Mr. Justice Habibur Rahman Khan	21.01.1988		01.12.1995
58.	Mr. Justice Md. Budruzzaman	21.01.1988		01.02.1996
59.	Mr. Justice Naimuddin Ahmed*	21.01.1988		04.04.1996
60.	Mr. Justice Mohammad Ansar Ali*	21.01.1988		05.07.1995 <sup>□□</sup>
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 <sup>□□</sup>
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 Md. Muzammel Hossain	27.04.1998	16.07.2009	16.01.2015
103.	Mr. Justice Surendra Kumar Sinha	24.10.1999	16.07.2009	10.11.2017 **
104.	Mr. Justice Md. Abdul Rashid	24.10.1999		26.01.2009
105.	Mr. Justice Khademul Islam Chowdhury	24.10.1999		17.04.2009
106.	Mr. Justice Md. Abdus Salam	24.10.1999		11.01.2010
107.	Mr. Justice Sikder Maqbul Huq	24.10.1999		18.01.2010
108.	Mr. Justice Md. Arayes Uddin	24.10.1999		31.01.2010
109.	Mr. Justice Muhammed Mamataz Uddin Ahmed	24.10.1999	16.05.2011	31.12.2011
110.	Madam Justice Nazmun Ara Sultana	28.05.2000	23.02.2011	08.07.2017

\* Deceased. \*\* Date of resignation. □ Date of termination. □□ Date of death. ● Performed as Additional Judge.



SL.No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
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●
113.	Mr. Justice A. F. M. Mesbahuddin	28.05.2000		27.05.2002●
114.	Mr. Justice Munsurul Haque Chowdhury	28.05.2000		27.05.2002●
115.	Mr. Justice Md. Shamsul Huda	22.02.2001	16.05.2011	02.11.2012
116.	Mr. Justice Altaf Hossain Khan*	22.02.2001		10.07.2002□□
117.	Mr. Justice Md. Abdul Hye (M.A. Hye)	22.02.2001		13.12.2011
118.	Mr. Justice Faruque Ahmed*	22.02.2001		30.12.2011
119.	Mr. Justice Mohammad Marzi-ul-Huq*	22.02.2001		23.09.2012
120.	Mr. Justice Md. Abdur Razzaque*	22.02.2001		01.09.2014
121.	Mr. Justice Mohammad Anwarul Haque	03.07.2001	31.03.2013	09.04.2014
122.	Mr. Justice AHM Shamsuddin Choudhury	03.07.2001	31.03.2013	02.10.2015
123.	Mr. Justice Md. Nizamul Huq	03.07.2001	08.02.2016	15.03.2017
124.	Mr. Justice Bazlur Rahman*	03.07.2001	08.02.2016	01.01.2017□□
125.	Mr. Justice Sheikh Rezowan Ali	03.07.2001		31.01.2013
126.	Mr. Justice Nozrul Islam Chowdhury	03.07.2001		13.12.2015
127.	Mr. Justice Khondker Musa Khaled	03.07.2001		02.03.2013
128.	Mr. Justice Siddiqur Rahman Miah	29.07.2002	31.03.2013	02.06.2013
129.	Mr. Justice Mir Hashmat Ali	29.07.2002		01.10. 2012
130.	Mr. Justice Mashuque Hosain Ahmed	29.07.2002		30.11. 2012
131.	Mr. Justice A.K.M. Fazlur Rahman	29.07.2002		14.01.2013
132.	Mr. Justice Abdul Awal	29.07.2002		19.08.2013
133.	Mr. Justice Sharif Uddin Chakladar	29.07.2002		19.01.2016
134.	Mr. Justice Md. Mizanur Rahman Bhuiyan	29.07.2002		07.09.2017
135.	Mr. Justice Syed A.B. Mahmudul Huq	29.07.2002		31.12.2017
136.	Mr. Justice Abdus Salam Mamun	29.07.2002		13.02.2005●
137.	Mr. Justice Afzal Hossain Ahmed	27.04.2003		09.05.2012
138.	Mr. Justice A.F.M. Ali Asgar	27.04.2003		01.01.2015
139.	Mr. Justice Farid Ahmed	27.04.2003		03.01.2017
140.	Mr. Justice Shamim Hasnain	27.04.2003		24.04.2017
141.	Mr. Justice Syed Shahid-ur-Rahman	27.04.2003		20.04.2004□
142.	Mr. Justice A.T.M. Fazle Kabir	27.08.2003		01.01.2014
143.	Mr. Justice Syed Abu Kowser Md. Dabirush-Shan	23.08.2004		31.12.2011
144.	Mr. Justice Shahidul Islam	23.08.2004		01.09.2015
145.	Mr. Justice Quamrul Islam Siddique	23.08.2004		30.05.2017
146.	Mr. Justice Md. Abdul Hye	23.08.2004		31.01.2016
147.	Mr. Justice Nirmolendu Dhar*	23.08.2004		22.08.2006●
148.	Mr. Justice A. B. M. Hatem Ali	23.08.2004		22.08.2006●
149.	Mr. Justice Faisal Mahmud Faizee	23.08.2004		12.07.2007**
150.	Mr. Justice Md. Delwar Hossain	16.11.2008		15.11.2010●
151.	Mr. Justice Md. Azizul Haque	16.11.2008		15.11.2010●
152.	Mr. Justice Md. Abdus Samad	16.11.2008		15.11.2010●
153.	Madam Justice Syeda Afsar Jahan	16.11.2008		15.11.2010●
154.	Mr. Justice Anwarul Haque*	12.12.2010		13.07.2017□□
155.	Mr. Justice A.B.M. Altaf Hossain	14.06.2012		13.06.2014●
156.	Mr. Justice Farid Ahmed Shibli	12.02.2015		11.02.2017●
157.	Mr. Justice J.N. Deb Choudhury*	12.02.2015		15.12.2016□□●

\* Deceased. \*\* Date of resignation. □ Date of termination. □□ Date of death. ● Performed as Additional Judge.

## The Supreme Court Registrar General and the Registry

Under Article 113 of the Constitution of the People's Republic of Bangladesh, the Supreme Court of Bangladesh, with previous approval of the President, may make rules providing for the appointment of officers and staff of the Court and for their terms and conditions of employment. Accordingly, Bangladesh Supreme Court Appellate Division's Officer and Staff Appointment Rules, 2000 and Bangladesh Supreme Court, High Court Division's (Officer and Staff) Appointment Rules, 1987 have been framed.

### Composition:

The Registry of the Supreme Court provides administrative services to the court to facilitate its day to day judicial function smoothly in accordance with the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and Supreme Court (High Court Division) Rules, 1973. The total work of the Registry has been divided into various categories and the work assigned to one of these categories is known as "Section". Transaction of all administrative works relating to the conditions of service and conduct of Court's employees is made under direct and over all supervision of the Registrar General who renders such duty under the direction of the Chief Justice of Bangladesh.

### Organizational set-up:

In the area of organizational set-up the Registry consists of the following position:

Names of the post	Number of post		Remarks
	Appellate Division	High Court Division	
Registrar General	1		For both Divisions and appointed from Judicial Service (on deputation).
Registrar	1	1	For both Divisions appointed from Judicial Service (on deputation).
Additional Registrar	1	3	For both Divisions appointed from Judicial Service (on deputation).
Special Officer		1	Appointed from Judicial Service (on deputation).
Deputy Registrar	1	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.

<sup>1</sup> The Supreme Court (Appellate Division) Rules, 1973 has been substituted by the Supreme Court of Bangladesh (Appellate Division) Rules, 1988.

### Functions:

In rendering administrative service to the Court for carrying out its judicial functions, in accordance with the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and the Supreme Court (High Court Division) Rules, 1973, the Registry also carries out the following functions:

1. to prepare the cause list in order to intimate the parties and the Advocates about the fixation of their case for hearing or other matter for fixing before a bench;
2. to provide the necessary assistance and information to the court processing for cases pending before the Court;
3. to require any petition of appeal, petition or other matters presented to the Court to be amended in accordance with the practice and procedure of the Court;
4. to fix the dates of hearing of appeals, petitions or other matters and issue notices thereof;
5. to settle the index in cases where the record is to be prepared under the supervision of the Registry;
6. to ensure that necessary documents are included and all legal and procedural formalities have been complied with before a case made ready for hearing;
7. to direct any formal amendment of record;
8. to make an order for change of Advocate-on-Record with the consent of the Advocate-on-Record;
9. to grant leave to inspect and search the records of the Court and order to grant of copies of documents to parties to proceedings;
10. to allow from time to time on a written request any period or periods not exceeding twenty-eight days in aggregate for furnishing information or for doing any other act necessary to bring the plaint, appeal, petition or other proceeding in conformity with the rules and practice of the Court;
11. to implement Court judgments and orders ;
12. to maintain the records;
13. to maintain the record of senior Advocates of the Supreme Court, Advocates and Advocate-on-record; and
14. to perform any other functions subject to any general or special order, issued by the Chief Justice of Bangladesh.



## Names of the Registrars General

SL. No.	Name	Duration
1.	Mr. Syed Aminul Islam	14.06.2015-22.10.2017
2.	Mr. Dr. Md. Zakir Hossain	In office since 04.03.2018

## Names of the Registrars

SL. No.	Name	Duration
1.	Mr. Shahabuddin Ahmed	31.09.1967-20.01.1972
2.	Mr. Mohammad Abdul Khaleque	22.02.1972-20.07.1973
3.	Mr. Abdul Mumit Chowdhury	20.07.1973-02.03.1976
4.	Mr. Md. Abdul Ahad	19.04.1976-06.12.1976
5.	Mr. Mohammad Ali Khan	06.12.1976-05.10.1977
6.	Mr. K.F. Akbor	05.10.1977-29.01.1980
7.	Mr. Sheikh Khorshed Ali	08.05.1980-03.01.1981
8.	Mr. Khondker Badruddin Ahmed	05.01.1981-06.07.1982
9.	Mr. Naimuddin Ahmed	01.09.1982-21.01.1988
10.	Mr. Md. Hamidul Huq	03.02.1988-15.05.1990
11.	Mr. Md. Nurul Islam	15.05.1990-15.04.1992
12.	Mr. Kazi Golam Rasul	15.04.1992-30.04.1994
13.	Mr. Md. Ali Asgor Khan	30.04.1994-24.02.1997
14.	Mr. Md. Abdul Jalil	16.03.1997-30.12.1999
15.	Mr. Mohammad Marzi-ul-Huq	05.01.1999-21.02.2001
16.	Mr. Quamrul Islam Siddiqui	27.02.2001-22.08.2004
17.	Mr. Md. Fazlul Karim	07.09.2004-12.01.2007
18.	Mr. 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



## Budget/Finance of the Supreme Court of Bangladesh

Parliament allocates funds for the Judiciary including Bangladesh Supreme Court by the National Budget. A preliminary draft budget is prepared by the Office of the Registrar General and submitted for the consideration of the Chief Justice of Bangladesh. Once approved, the draft budget is forwarded to the Government for incorporation in the National Budget. It is finally adopted by the Parliament after approval of the Government.

Article 88(b)(ii) of the Constitution of People's Republic of Bangladesh, provides for the remuneration of the Judge of Supreme Court of Bangladesh and article 88(c) of the Constitution provides for the administrative expenses of the Supreme Court, including salary, payable to officers and the staff of the Supreme Court, shall be charged upon the Consolidated Fund.

The budget allocation (Non-development and Development) For FY 2014-15 to FY 2016-17 and the proposed allocation (Non-Development and Development) for FY 2017-18 of the Supreme Court are shown below:

Financial year		Non - Development	Development	Total
2014 - 15	Revised budget	102,91,55,000/ -	13,00,00,000/ -	115,91,55,000/ -
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	Proposed Revised budget	171,96,50,000/ -	0	171,96,50,000/ -

It is to be noted that the Judiciary including the Supreme Court of Bangladesh is the only head in the National Budget whose revenue collection exceeds its budgetary allocation manifold other than National Board of Revenue (NBR).

The Registrar General, being ex-officio Chief Accounting officer, is responsible for expenditure of the amount sanctioned in the budget of the Supreme Court under the guidance of the Honorable Chief Justice. The Registrar General has to ensure the proper use of the funds allocated. He is also authorised to appropriate and re-appropriate from one head to another shown in the budget without the sanction of the Government but can not exceed the amount approved in the budget. The accounts of the Court are audited every year by the Auditors of the Office of the Comptroller and Auditor General of Bangladesh.

## Names of the Attorneys 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	From 13-01-2009 till date



Office of the Attorney General



## The Supreme Court Bar Association

All practicing Advocates of both Divisions of the Supreme Court of Bangladesh including the Advocates-on-Record are the members of the Supreme Court Bar Association. The Supreme Court Bar Association always plays active and vital role in protecting the supremacy, dignity and integrity of the Supreme Court of Bangladesh. The Association is housed in two buildings one is known as the main building which is 2 (two) storied and the other one is known as the annex building which is 3 (three) storied. The present Association has the legacy of the then Dhaka High Court Bar Association, housed in the old building of the then High Court of Judicature at Dhaka, established after the creation of Pakistan in 1947. In 1967 the then High Court of Judicature at Dhaka was shifted to the present main building; 4 rooms of the main Building on the western side were allowed for use of the learned members of the Association. The present main building of the Association was inaugurated in November, 1975 by the then Hon'ble President Mr. Justice Abu Sadat Muhammad Sayem, the first Chief Justice of Bangladesh. In both the buildings, rooms are allotted to the members of the Association to have their private sitting arrangements in carrying out their works against monthly payments to the Association and such rooms are known as cubicles. Presently, there are 489 cubicles, apart from 3 (three) big hall rooms. The learned members of the Association, who can not be provided with cubicles, sit in the hall rooms. The Association has a modern auditorium. The Association has also a Medical Care Centre in the ground floor of the main building, where a doctor sits regularly on the working days and provides medical treatment to its members.

The library of the Association is in the main building and has a rich and versatile collection of books, law journals and law reports of USA, UK, Australia, Common Wealth, India, Pakistan and Supreme Court of Bangladesh.

The Supreme Court of Bangladesh is consisted of two Divisions namely: (a) The Appellate Division and (b) The High Court Division. In order to practice in each of the Divisions one has to be enrolled as an Advocate of the said Division and also has to become a member of the Supreme Court Bar Association. Both the Divisions have separate enrolment procedures.

### Advocate of the Appellate Division:

There are three categories of Advocates who are entitled to practice law before the Appellate Division, viz. Senior Advocate, Advocate and Advocate-on-Record. Enrolment of these 3 (three) categories of Advocates is guided by Order IV of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 (Rules, 1988). Order IV, Rule 11 of the Rules, 1988 deals with the enrolment as Senior Advocates. The said Rule provides that the Chief Justice and the Judges may, on application or otherwise, select from time to time, from among those whose names are on the Roll of the Advocates, and who are judged as person, by their knowledge, ability and experience, to be worthy, as Senior Advocates. If any Advocate is granted with the status of a Senior Advocate, he or she shall assume the said status on signing the Roll of Senior Advocates. In the said Rule it has further been provided that the Chief Justice and the judges may, before selecting an Advocate as Senior Advocate, consider whether he/she could show sufficient appearance before the Court so as to be entitled to get the status of Senior Advocate. Rule 12 of Order 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, 1988. In order to be enrolled as an Advocate of the Appellate Division, one must be:

- (a) an Advocate in the High Court Division for not less than 5 (five) years.
- (b) certified in a duly authenticated form by the Bangladesh Bar Council that he is an enrolled Advocate of the High Court Division.
- (c) certified by the Judges of the High Court Division that he is a fit and proper person to appear and plead as an Advocate before the Appellate Division.



But the Chief Justice and the Judges may grant enrolment to an Advocate, not qualified as aforementioned, if in their opinion, he is qualified by knowledge, ability and experience to be enrolled as an Advocate of that Division. The power may also be delegated to the Enrolment Committee. In order to be enrolled as an Advocate of the Appellate Division an application for enrolment has to be made in such form as may be prescribed by the Court from time to time and shall be accompanied by the following documents:

- (i) a certificate of the Bangladesh Bar Council as mentioned in (b) above;
- (ii) bio-data of the applicant giving full particulars of his/her qualifications and any previous employment or engagement for gain;
- (iii) a list of cases, in which he/she appeared before the High Court Division;
- (iv) an affidavit by the applicant that he/she is eligible and not disqualified to be enrolled as an Advocate in the Appellate Division of Bangladesh Supreme Court; and
- (v) six recent passport size photographs of the applicant.

The application for enrolment shall be considered by an Enrolment Committee consisting of at least two Judges to be nominated by the Chief Justice and the Committee may call the applicants for interview and call for any record. If the Enrolment Committee grants the application, the applicant shall be allowed to sign the Roll of Advocates on payment of taka 5,000/00 (five thousand).

Qualification for enrolment as an Advocate-on-Record has been laid down in Rule 17 of Order IV of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 which are as under:

No person shall be qualified for being enrolled as an Advocate-on-Record unless, he/she-

- (a) has been for not less than seven years enrolled as an Advocate of the Courts subordinate to the Appellate Division of the Supreme Court including at least three years standing as an Advocate of the High Court Division;
- (b) has an office at the seat of the Registry of the Court;
- (c) has telephone installation at his office at the seat of the Registry of the Court;
- (d) signs the Roll of Advocate-on-Record maintained for the purpose.

Provided that the Chief Justice and the Judges may grant enrolment of a person not qualified as aforementioned, if, in their opinion, he is qualified by knowledge, ability and experience to be enrolled as an Advocate-on-Record. This power may, be delegated to the Enrolment Committee. Such application for enrolment as an Advocate-on-Record shall be made in such form as may be prescribed by the Court from time to time. Rule 18 of Order IV of the Rules, 1988 has provided that the application shall have to be accompanied by-

- (i) an authenticated copy of the applicant's first enrolment as an Advocate on the roll of Bangladesh Bar Council;
- (ii) a certificate from the Bar Association, where the applicant first joined to practice the profession of law mentioning the date of commencement of his membership of the Bar Association;
- (iii) an authenticated photostat copy of his certificate of enrolment as an Advocate of the High Court Division of the Supreme Court;
- (iv) a certificate in a duly authenticated form by the Supreme Court Bar Association that he is still an Advocate of the High Court Division of the Supreme Court;
- (v) bio-data of the applicant giving full particulars of his qualification and any previous employment for gain;
- (vi) a list of cases in which he appeared before the High Court Division;



- (vii) an affidavit by the applicant that he is eligible and not disqualified to be enrolled as an Advocate-on-Record in the Appellate Division of the Supreme Court; and
- (viii) six recent passport-size photographs of the applicant.

Rule 19 of Order IV of the Rules, 1988 has further provided that an application for enrolment as an Advocate-on-Record shall be considered by an Enrolment Committee consisting of at least two judges to be nominated by the Chief Justice and the committee may call the applicants for interview and call or ask for any record. If the Enrolment Committee grants the application, the applicant shall be allowed to sign the Roll of Advocate-on-Record on payment of fee of taka 2,000.

Rule 7 of Order IV of the Rules, 1988 has clearly provided that a Senior Advocate, an Advocate and an Advocate-on-Record shall be entitled to appear and plead before the Court on signing his respective Roll. Rule 33 has provided that the Attorney General for Bangladesh shall have precedence over all the Advocates and Senior Advocates. In Rule 34 it has further been provided that the Attorney General for Bangladesh and Additional Attorney General shall, by virtue of their offices, have the status and precedence of a Senior Advocate of the Court notwithstanding that their names are not contained in the Roll of Senior Advocates. The Deputy Attorney General and Assistant Attorney General shall, by virtue of their office, have the status of an Advocate of the Court notwithstanding that their names are not contained in the Roll of Advocates of the court.

#### **Advocates of the High Court Division:**

The enrolment in the High Court Division is controlled by the Bangladesh Bar Council under the provisions of the Bangladesh Legal Practitioners and Bar Council Order, 1972 (the Order, 1972) and the Rules framed thereunder, namely, The Bangladesh Legal Practitioners and Bar Council Rules, 1972 (the Rules, 1972).

Article 21 of the Order provides that no Advocate other than an Advocate permitted to practice before the High Court immediately before the commencement of the Order, shall be permitted to practice before the High Court Division unless-

- (a) he has practiced as an Advocate before subordinate courts in Bangladesh for a period of two years;
- (b) he is a law graduate and has practiced as an Advocate before any Court outside Bangladesh notified by government in the official gazette;
- (c) he has, for reason of his legal training or experience been exempted by the Bar Council from the forgoing requirements of this clause on the basis of the prescribed criteria.

Rules 65A of the Rules, 1972 has given power to the Bar Council to grant exemption under article 21(1)(a) requiring practice for a period of 2 (two) years before seeking permission to practice in the High Court Division on the basis of the following criterion-

- (i) Advocates who were called to the Bar in U.K. or who have obtained higher 2nd class in LL.M. (at least 50% marks in aggregate) from any recognized University and further worked with a Senior Advocate of the Supreme Court in his Chamber for at least one year [since his enrolment as Advocate under Rule 62(1)]; and
- (ii) Persons holding a degree in law and have held a judicial office (i.e. office of a Civil Judge) for a total period of at least 10 years do not require to appear for written test as per sub-rule (2) hereof but he shall have to appear before the interview Board.

Enrolment to practice in the High Court Division is done by an Enrolment Committee consisting of 5 persons, namely:

- (a) Chairman to be nominated by the Chief Justice from amongst the Judges of the Appellate Division
- (b) One member to be nominated by the Chief Justice from amongst the Judges of the High Court Division.

- (c) Attorney General for Bangladesh.
- (d) Two members elected by the Bar Council from amongst its members.

(2) The procedure for the enrolment of Advocates and the business of the Enrolment shall be regulated by the Enrolment Committee in such manner as may be determined by it.

Rule 65A (1) of the Rules, 1972 has provided that all applications for permission to practice in the High Court Division shall be made in prescribed form as appended to the Rules, accompanied by the papers detailed in clause (a) (b) (c) and (d) thereof. Of the above 3 (three) clauses clause (b) provides that a list of at least 25 cases either civil or criminal or both in which the Advocate appeared before the concerned Courts must be submitted. Presently after an Advocate fulfills the requirement to apply for permission to practice, written test is taken on the syllabus for the same as mentioned in sub-article (3) of Rule 65 A. The qualifying mark for written test is 12 out of 25 and for oral test is 12 out of 25, but the aggregate marks of the two tests must be at least 25 (that is 12 + 13).



Building of the Supreme Court Bar Association.



## Names of the President and the Secretary of the Supreme Court Bar Association from 1972 to 2017

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



Main Building of the Supreme Court



Annex Building of the Supreme Court



Inner view of the Supreme Court



Annex Building



Administrative Building of the Supreme Court