

Reply by Mr. Justice Muhammad Imman Ali to the felicitation given by the Attorney General for Bangladesh and the President of the Supreme Court Bar Association.

Bismillahir Rahmanir Rahim

Honourable Chief Justice of Bangladesh, Honourable Judges of the Appellate Division, Mr. Attorney General, Mr. President of the Supreme Court Bar Association, learned members of the Bar, ladies and gentlemen, assalamu aleikum. In this month of February, the month of the mother tongue, I express my deepest respects for the martyrs of the language movement. Due to shortage of time, I could not prepare my speech in Bangla and may be forgiven for giving this reply in English.

Mr. Attorney General, Mr. President of the Supreme Court Bar, both of you have been over-generous with your kind words of felicitation. I am overwhelmed by your praises, which I am afraid, I do not deserve.

Yesterday was my tenth birthday as a judge of the High Court Division of the Supreme Court of Bangladesh. By the will of Almighty, today I am sitting in the citadel of justice, the Appellate Division. With the kind guidance of my seniors, in particular, Mr. Abdul Malek and Mr. Habib Ahmed and with the cooperation from the Bar, I have tried to the best of my ability to abide by my oath of office and to do justice in accordance with law.

This is the last leg of my career.

I thank Almighty Allah for his infinite beneficence and mercy upon me and my family. A boy originating from a remote village of Sunamgonj district travelled abroad at a tender age and is now before you sitting in the apex court of this country.

No quantum of gratitude is enough for the unstinting love and support and prayers of my parents and other family members.

I thank my teachers and my seniors for their help and support throughout my life, without which I would not be here today.

Now, with your indulgence, I wish to place some hard truths before this august gathering: I shall not tax your patience by talking about amity between the Bar and the Bench; it is common knowledge and does not require repetition.

Members of the Bar appear before the Bench each day and leave only to return on the next day. The reality is that they have to be dedicated to their profession and really have nowhere else to go.

We the judges face the same lawyers everyday from the beginning to the end. We have no choice as to which learned advocate we shall listen to and whom we shall refuse to hear. However, the learned members of the Bar should always keep in mind that clients come and go, but the Bench - this institution - remains and will do so as long as there is need for rule of law. That rule of law is necessary for the existence of society in its civilised form.

I believe our consideration should be and is that we sit to hear the case of the litigant public, who come to us to seek justice. The learned advocates, just like books and citations, are mere tools for us to reach a just decision, which is the need of the litigants. It is our sworn duty to deliver justice without fear or favour, in accordance with law. We are bound by oath to uphold the Constitution and the rule of law.

We have brilliant lawyers in our Bar. On the other hand I have no pretensions of being a brilliant judge. I would be the first to admit that my knowledge and understanding of the law may in many respects be lacking. But I can assure you that I am always willing to learn.

It is not helpful for learned senior members of the Bar to openly utter about any judge that he does not know the ABCD of law. That only demoralises the judge, and leaves a wrong impression in the minds of the junior members of the Bar and the litigant public.

I would humbly suggest that it is the duty of the learned advocates to feed the law to the judges. Rather than making fortuitous remarks on the ability of the judge, the learned members of the Bar would do a favour to the institution and to their clients if they researched the law and helped the judge to properly understand the facts and the law in order to come to a just decision.

I remember days not too distant in the past when learned senior advocates used to step in and save the situation when any learned advocate exceeded his limits inside the courtroom. Seniors always stepped forward to apologise for any lapses on the part of the learned advocate, who might have lost his temper while making submissions before the Court.

Sadly, those examples are on the wane. Some learned advocates on an occasion resorted to hooliganism in the courtroom and the learned seniors sat absolutely inactive. What was more unacceptable was the fact that the leader of the Bar took the side of the rowdy lawyers and threw a challenge at the Court. More distressing was the fact that the leaders of the Bar then went before the media and demanded that the presiding judge be brought before the Supreme Judicial Council. All this happened because the presiding judge attempted to protect the decorum in the courtroom and the dignity of the institution. It appears that perhaps the leaders of the Bar and the unruly members were moved more by ulterior motives than by their wish to get justice for their client.

Clearly they desecrated the sanctity of this institution.

I was most hurt by the hounding and harassment that my family members were put through, again due to dastardly intentions of a handful of ill-motivated persons.

My lords, ladies and gentlemen, I am here today and shall be gone tomorrow, so to speak, but this august institution shall remain to uphold the rule of law. For without the rule of law no civilised society can exist.

I pray to Almighty to give me strength to do what I am bound by oath to do, without fear or favour.

Let us all strive to achieve our common goal, that is, to deliver justice to the litigant public, in accordance with law.

Caesar was a great general, but he is no more. No more Caesars will be born. He appointed his grand-nephew Octavius, who later became Augustus, as his successor. The second in line as Caesar's successor was Brutus. Amongst those who stabbed Caesar was Brutus. William Shakespeare, depicted the friend and villain in the character of Brutus. The character of Brutus remains pervasive in our society. In the past year I feel I have been stabbed by the Brutus among us. Unlike Caesar, I still survive. I seek your cooperation and blessings to fulfil my task till my last day here. I seek your blessings and ask that you pray for me so that I may deliver justice in accordance with law and that I may be saved from doing injustice.

Thank you.