

# **Supreme Court of Bangladesh**

**Annual Report 2009**



Architectural view of the Supreme Court Main Building (original)



# **SUPREME COURT OF BANGLADESH**



**Annual Report 2009**



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Main Building of the Supreme Court of Bangladesh



Old Building of the Supreme Court of Bangladesh



Annex Building of the Supreme Court of Bangladesh



National Flag of Bangladesh



Logo of the Supreme Court of Bangladesh



Flag of Hon'ble Chief Justice of Bangladesh



Flag of Hon'ble Judges of the Supreme Court 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 Peoples Republic of Bangladesh.
<b>Authorised 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>	:	40.16 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.
<b>Composition of Court and Appointment of Judges</b>	:	As per article 94(2) the Supreme Court, comprising of 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 and appointments are made as per article 95 of the Constitution.
<b>Present Strength of Judges</b>	:	i) Appellate Division : 11 Judges including the Chief Justice ii) High Court Division: 78 Judges
<b>Tenure of Office of the Judges</b>	:	Till completion of 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 addressed to the Hon'ble President of the Republic. [article 96 of the Constitution].
<b>Jurisdiction</b>	:	(A) The High Court Division shall have such original, appellate and other jurisdictions, powers and functions as are or may be conferred on it by the Constitution or any other law. [article 101 of the Constitution] (B) 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 from a judgment, decree, order or sentence of the High Court Division shall lie; (a) as of right where the High Court Division- (i) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or (ii) has sentenced a person to death or to imprisonment for life; or (iii) has imposed punishment on a person for contempt of that division; and in such other cases as may be provided for by Act of Parliament. [article 103(1) and (2) of the Constitution]; and (b) by leave of the Appellate Division.
<b>Court Rooms</b>	:	The Appellate Division : 03 (in the Main Building); The High Court Division : 16 (in the Main Building); : 34 (in the Annex Building) Total : 53
<b>Contact</b>	:	The Registrar, Supreme Court of Bangladesh, Shahbagh, Dhaka-1000. Phone : (+ 88 02) 9562941-5, 9567304. Fax : (+ 88 02) 9565058 Website : <a href="http://www.supremecourt.gov.bd">www.supremecourt.gov.bd</a> Email : <a href="mailto:registrar@supremecourt.gov.bd">registrar@supremecourt.gov.bd</a>



Court Room of the Hon'ble Chief Justice of Bangladesh



Judges' Lounge of the Supreme Court of Bangladesh



Conference Room of the Supreme Court of Bangladesh



**Mr. Justice M.M. Ruhul Amin**  
Chief Justice of Bangladesh  
(01.06.2009 – 22.12.2009)



**Mr. Justice Md. Tafazzul Islam**  
Chief Justice of Bangladesh  
(23.12.2009 – 7.02.2010)



Mr. Justice Mohammad Fazlul Karim  
Chief Justice of Bangladesh  
Entered Office on 08.02.2010



## From the Desk of the Chief Justice of Bangladesh

**Justice Mohammad Fazlur Karim**  
Chief Justice of Bangladesh



**Supreme Court.**  
**Dhaka - 1000.**

It is an immense pleasure in presenting before the nation the Bangladesh Supreme Court Annual Report 2009. Being the Apex Court of the judiciary, the Supreme Court of Bangladesh is the custodian and final interpreter of Constitution of Bangladesh. The Preamble of our Constitution proclaims that the fundamental aim of the State is to realise through the democratic process a society, free from exploitation-a society in which the rule of law, fundamental human rights, freedom, equality, justice and political, economic and social rights will be secured for all citizens. The major aim of the Supreme Court is to provide an independent, accessible and responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect the rights, liberties and freedom for people of Bangladesh as guaranteed in the constitution. The Supreme Court is proud of its accomplishments in these fields.

The past year has seen the Supreme Court taking dynamic role in steering the development of judicial system in Bangladesh. We have been actively involved in formulating and implementing more effective legal policies and practices. Significant works have been done by the various committees consisting of learned Judges of the Supreme Court to develop our Judiciary. These Committees reviewed and reformed process and rules which caused defects or inefficiency in our judicial systems. The recommendations of the committees, if successfully implemented, will make our judiciary strong.

In 2009, the number of cases filed in the Supreme Court went up but we built up our capacity, expertise and diversity in respect of the disposal of cases by constituting as many benches as possible in both the divisions of the Supreme Court. As a result a substantial number of cases are disposed of in the Appellate Division as well as in the High Court Division despite inadequate judge-case ratio and insufficiency of basic infrastructural facilities. We are duty bound to find suitable ways and means to cope with the logjam of cases in the Supreme Court.

I express my deep gratitude to my brother Judges for contributing their best in upholding the traditions of the Supreme Court of Bangladesh. I am confident that the learned Judges will continue to pursue judicial excellence and serve our nation and people with dedication. I would like to extend my thanks to the Hon'ble Judges of the Editorial Committee for their valuable contribution for publication of this Annual Report. I also like to appreciate the Supreme Court Registry for their efficient working and cooperation towards the effective performance of the Court. I also express my gratitude to the Bar for their valuable cooperation in respect of the functioning of the courts.

In 2009 we have maintained a high standard of judicial administration and improved our court systems. I am confident that we can build further on the achievement of the past year and achieve a new level of excellence in 2010. We will continue to uphold the supremacy of rule of law and thereby safeguard the administration of justice in Bangladesh.

**(Justice Mohammad Fazlul Karim)**  
Chief Justice of Bangladesh.



Hon'ble Chief Justices and Hon'ble Judges of the Appellate Division of Supreme Court of Bangladesh, 2009

(Left to Right) Mr. Justice Surendra Kumar Sinha, Mr. Justice A. B. M. Khairul Haque, Mr. Justice Bijan Kumar Das, Mr. Justice Md. Abdul Matin, Mr. Justice Mohammad Fazlul Karim, Mr. Justice M.M. Ruhul Amin, HCJ (01.06.2009-22.12.2009), Mr. Justice Md. Talazzul Islam, HCJ (23.12.2009-07.02.2010), Mr. Justice Md. Joynul Abedin, Mr. Justice Shah Abu Nayeem Mominur Rahman, Mr. Justice Md. Abdul Aziz, Mr. Justice Md. Muzammel Hossain

**Profile of  
the Hon'ble Chief Justices of Bangladesh and  
Hon'ble Judges of the Appellate Division of  
the Supreme Court of Bangladesh, 2009**



**Mr. Justice M.M. Ruhul Amin**  
Chief Justice of Bangladesh  
(From 01.06.2009 to 22.12.2009)

Father's name : Late Alhaj M. A. Khaleque.  
Mother's name : Late Mrs. Amirunnessa.  
Date of birth : 23.12.1942.

Obtained M.A. and LL.B. degree in 1963 and 1966 respectively from the University of Dhaka.

Joined in the Judicial Service in 1967. Promoted to the rank of District and Sessions Judge in 1984.

Elevated as Judge of the High Court Division on 10.02.1994 and as Judge of the Appellate Division on 13 July 2003.

Attended a course of "Court Administration and Case Management" at the National Judicial College, Reno, Nevada, U.S.A. and also observed the court systems and case management of the Courts of Philippines and U.S.A. in 1990.

Was Chairman of Bangladesh Judicial Service Commission from 2004 to 2009; Chairman of the Monitoring Committee for separation of judiciary in Bangladesh in 2007; Member of the Supreme Court Project Implementation Committee (SCPIC) under the Legal and Judicial Capacity Building Project.

In 2002 visited U.S. Supreme Court and other courts in Washington and Sanfrancisco (California), and the Royal Court of Justice and other Courts in London, U.K. In 2005 visited West Bengal Public Service Commission, India. In 2006 visited U.K. with the Chief Justice of Bangladesh as a royal guest and had discussion with the presiding Judge of the Family Court Division of the High Court. In 2009 attended the Chief Justices Conference of the Asia and the Pacific Region held in Singapore.



**Mr. Justice Md. Tafazzul Islam**  
Chief Justice of Bangladesh  
(From 23.12.2009)

Father's name : Late Montazuddin Ahmed.  
Mother's name : Late Mazedza Khatun.  
Date of birth : 08.02.1943.

Obtained B.A. (Hons), M.A. in History and LL.B. degree from the University of Dhaka. Called to Bar of England and Wales from the Lincoln's Inn in 1967.

Enrolled as an Advocate of the High Court Division and the Appellate Division in the year 1969 and 1980 respectively. Was Member of Corporate Laws Commission.

Elevated as Judge of the High Court Division of the Supreme Court of Bangladesh in 1994 and Appellate Division in 2003. Was Chairman of Enrolment Committee, Bangladesh Bar Council and Chairman of Bangladesh Judicial Service Commission. Assumed the office of the Chief Justice of Bangladesh on 23.12.2009.

Attended 7th SAARC LAW Conference held in Colombo, Sri Lanka in 1998 and chaired the session on "Intellectual property issues in the SAARC region." Attended the Commonwealth Judges Conference held in Sydney, Australia in 2003, and Conference of "Judicial Heads of Muslim Countries" held in Tehran, Iran in 2007.



## Mr. Justice Mohammad Fazlul Karim

Father's name : Late Al-haj Ahmed Kabir.  
Mother's name: Late Sunia Ara Begum.  
Date of birth : 30.09.1943.

Obtained LL.B. degree from the University of Dhaka in 1964. Called to the Bar from Lincoln's Inn in 1969.

Enrolled as an Advocate of the District Court, Chittagong in 1965, the High Court at Dhaka in 1970 and the Appellate Division of the Supreme Court of Bangladesh in 1979.

Elevated as Judge of the High Court Division on 01.11.1992 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on 15.05.2001.

Elected as the Secretary of the Supreme Court Bar Association in 1982 and a member of the Bangladesh Bar Council in 1992.

Formerly Chairman of the Judicial Service Pay Commission, Member of the Delhi based Asia Pacific Advisory Forum on "Judicial Education on Gender Equality Issue". Was Chairman of the Court Administration and Court Management Scheme of Judicial Capacity Building Project and Member of the Scheme for Mediation and Alternative Dispute Resolution.

Participated Conferences on "Judicial Education on Gender Equality Issue" at India, Pakistan, Srilanka and Nepal during 1998-2006, the SAARC Law Conference held at Dhaka, Conference on Prison Reform in South East Asia held at Khatmandu, Nepal in 1996 and Colloquium for Judges on the Use of Principles of Equity and Non-discrimination" on 16-17 November 2009 held in Maldives.

Visited different Courts and Institutions in UK, USA and Australia in 2002 to observe Case Management, Court Administration and Alternative Dispute Resolution.



## Mr. Justice Md. Joynul Abedin

Father's name : Late Md. Gholam Hossain.  
Mother's name : Late Begum Rezia  
Date of birth : 01.01.1943.

Obtained LL.B. from the University of Dhaka and became Barrister-at-Law, as a member of Lincoln's Inn, London in 1967.

Enrolled as an Advocate of the Dhaka District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in 1968, 1969 and 1980 respectively.

Elevated as Judge of the High Court Division on 01.06.1996 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on 24.08.2006.

Chaired various Enquiry Commissions including the Judicial Enquiry Commission on the incident of Grenade attached on Awami League Rally on 21th August in 2004.

Widely travelled abroad namely, USA, UK, Australia, Malaysia, Indonesia, UAE, France, Germany, Italy etc.





## Mr. Justice Md. Abdul Matin

Father's name : Late Moulovi Ashahid Ali.  
Mother's name : Late Musammat Kulsuma Banu.  
Date of birth : 26.12.1943.

Obtained B.A. degree from the University of Dhaka in 1963 and LL.B. degree from the same University in 1965.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in 1966, 1973 and 1981 respectively.

Elevated as Judge of the High Court Division in 1996 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on 19.09.2007.

Served as Chairman of the Review Board for reviewing cases of detention; Member of Enrollment Committee of Bangladesh Bar Council and Member of General Administrative Committee of the High Court Division. And at present is the Chairman of the Enrollment Committee of the Bar Council.

Was Legal Advisor of Bangladesh Text Book Board and Panel Advocate of various Banks. Participated in various international dialogues, seminars and meetings. Led the delegation and presented paper at the Seminar on "Human Rights in Judgments in South Asia" held in India in 2007. In 2008 attended Judges Conferences in India, Srilanka, UK and Pakistan and attended International Conference of the Chief Justice and Judges held at Delhi and Lucknow. In 2009 participated the International Family Justice Judicial Conference for Common Law and Commonwealth Jurisdiction, London, UK.

Widely travelled in USA, Canada and UK.



## Mr. Justice Shah Abu Nayeem Mominur Rahman

Father's name : (Late) Alhaj Fakir Abdul Mannan.  
Mother's name : (Late) Alhaj Wazeda Akhtar Khatoon.  
Date of birth : 15.11.1944.

Obtained B.Sc. (Hons), M.Sc. (Physics) and LL.B. (Dhaka University) in 1965, 1966 and 1970 respectively.

Enrolled as an Advocate of the Dhaka District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 01.01.1972, 16.01.1974 and 10.01.1980 respectively.

Elevated as Judge of the High Court Division on 01.06.1996 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on 08.03.2009.

Participated in the First South Asian Regional Judicial Colloquium on Access to Justice held in New Delhi, India, 2002.

Visited India, Nepal, Thailand, Singapore, Hong Kong, Malaysia, China, Saudi Arabia, USA and Canada.





### Mr. Justice Md. Abdul Aziz

Father's name : Late Alhaj Md. Abdur Rahim.  
Mother's name : Late Alhaj Most. Hazera Khatun.  
Date of birth : 01.01.1943.

Obtained B.A., LL.B. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in 1966, 1969 and 1983 respectively.

Elevated as Judge of the High Court Division on 27.04.1998 and as Judge of the Appellate Division of the Supreme Court of Bangladesh and took oath on 08.03.2009.

Visited USA, Australia, Japan, South Korea, India, Singapore, Malaysia and Thailand.



### Mr. Justice Bijan Kumar Das (B.K. Das)

Father's name : Late Benay Krishna Das.  
Mother's name : Late Satadal Bashim Das.  
Date of birth : 11.04.1943.

Obtained B.A, LL.B. Enrolled as an Advocate of the High Court Division and the Appellate Division of Bangladesh Supreme Court on 30.09.1966 and 25.04.1980 respectively.

Elevated as Judge of the High Court Division on 27.04.1998 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on 16.07.2009.

Was an advisor in 1st Care-Taker Government of Bangladesh headed by Chief Justice Shahabuddin Ahmed.





## Mr. Justice A.B.M. Khairul Haque

Father's name : Late Mr. M.R. Haque (Retired First Class Magistrate).  
Mother's name : Mrs. Khurshid Jahan Haque.  
Date of birth : 18.05.1944.

Obtained LL.B. degree from University of Dhaka and Barrister-at-Law from 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 1970, 1976 and 1982 respectively.

Elevated as Judge of the High Court Division in April, 1998 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on 16.07.2009.

Presently Chairman Bangladesh Judicial Service Commission.

Attended the International Law Conference held at Khathmandu, Nepal in the year 1994 and the "Third Malta Judicial Conference-Cross-Boarder-Family Mediation" on 24-26 March 2009 held in Malta.



## Mr. Justice Md. Muzammel Hossain

Father's name : Late Al-haz Ahmed Hossain.  
Mother's name : Begum Asia Akther Khatun.  
Date of birth : 17.01.1948.

Obtained LL.B. degree in 1970, M.A. degree in Journalism in March, 1971 from University of Dhaka, LL.M. degree from University of Sheffield, U.K. in 1977 and Barrister-at-Law from Hon'ble Society of Lincoln's Inn, London, UK in 1980.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in February, 1971 and 1978 respectively.

Elevated as Judge of the High Court Division on 27.04.1998 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on 16.07.2009.

Participated in a seminar on Racial Equality, U.K. in 1976, Conference on "The Courts of the Commonwealth and Judicial Precedent in the Commonwealth", U.K. in 1977 and SAARC Law Conference, Karachi, Pakistan in 1977.

Worked as lecturer-I, Faculty of Law, University of Miadiguri, Nigeria, Part-time Professor, City Law College, Dhanmandi Law College and Bhuiyan Academy, Dhaka, Guest Speaker-Bangladesh Civil Service Academy, Dhaka, and Bangladesh Institute of Bank Management, Mirpur, Dhaka and Examiner of both LL.B. (Hons) and LL.M. Examinations, University of Dhaka.

Visited India, Nigeria, Pakistan, Qatar, Russia, Saudi Arabia, UAE and UK.





## Mr. Justice Surendra Kumar Sinha

Father's name : Late Lalit Mohan Sinha.

Mother's name : Dhanafati Sinha.

Date of birth : 01.02.1951.

Obtained LL.B. Enrolled as an Advocate of the District Court, Sylhet in 1974 and practised in that Court under the guidance of two reputed civil and criminal lawyers. Conducted Sessions trial cases independently till end of 1977. Then enrolled as an Advocate of the High Court Division and the Appellate Division of Bangladesh Supreme Court in the year 1978 and 1990 respectively. During this period worked with eminent Lawyer Mr. S. R. Pal as his junior till the date of elevation to the Bench in 1999.



Elevated as Judge of the High Court Division on 24.10.1999 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on 16.07.2009.

Participated in the 3rd International Conference of the Chief Justices of the World as representative of Chief Justice of Bangladesh held at Lucknow, India in 2002 and attended in the Judicial Training Programme for the Senior Judges of Bangladesh, held at Seoul, Korea in 2006.

Visited India, Nepal, Qatar, South Korea, Singapore, Thailand, UK & USA.



Hon'ble Chief Justices and Hon'ble Judges of the High Court Division of Supreme Court of Bangladesh, 2009



**Profile of  
the Hon'ble Judges of the High Court Division  
of the Supreme Court of Bangladesh, 2009**



## Mr. Justice Sikder Maqbul Huq

Father's name : Mvi. Abdul Gani Sikder.  
Mother's name : Ms. Sona Baru Begum.  
Date of birth : 19.01.1943.

Obtained B.A, LL.B. Joined the Judicial Service as Munsif in the year 1969 and promoted as District and Sessions Judge on 07.01.1985.

Elevated as Judge of the High Court Division on 24.10.1999.

Visited U.K. as Head of the delegation in connection with a Project for Library Documentation under World Bank Capacity Building Project in the year 1999.



## Mr. Justice Md. Abdul Wahhab Miah

Father's name : Late Md. Abdus Satter Miah.  
Mother's name : Syeda Tahera Begum.  
Date of birth : 11.11.1951.

Obtained B.A., LL.B. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 01.11.1974, 02.11.1976 and 14.01.1982 respectively. Also enrolled as a Senior Advocate in the Appellate Division on 27.05.1999.

Elevated as Judge of the High Court Division on 24.10.1999.

Visited Saudi Arabia, India, Indonesia and Australia.



## Madame Justice Nazmun Ara Sultana

Father's name : Late Chowdhury Abul Kashem Moinuddin.  
Mother's name : Begum Rashida Sultana Deen.  
Date of birth : 08.07.1950.

Obtained B.Sc., LL.B. Enrolled as an Advocate of the Mymensingh District Court on 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 Judge of the High Court Division on 28.05.2000.

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



## Mr. Justice Md. Arayes Uddin

Father's name : Late Soleman Mia.  
Mother's name : Late Patuja Khatun.  
Date of birth : 01.02.1943.

Obtained B.A, LL.B. degree. Enrolled as an Advocate of the Chapai-Nawabgonj District Court on 25.11.1966.

Joined the Judicial Service as Munsif on 11.03.1970 and promoted as District and Sessions Judge on 08.07.1987.

Elevated as Judge of the High Court Division on 24.10.1999.





## Mr. Justice Syed Mahmud Hossain

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

Obtained B.Sc., LL.B. degree and completed "Commonwealth Young Lawyers Course" from 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.

Elevated as Judge of the High Court Division on 22.02.2001.

Participated in the International Seminars and Study Tours held in Penang, Malaysia, Norway, Denmark and Sweden.



## 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), 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 Judge of the High Court Division on 22.02.2001.

Participated in the International Workshops, Conferences and Training Programmes held in Korea, Austria, Indonesia and Czech Republic in 1997, 1998, 1999, 2000, Malaysia and New Zealand in 2008, United Kingdom and Malawi in 2009, Turks and Caicos Islands in 2009.





## Mr. Justice Sheikh Rezowan Ali

Father's name : Late Sheikh Badruddoza.  
Mother's name : Late Begum Arman.  
Date of birth : 01.02.1946.

Obtained B.A, LL.B. degree.

Joined the Judicial Service as Munsif on 12.04.1972 and promoted as District and Sessions Judge on 24.09.1988.

Elevated as Judge of the High Court Division on 03.07.2001.

Visited U.S.A, Japan, Pakistan and India.



## Mr. Justice Mohammad Anwarul Haque

Father's name : Late Mohammad Osman Gani.  
Mother's name : Late Halima Khatun.  
Date of birth : 09.04.1947.

Obtained M.A., LL.B (Dhaka University). Completed the Certificate Course on Effective Case Management in "National Judicial College under the University of Nevada, Reno, Florida, USA in the Year 2001.

Joined the Judicial Service as Munsif on 15.04.1972 and promoted as District and Sessions Judge on 14.11.1988.

Elevated as Judge of the High Court Division on 03.07.2001.

Participated in the International Seminars, Workshops and Training Programmes held in San-Francisco, California, USA (2000), New South Wales, Sydney, Australia, Malawi, Africa and New Delhi (1989).

Visited UNO Head Quarter, New York in 1999, U.A.E, Saudi Arabia, Malaysia and Kenya.





## Mr. Justice Nozrul Islam Chowdhury

Father's name : Late Mr. Golam Mustafa Chowdhury.  
Mother's name : Late Mrs. Rahima Khanam Chowdhury.  
Date of birth : 13.12.1948.

Obtained B.A., LL.B. degree from 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 1974, 1977 and 1992 respectively.

Elevated as Judge of the High Court Division on 03.07.2001.

Attended the International Seminar held in Nepal, 2006.

Visited India, Pakistan, U.K., U.S.A. and France.



## Mr. Justice Syed Muhammad Dastagir Husain

Father's name : Late Justice Syed A.B. Mahmud Husain.  
Mother's name : Late Sufia Begum.  
Date of birth : 18.09.1951.

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

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 Judge of the High Court Division on 03.07.2001.

Attended UN General Assembly for establishment of International Criminal Court and the International Conferences held in Lucknow, India (2004) and UK.

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



## Mr. Justice Mirza Hussain Haider

Father's name : Late Mirza Ashrafruddin Haider.  
Mother's name : Late Amina Khatoon.  
Date of birth : 01.03.1954.

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

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 Judge of the High Court Division on 03.07.2001.

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

Visited U.K, France, Malaysia, India, Nepal, Uzbekistan, Bhutan, Saudi Arabia, Bahrain, Singapore, Thailand and Korea.



## Mr. Justice Khondker Musa Khaled

Father's name : Late Khondker Ahsanuddin Ahmed.  
Mother's name : Late Ashrafunnessa Begum.  
Date of birth : 03.03.1946.

Obtained M.A., LL.B. degree from the University of Dhaka. Enrolled as an Advocate in the Dhaka District Court in the year 1969.

Joined the Judicial Service as Munsif on 01.11.1971 and promoted as District and Sessions Judge on 01.02.1989.

Elevated as Judge of the High Court Division on 03.07.2001.

Participated in the International Training Courses held in Bangkok, Thailand (1987), "National Judicial College under the University of Nevada, Reno, U.S.A (1989).

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





## Mr. Justice Mir Hashmat Ali

Father's name : Late Al-Haj Mir Pear Ali.  
Mother's name : Late Mst. Anjuman Nessa.  
Date of birth : 02.10.1945.

Obtained B.Com., LL.B. Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 01.03.1976 and 02.03.1978 respectively.

Elevated as Judge of the High Court Division on 29.07.2002.

Participated in the International Conferences and Training Programmes held in Delhi, India (1984), (1986), Tokyo (1989), Oxford University, UK, (1993), London, UK (1995) and Katmandu, Nepal (2006).

Visited India, Pakistan, U.K., U.S.A, Japan, Malaysia, Singapore, Nepal and Saudi Arabia.



## Mr. Justice Mashuque Hosain Ahmed

Father's name : Late Muzaffar Hussain Ahmad.  
Mother's name : Late Meherunnessa.  
Date of birth : 01.12.1945.

Obtained 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 1969, 1973 and 1999 respectively.

Elevated as Judge of the High Court Division on 29.07.2002.





## Mr. Justice A.K.M. Fazlur Rahman

Father's name : Late Serajuddin Ahmad.  
Mother's name : Late Jahanara.  
Date of birth : 15.01.1946.

Obtained B.A., LL.B. Enrolled as Advocate of the District Court in the year 1969.

Joined the Judicial Service as Munsif on 19.02.1973 and promoted as District and Sessions Judge on 15.06.1989.

Elevated as Judge of the High Court Division on 29.07.2002.

Participated in the Regional Symposium held in Srilanka (1997).



## Mr. Justice Siddiqur Rahman Miah

Father's name : Late Abdul Majed Miah.  
Mother's name : Late Takabon Nessa.  
Date of birth : 02.06.1946.

Obtained B.A. (Hons) in Political Science, M.A (Double) in Public Administration and LL.B. from University of Dhaka.

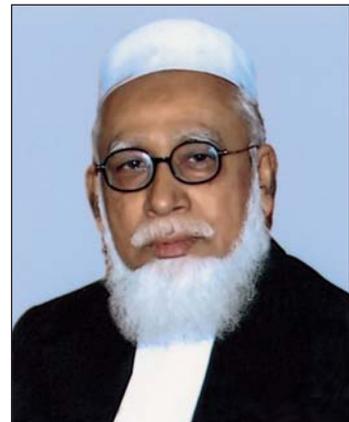
Joined the Judicial Service as Munsif on 01.01.1976 and promoted as District and Sessions Judge on 03.03.1993.

Has several publications on different subjects.

Elevated as Judge of the High Court Division on 29.07.2002.

Participated Certificate Courses, Workshops and Training Programmes held at Nairobi, Kenya and Indian Institute of Public Administration in Delhi, India.

Visited India, Kenya and Saudi Arabia.





## Mr. Justice Abdul Awal

Father's name : Late Siddique Ahmed.  
Mother's name : Late Tayaber Nessa.  
Date of birth : 20.08.1946.

Obtained M.A. (Eco.), 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 04.02.1973, 04.02.1975 and 04.02.1996 respectively.

Elevated as Judge of the High Court Division on 29.07.2002.

Participated in the Law-Asia Conferences held in India and Japan.



## Mr. Justice Sharif Uddin Chaklader

Father's name : Late Shamsuddin Chaklader.  
Mother's name : Begum Saleha Chaklader.  
Date of birth : 20.01.1949.

Obtained B.Sc., LL.B. degree.

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

Elevated as Judge of the High Court Division on 29.07.2002.

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



## Mr. Justice Md. Mizanur Rahman Bhuiyan

Father's name : Late Muzibur Rahman Bhuiyan.

Mother's name : Late Altafunnessa Begum.

Date of birth : 07.09.1950.

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

Elevated as Judge of the High Court Division on 29.07.2002.



## 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., 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 Judge of the High Court Division on 29.07.2002.





## Mr. Justice Tariq ul Hakim

Father's name : 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 and published as a Barrister-at-Law.

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 Judge of the High Court Division on 29.07.2002.

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



## Madame 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 degree.

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 Judge of the High Court Division on 29.07.2002.

Participated in the International Seminars, Workshops, Conferences and Training Programmes held in Kuala Lumpur, Malaysia, Nairobi, Kenya, Katmandu, Nepal, at Jakarta, Cerabon and Yogiakarta, in Indonesia, Lahore, Pakistan, at Commonwealth Secretariat and at Brussels, Belgium.





## Mr. Justice Afzal Hossain Ahmed

Father's name : Late Mvi. Mozammel Hossain Ahmed.  
Mother's name : Late Mosammat Amena Khatun.  
Date of birth : 10.05.1945.

Obtained B.A and LL.B degree. Joined the Judicial Service as Munsif in the year 1970 and promoted as District and Sessions Judge on 18.09.1987.

Elevated as Judge of the High Court Division on 27.04.2003.

Participated in the International Seminars held in Singapore and Colombo.

Visited UK, France, Sweden, Denmark, Thailand, Indonesia, Australia, Singapore India and Srilanka for study on curriculum of the establishment of Ombudsman and Legal and Judicial Capacity Building Project and other purposes.



## Mr. Justice A.F.M. Ali Asgar

Father's name : Late Maulana Ali Ahmed.  
Mother's name : Late Rafiqua Khatun.  
Date of birth : 01.01.1948.

Obtained M.A. LL.B. degree and Diploma in journalism from University of Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 01.02.1971 and 22.05.1974 respectively.

Elevated as Judge of the High Court Division on 27.04.2003.

Participated LAWASIA Conference at New Delhi, 1992.

Visited UK, France, Ireland, Saudi Arabia, UAE, Bahrain, Singapore and India.



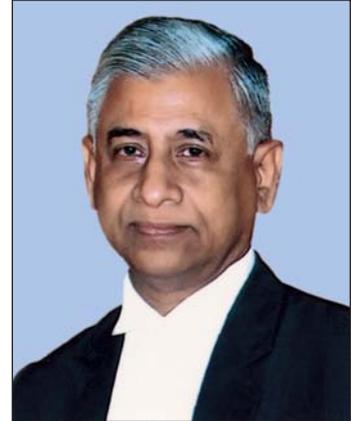


## Mr. Justice Farid Ahmed

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 Judge of the High Court Division on 27.04.2003.



## 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 & ACI Arb.

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 Judge of the High Court Division on 27.04.2003.



## 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 Judge of the High Court Division on 27.04.2003.

Participated in the International Seminars and Workshops held in UK, Malaysia, Singapore, India, Saudi Arabia, and Nepal.



## Mr. Justice Dr. Md. Abu Tariq

Father's name : Late M. A. Matin.  
Mother's name : Late Anwara Begum.  
Date of birth : 11.09.1952.

Obtained LL.B 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 Judge of the High Court Division on 27.04.2003.

Visited U.K, U.S.A, France, UAE, Malaysia, Singapore and India.





## Madame 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., LL.B. degree. Joined the Judicial Service as Munsif on 03.11.1978 and promoted as District and Sessions Judge on 15.09.1995.

Elevated as Judge of the High Court Division on 27.04.2003.

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

Visited Belgium, Iraq, Kuwait, Malaysia, Netherlands, Jordan, Syria, Singapore and U.K.



## 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. degree 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 Judge of the High Court Division on 27.04.2003.

Participated in a Judicial Training Program in Korea.





## Mr. Justice Dr. 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, 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 Judge of the High Court Division on 27.04.2003.

Participated in the International Workshops, Conventions, Study Tours and Courses held in UK, Germany, Malaysia, the Philippines, at Rajasthan, India (2000), New Delhi, India (2001) and at San Remo, Italy (2006),



## Mr. Justice A.T.M. Fazle Kabir

Father's name : Late Md. Mozharul Huque.  
Mother's name : Late Mst. Taibatoon Nesa.  
Date of birth : 01.01.1947.

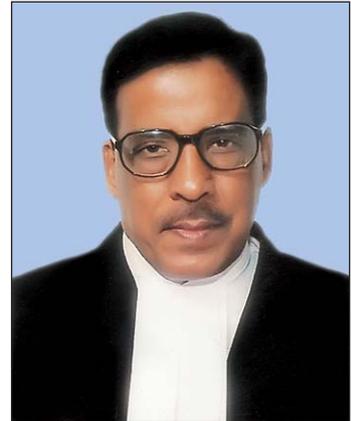
Obtained B.A., LL.B. degree. Enrolled as an Advocate in the District Court in the year 1973.

Joined the Judicial Service as Munsif on 26.12.1975 and promoted as District and Sessions Judge on 22.10.1992.

Elevated as Judge of the High Court Division on 27.08.2003.

Attended Study Tour in UK and USA (2002).

Visited India, UAE, Sweden and Finland.





## 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. degree.

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 Judge of the High Court Division on 27.08.2003.

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

Visited U.K., India, Thailand, United Arab Emirates, 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), LL.M. degree 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 Judge of the High Court Division on 27.08.2003.

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





## Mr. Justice Md. Ashfaqu Islam

Father's name : Justice A.K.M. Nurul Islam.  
Mother's name : Jahanara Arjoo.  
Date of birth : 15.07.1959.

Obtained LL.B.(Hons), LL.M. degree from University of Dhaka, 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 Judge of the High Court Division on 27.08.2003.

Visited USA, Canada, UK, China, India, Indonesia, Malaysia, Thailand, Singapore, Pakistan, Nepal and Bhutan.



## 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 Judge of the High Court Division on 27.08.2003.

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) and Singapore, (2007).





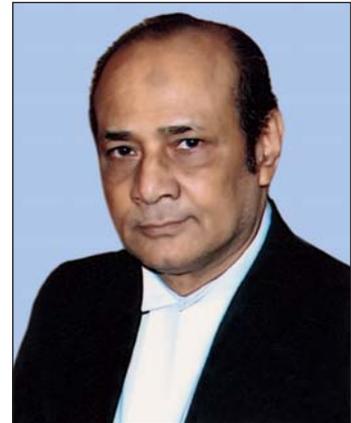
## Mr. Justice Syed Abu Kowser Md. Dabirush-Shan

Father's name : Late Syed Akramuddin Ahmed.  
Mother's name : Late Badarunnessa Khatun.  
Date of birth : 01.01.1945.

Obtained LL.B. degree from University of Dhaka in 1969.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 22.12.1969 and 12.12.1977 respectively.

Elevated as Judge of the High Court Division on 23.08.2004.



## Mr. Justice Shahidul Islam

Father's name : Late Alhaj Abul Hossain.  
Mother's name : Hamida Begum.  
Date of birth : 01.09.1948.

Obtained B.Sc., LL.B. degree.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 29.12.1975, 16.09.1982 and 20.06.2000 respectively.

Elevated as Judge of the High Court Division on 23.08.2004.

Visited UK, Scotland, Saudi Arabia and India.





## Mr. Justice Md. Abdul Hye

Father's name : Md. Omar Ali Khan.  
Mother's name : Hazera Khatun.  
Date of birth : 01.02.1949.

Obtained B.A., LL.B. degree.

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

Elevated as Judge of the High Court Division on 23.08.2004.



## Mr. Justice Quamrul Islam Siddiqui

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 as District and Sessions Judge on 22.04.1992.

Elevated as Judge of the High Court Division on 23.08.2004.

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 (2009)

Visited Netherlands, Thailand, India, Pakistan, UK, Switzerland, USA, USSR, Denmark, Sweden, France.





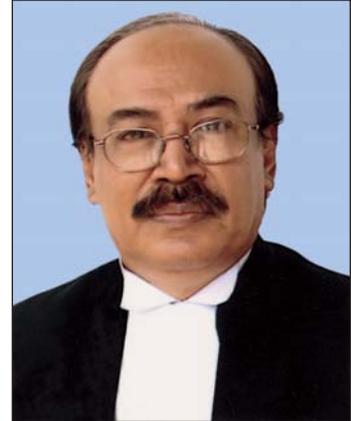
## Mr. Justice Md. Fazlur Rahman

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 Judge of the High Court Division on 23.08.2004.



Participated in the International Training Programmes and Courses held at Commonwealth Secretariat, United Kingdom and United States of America.

## Mr. Justice Moyeenul Islam Chowdhury

Father's name : Late Mr. Abdul Fattah Chowdhury.  
Mother's name : Mrs. Rownak-Ara-Begum.  
Date of birth : 09.01.1953.

Obtained B.A. (Hons), MA., LL.B. Joined the Judicial Service as Munsif on 17.03.1982 and promoted as District and Session Judge on 01.03.1998.

Elevated as Judge of the High Court Division on 23.08.2004.

Participated in the International Seminars, Symposia, Workshops in Australia and Thailand.





## 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 Judge of the High Court Division on 23.08.2004.

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

Visited India, Malaysia and the Philippines.



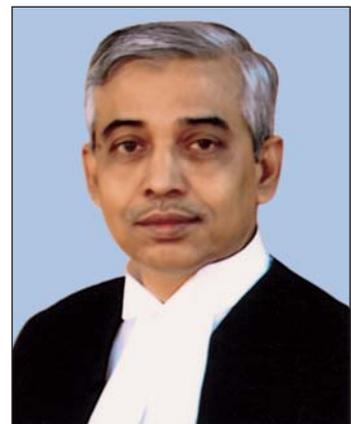
## Mr. Justice Md. Rais Uddin

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 degree.

Enrolled as 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 Judge of the High Court Division on 23.08.2004.





## 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) degree 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 Judge of the High Court Division on 23.08.2004.



## Mr. Justice Md. Ataur Rahman Khan

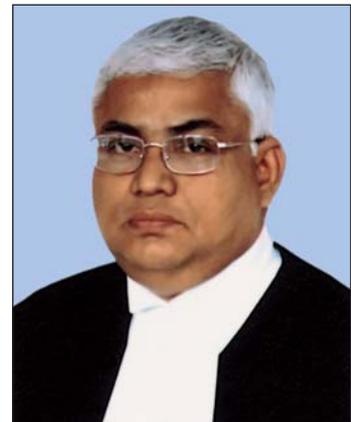
Father's name : Late Mr. Abdul Gaffar Khan.  
Mother's name : Mrs. Amena Khanam.  
Date of birth : 01.12.1957.

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 Judge of the High Court Division on 23.08.2004.

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 : Anowara Begum.  
Date of birth : 12.12.1957.

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

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 Judge of the High Court Division on 23.08.2004.

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

Visited Bhutan, India, Nepal, Srilanka, Thailand, Indonesia, Hong Kong, China, Macao, Singapore, Saudi Arabia, Malaysia, Myanmar.



## 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 Judge of the High Court Division on 23.08.2004.

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. degree.

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 Judge of the High Court Division on 23.08.2004.



## 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. degree 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 Judge of the High Court Division on 23.08.2004.





## Mr. Justice Mamnoon Rahman

Father's name : Late Advocate Rezaur Rahman.  
Mother's name : Late Afsari Rahman.  
Date of birth : 09.12.1965.

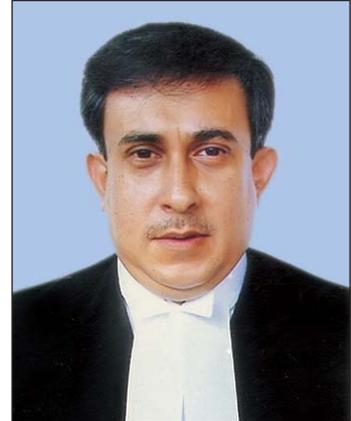
Obtained LL.B. (Hons) and LL.M. from University of Dhaka.

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 Judge of the High Court Division on 23.08.2004.

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 and Canada.



## Madame Justice Farah Mahbub

Father's name : Mahbubur Rahman.  
Mother's name : Mrs. Feroja Begum.  
Date of birth : 27.05.1966.

Obtained LL.B. (Hons), LL.M. degree 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 15.09.1992, 09.04.1994 and 15.05.2002 respectively.

Elevated as Judge of the High Court Division on 23.08.2004.

Visited India, Pakistan, Thailand, Malaysia, Dubai, Germany and Saudi Arabia.



## Mr. Justice Md. Abdus Salam

Father's name : Late Moulvi Md. Abdul Majid Mia.  
Mother's name : Late Mrs. Gole Afroze Begum.  
Date of birth : 12.01.1943.

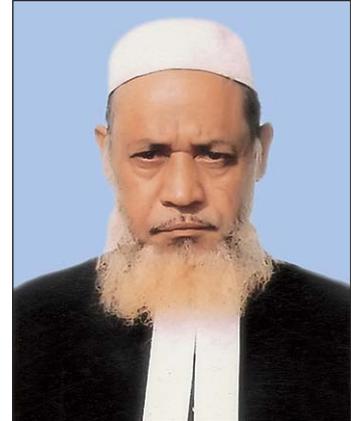
Obtained B.A. (Hons), M.A. (Economics) and LL.B. from Rajshahi University.

Joined the Judicial Service as Munsif on 10.02.1969 and promoted as District and Sessions Judge on 15.01.1985.

Elevated as Judge of the High Court Division on 25.03.2009.

Participated in the International Training Course and Conferences held in Tokyo, Japan (1978), Singapore (2005), Maldives (2005), Bangkok (2006), China (2007).

Visited Japan, Thailand, Hong Kong, India, Saudi Arabia, Kuwait, Jordan, Iraq, UAE, Pakistan, Maldives and China.



## Mr. Justice Muhammed Mamtaz Uddin Ahmed

Father's name : Late Aftabuddin Ahmed.  
Mother's name : Late Kazi Motahara Khatun.  
Date of birth : 31.12.1944.

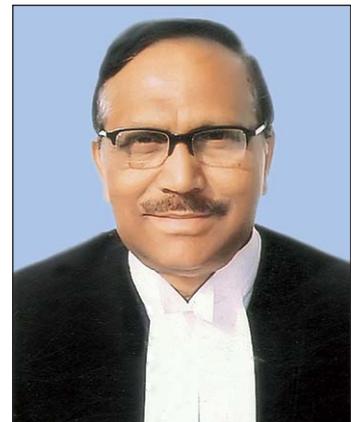
Obtained B.A. and LL.B. degree from University of Dhaka.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 26.06.1973, 09.06.1982 and 27.05.1999 respectively.

Elevated as Judge of the High Court Division on 25.03.2009.

Attended the World Youth Conference held in German Democratic Republic in 1973.

Visited India, Russia, Australia, Hong Kong, Singapore, China and Saudi Arabia.





## Mr. Justice Md. Abdul Hye.

Father's name : Late Abdus Sattar.  
Mother's name : Late Alhaj Musammat Jahur Chand Bibi.  
Date of birth : 14.12.1944.

Obtained B.Sc. and LL.B. degree.

Enrolled as an Advocate of the Habiganj Subdivisional Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in the year 1969, 1970 and 1987 respectively.

Joined the Judicial Service as Munsif in the year 1970 and promoted as District and Sessions Judge in the year 1987.

Elevated as Judge of the High Court Division on 25.03.2009.

Attended the WIPO Conference, 2000.

Visited Washington D.C, USA, under Bangladesh Legal and Judicial Capacity Building Project in the year 2000.



## Mr. Justice Faruque Ahmed.

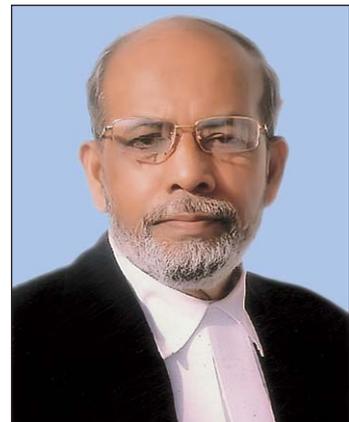
Father's name : Late Abdul Aziz Bhuyan.  
Mother's name : Late Luthfunnessa Begum.  
Date of birth : 31.12.1944.

Obtained M.A., LL.B. degree.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 04.08.1968, 20.11.1972 and 12.12.1999 respectively. Also enrolled as a Senior Advocate in the Appellate Division on 21.07.2004.

Elevated as Judge of the High Court Division on 25.03.2009.

Visited USA, India, Malaysia, Hong Kong, China, Singapore etc.





## Mr. Justice Mohammad Marzi-ul-Huq

Father's name : Late Justice Abdul Moudud.

Mother's name : Late Hedayetunnessa.

Date of birth : 24.09.1945.

Obtained B.A., LL.B.

Joined the Judicial Service as Munsif on 17.04.1972 and promoted as District and Sessions Judge on 27.09. 1987.

Elevated as Judge of the High Court Division on 25.03.2009.

Participated in the International Seminars, Training Courses and Fellowship Programmes held at the Hague Academy of International Law, Netherlands, UNHCR and UNCTAD, Geneva, Switzerland (1980), in Colombo, Sri Lanka (1988), UK (1999), Washington, U.S.A. (2000).

Visited UK, USA, France, Netherlands, Switzerland, Belgium, Sri Lanka, Saudi Arabia, UAE, India, Pakistan. and some courts of USA and Colombia District Court and St. Juse, San Francisco.

## Mr. Justice Md. Shamsul Huda

Father's name : Late Abdul Maleque Mia.

Mother's name : Late Rabya Khatun.

Date of birth : 03.11.1945.

Obtained LL.B. degree. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 30.01.1973, 17.09.1988 and 01.06.1999 respectively.

Elevated as Judge of the High Court Division on 25.03.2009.

Visited India, Bhutan and Nepal.



## Mr. Justice Md. Abdur Razzaque

Father's name : Late Meah Ahmed Ali Shah.

Mother's name : Late Amena Khatun.

Date of birth : 01.09.1947.

Obtained B.A. (Hons) in Political Science, M.A. and LL.B. degree.

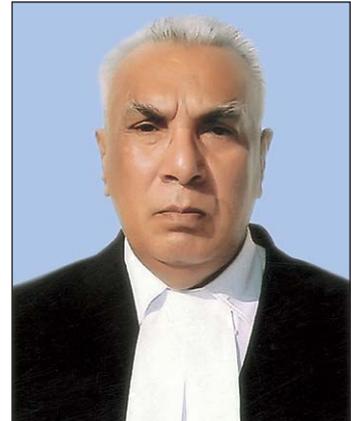
Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court in the year 1971 and 2004 respectively.

Joined the Judicial Service as Munsif on 08.11.1971 and promoted as District and Sessions Judge on 24.09.1988.

Elevated as Judge of the High Court Division on 25.03.2009.

Participated in the International Training Programmes and Conferences held in Bangkok, Thailand and Katmandu, Nepal.

Visited India, Nepal and Thailand.



## 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. degree.

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

Elevated as Judge of the High Court Division on 25.03.2009.



## Mr. Justice AHM Shamsuddin Choudhury

Father's name : Late Md. Abdul Hakim Chowdhury  
Mother's name : Late Asia Khatun Chowdhury  
Date of birth : 02.10.1948.

Obtained B.A., LL.B., LL.M. (UK), PGDL (ICSL, CLE), Certificate in Maritime Law and Barrister-at-Law.

Enrolled as an Advocate of the High Court Division in 1978.

Elevated as Judge of the High Court Division on 25.03.2009.

Acted as external Supervisor for Post Graduate Research Students on Immigration and Refugee Laws of the University of York (UK), as a lecturer on Constitutional, Criminal and Contract laws for London University LL.B. students. Independently practiced in the UK, intermittently during 2003-2008 period, simultaneously with practice in Bangladesh. Acted as a Deputy Attorney General until 3rd June, 2001.



## Mr. Justice Md. Nizamul Huq

Father's name : Late Nurul Huq.  
Mother's name : Late Asia Khatun.  
Date of birth : 15.03.1950.

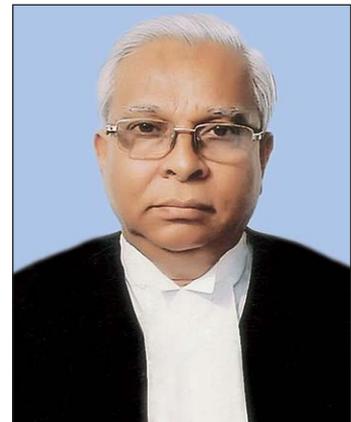
Obtained B.Sc. (Hons), M.Sc. and LL.B. degree.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in the year 1977, 1979 and 1999 respectively.

Elevated as Judge of the High Court Division on 25.03.2009.

Participated in the International Seminars, Workshops and Training Programmes held in IALS, London University, (1993), the Hague, Netherlands (1994), Malaysia, etc.

Visited India, Srilanka, Thailand, Malaysia, Singapore, Nepal, UK, France, Netherlands, Belgium, Luxemburg.





## Mr. Justice Mohammad Bazlur Rahman

Father's name : Alhaj Younus Biswas.

Mother's name : Badenur Nesa.

Date of birth : 12.04.1955.

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

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 26.08.1984 and 08.01.1987 respectively.

Elevated as Judge of the High Court Division on 10.05.2009.



## Mr. Justice Md. Delwar Hossain

Father's name : Late Md. Shahidul Hussain.

Mother's name : Late Delwara Begum.

Date of birth : 20.01.1949.

Obtained M. Com., LL.B. degree.

Enrolled as an Advocate in the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 01.03.1976, 12.12.1978 and 20.08.1995 respectively.

Elevated as Additional Judge of the High Court Division on 16.11.2008.

Visited India.





## Mr. Justice Md. Azizul Haque

Father's name : Late Alhaj Yar Mohmmad Mia.

Mother's name : Late Mst. Anwara Begum.

Date of birth : 01.11.1953.

Obtained B.Sc, LL.B. degree.

Joined the Judicial Service as Munsif on 09.12.1981 and promoted as District and Sessions Judge on 10.07.1997.

Elevated as Additional Judge of the High Court Division on 16.11.2008.



## Mr. Justice Md. Abdus Samad

Father's name : Late Abul Hossain Sarker.

Mother's name : Most. Sakhina Begum.

Date of birth : 31.12.1953.

Obtained B.A. (Hons), M.A. (Eco), LL.B. degree.

Enrolled as an Advocate of the Sirajgonj District Court.

Joined the Judicial Service as Munsif on 23.04.1980 and promoted as District and Sessions Judge on 01.03.1997.

Elevated as Additional Judge of the High Court Division on 16.11.2008.





## 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), LL.M. degree 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.



## Madame Justice Syeda Afsar Jahan

Father's name : Late Abu Bakr.  
Mother's name : Mrs. Mushuda Bakr.  
Date of birth : 17.02.1956.

Obtained LL.B. (Hons), LL.M. degree 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 20.08.1981, 24.05.1984 and 16.07.2000 respectively.

Elevated as Additional Judge of the High Court Division on 16.11.2008.

Participated in the International Conferences and Training Programme held in Lahore, Pakistan (1985), Brussels, Belgium (1986), Canada (2003) and Mumbai, New Delhi, Kolkata in India.

Visited 11 States of USA in 1996.





## Mr. Justice Borhanuddin

Father's name : Late Abdus Sabur.  
Mother's name : Momtaz Sabur.  
Date of birth : 28.02.1957.

Obtained LL.B. degree from 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.

Visited India and China.



## 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.

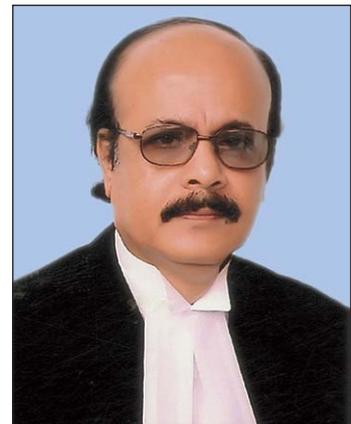
Obtained M.A. and LL.B. degree.

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.

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

Visited India, UK, France, Netherlands and Belgium.





## Mr. Justice Soumendra Sarker

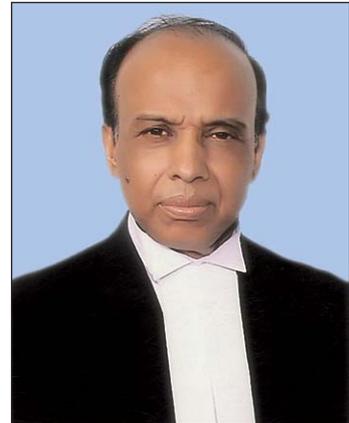
Father's name : Late Sitanath Sarker.  
Mother's name : Late Parimal Sarker.  
Date of birth : 31.10.1953.

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.

Visited Supreme Court of India.



## Mr. Justice Abu Bakar Siddiquee

Father's name : Late Abdul Gofur Mollah.  
Mother's name : Most. Noor Zahan Begum.  
Date of birth : 29.07.1954.

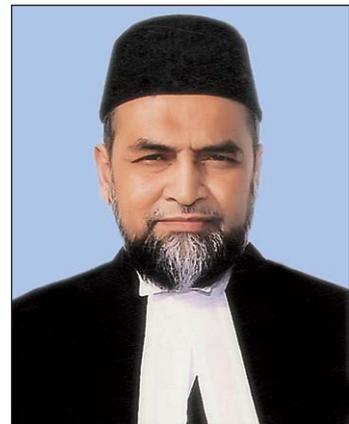
Obtained B.Sc. and LL.B. degree from Rajshahi University.

Enrolled as an Advocate of the Kushtia District Court 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.

Participated in the International Training Programmes, Conferences and Study Tour held in Tokyo, Japan, USA, UK and Singapore.



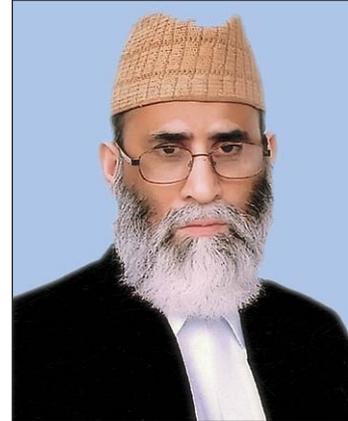


## Mr. Justice Md. Nuruzzaman

Father's name : Late Hazi Md. Bazlur Rahman.  
Mother's name : Late Hazi Amena Begum.  
Date of birth : 01.07.1956.

Obtained M.S.S. and LL.B. degree. Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 10.10.1983 and 07.01.1987 respectively.

Elevated as Additional Judge of the High Court Division on 30.06.2009.



## 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. degree from University of Dhaka and LL.B. (Hons) degree 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.

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



## Mr. Justice Obaidul Hassan

Father's name : Dr. Akhlaqul Hossain Ahmed.  
Mother's name : Begum Hosnara Hossain.  
Date of birth : 11.01.1959.

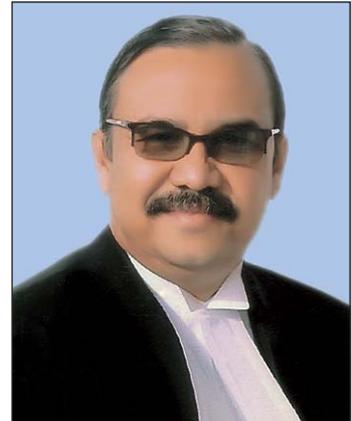
Obtained B.S.S. (Hons), M.S.S. (Economics) and LL.B. degree from University of Dhaka.

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.

Participated in a International Conference held in Hong Kong (1991).

Visited China, India, Pakistan, Nepal, Malaysia, Singapore, Thailand and Saudi Arabia.



## 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. degree.

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.

Participated in the International Seminars held in Hong Kong (2006) Cairo, Egypt (2009).

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





## Mr. Justice Naima Haider

Father's name : Late Justice Badrul Haider Chowdhury.  
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 and PhD from the University of Southern California, USA. Obtained diplomas in International Cooperation in Criminal Matters, Christ Church College, Oxford University, in Alternative Dispute Resolution from the University of Berkeley, California, USA and Commonwealth Lawyer's Diploma 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.

Participated in the International Seminars and Workshops held in Bangkok, Thailand, San Remo, Italy (2000), Kuala Lumpur, Malaysia (2005) & (2006), Islamabad, Pakistan (2004), Bangalore, India (1996), at Harvard University, USA (1992), Belfast, Ireland (2000).

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

## Mr. Justice Md. Rezaul Hasan

Father's name : Late Abul Kalam Azad.  
Mother's name : Hosnara Begum.  
Date of birth : 17.12.1962.

Obtained LL.B (Hons) and LL.M. degree 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 30.03.1985, 17.06.1989 and 21.07.2004 respectively.

Has several publications on different subjects.

Elevated as Additional Judge of the High Court Division on 30.06.2009.





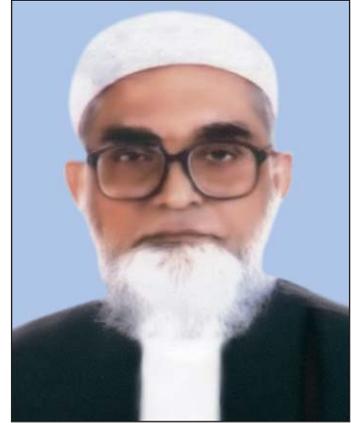
## Judges of the High Court Division retired in the year 2009

### Mr. Justice Md. Abdul Quddus

Date of birth: 15.01.1942.

Elevated as Judge of the High Court Division on 27.04.1998.

Retired on 14.01.2009.



### Mr. Justice Md. Abdur Rashid

Date of birth: 27.01.1942.

Elevated as Judge of the High Court Division on 24.10.1999.

Retired on 26.01.2009.



### Mr. Justice Khademul Islam Chowdhury

Date of birth: 18.04.1942.

Elevated as Judge of the High Court Division on 24.10.1999.

Retired on 17.04.2009.





## The Supreme Court of Bangladesh

Supreme Court is the apex Court of the Republic established under the Constitution of the People's Republic of Bangladesh. The peace and tranquility of a country is primarily depended on the proper functioning of its apex Court. Bangladesh Supreme Court consists of two Divisions, namely, Appellate Division and the High Court Division with one Chief Justice for both the Divisions. Bangladesh has emerged as an independent country through a liberation war declaring its independence on 26th March, 1971 and liberated on 16.12.1971.

### 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 from the year of 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. It is to be noted that during Mughal Empire the East India Company by taking settlement and with permission from Mughal Badshah created the three presidency towns namely Madras, Bombay and Calcutta and said East India Company introduced the English legal system for administration of the presidency towns and thus the English Judicial system got entry into the territory of Indian Sub-continent. The filing of the appeals from the then India in the Privy-Council in England was introduced by the said 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 Bangal 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 arisen 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 an 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 and the same was 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 the 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 bad and void.

### Supreme Court under the Constitution:

Initially after liberation the apex Court was named as High Court of Bangladesh being set up under the President 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 giving with effect from 16.12.1972, the "Supreme Court 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 sitting judges and the Chief Justice, is the repository of judicial power at the national level and the upholder and final interpreter of the Constitution of the People's Republic of Bangladesh (Constitution) 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 power and authority of the Supreme Court, Chapter-2 relates to the Sub-ordinate Courts and Chapter-3 deals with the Administrative Tribunal.

### **Appointment and Removal of Judges:**

The Chapter-I contains article 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 and that Bangladesh 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 and that the Chief Justice and the judges appointed to the Appellate Division are to sit in the Appellate Division, whereas the judges appointed in the High Court Division are to sit in the High Court Division. The Chief Justice is known as 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. At the present, as per article 96, a judge shall not be removed from office unless he ceased to be capable of properly performing his functions because of physical or mental incapacity or is found to be guilty of gross misconduct, through an inquiry to be conducted by the Supreme Judicial Council, which Council consists of the Chief Justice and the next two senior judges, and the judges are to observe the prescribed Code of Conduct framed by the Supreme Judicial Council. Article 97 provides for temporary appointment for performing the functions of the performing Chief Justice, as and when necessary, in the absence of the Chief Justice on account of illness or any other cause, and such appointment is to be given by the President to the senior judge of the Appellate Division next to Chief Justice. 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 afresh on regular basis under article 95 of the Constitution, after his satisfactory performance as an Additional Judge, appointed under article 98. 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:**

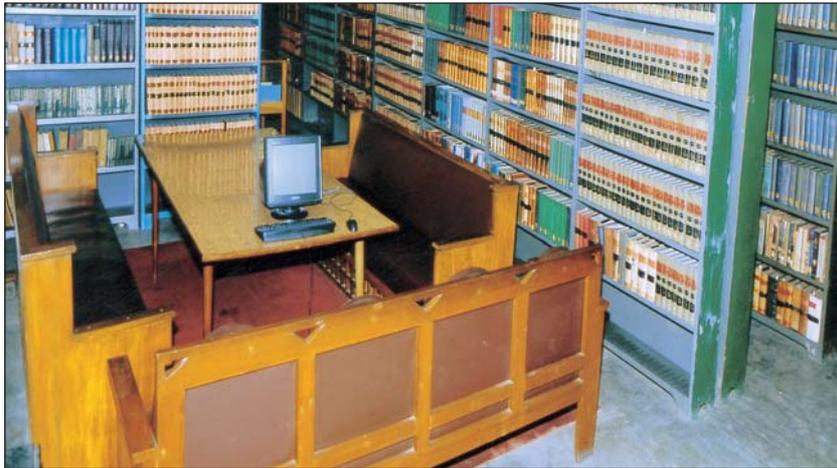
Articles 101 and 102 provides the jurisdiction and power of the High Court Division in exercising its judicial functions and articles 102, 104 and 105 provide the jurisdiction and power of the Appellate Division in exercising its judicial functions. The Appellate Division is also given the advisory jurisdiction 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 by him under Article-106. Article 107 provides the rule making power of the Supreme Court and the authority of the Chief Justice in constituting Benches of any Division. Article-108 empowers the Supreme Court to order for 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 authority to 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 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 concern. The power to issue writ to redress the violations of rights guaranteed by the 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 has 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, sub-ordinate to it. Article-110 authorizes the High Court Division to call for any case, pending before any Sub-ordinate Court, requiring determination of a substantial question of law as to the interpretation of the Constitution, or any point of public importance, for disposal of the case by itself or to determine the question of law and then send back the case to the trial Court for disposal in conformity with the answer given by the High Court Division. 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 eleven judges including the Chief Justice and the High Court Division has seventy eight judges.



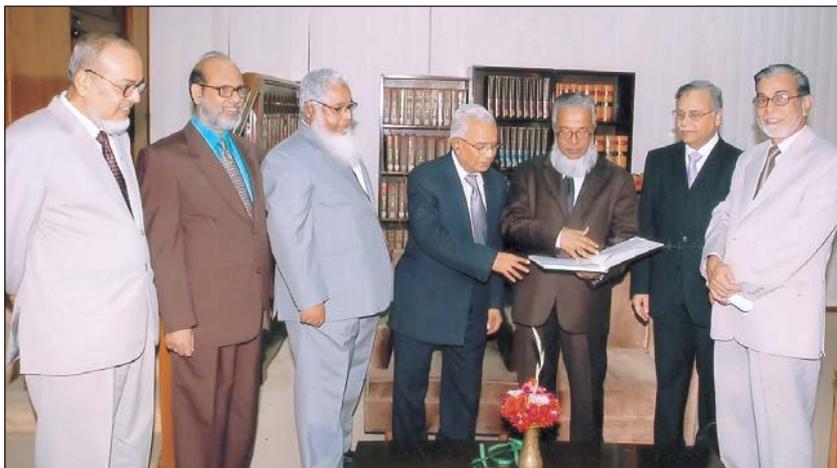
Interior View of the Supreme Court of Bangladesh



Part of the Judges' Libraries of the Supreme Court of Bangladesh



Handing over of the copy of the Supreme Court Annual Report, 2008 to the Hon'ble Chief Justice by the Chairman of the Editorial Committee along with other members of the Committee



Hon'ble Chief Justice and members of the Editorial Committee of the Annual Report 2008.



## Jurisdiction of the Supreme Court

The jurisdiction of the Supreme Court of Bangladesh has been provided 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 High Court Division. These two Divisions of the Supreme Court have separate jurisdictions. The sources of this jurisdiction, apart from the Constitution are general laws (Acts of the Parliament) of the country.

### Jurisdiction of the Appellate Division

The Constitution has conferred on the Appellate Division the following four types of jurisdictions:

- a. **Appellate Jurisdiction:** Article 103 of the Constitution provides that the Appellate Division shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the High Court Division. An appeal to the Appellate Division shall lie as of right where the High Court Division- (a) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or (b) has sentenced 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 as have been provided by the Acts of Parliament, if the Appellate Division grant leave to appeal.
- b. **Review Jurisdiction:** Article 105 provides that the Appellate Division shall have power, subject to the provisions of any Act of Parliament and of any rules made by the division, to review any judgment pronounced or any order made by it. Part IV, Order XXVI of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 deals with the procedural matters of review jurisdiction of the Appellate Division.
- c. **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.

### 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 take a case or suit as court of first instance. The Constitution has conferred on the High Court Division Extra Ordinary Original Jurisdiction under article 102 of the Constitution, under which the High Court Division can enforce fundamental rights as guaranteed in part III of the Constitution and can also exercise its power of judicial review. There are some other ordinary laws (Acts of the Parliament, namely, the Companies Act, 1994 the Admiralty Court Act, 2000 the Bank Companies Act, 1991 etc. which falls under the ordinary/original jurisdiction of the High Court Division. Further jurisdiction of the High court Division as guided by the Code of Civil Procedure, 1908 and the High Court Division Rules, 1973.
- b. **Appellate Jurisdiction:** Any law may confer on the High Court Division appellate jurisdiction on any matter. Code of Criminal Procedure 1898, Code of Civil Procedure, 1908 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 through this jurisdiction for civil matters.

(b) Section 439 of the Code of Criminal Procedure, 1898 has conferred on the High Court Division the revisional jurisdiction as to criminal matters of the courts subordinate to it. Furthermore the High Court Division has inherent power, under section 561A of the Code of criminal Procedure, to make such orders as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any court or otherwise to secure the ends of justice.

d. **Review Jurisdiction:** Section 114 of the Code of Civil Procedure, 1908 has conferred on the High Court Division the review jurisdiction. The High Court Division Rules, 1973 Part II, Chapter X and Order XLVII of the Code of Civil Procedure, 1908 deal with the procedural matters of review.

e. **Jurisdiction as to Supervision and Control over the Subordinate Judiciary:** Article 109 of the Constitution provides that the High Court Division shall have superintendence and control over all Courts and Tribunals subordinate to it.

Moreover, under article 110 of the Constitution the High Court Division may transfer a civil case from subordinate court to itself or to another subordinate court. Section 113 of the Code of Civil Procedure 1908 gives jurisdiction on the High Court Division whereby it can give opinion and order on a case referred to it by any subordinate court by way of reference. 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.



Hon'ble Chief Justice and Hon'ble Women Judges of the High Court Division of Supreme Court of Bangladesh, 2009

(Left to Right) Madame Justice Naima Haider, Madame Justice Syeda Afsar Jahan, Madame Justice Farah Mahbub, Mr. Justice Md. Tafazzul Islam, HCJ (20.12.2009-07.02.2010), Madame Justice Nazmun Ara Sultana, Madame Justice Zinat Ara, Madame Justice Salma Masud Chowdhury



## Activities of the Supreme Court of Bangladesh, 2009

### 1. Judicial Activities:

The Supreme Court of Bangladesh has established its computerized sections for processing the cases. Institution of cases takes place at the filing counter with the support of computerized system. As the Advocates or parties in person tender the cases on the counters, the data-entry-operators enter the preliminary details of the cases into the computer for the purpose of registration. This process provides the information regarding filing of cases, Court fees, formal defects and limitation thereof automatically.

There are separate daily cause lists for the Appellate Division and the High Court Division. The daily cause list for the Appellate Division is issued on its own arrangement day before the date fixed. The daily cause list for the High Court Division is printed from the Bangladesh Government Printing Press and supplied in the morning of the date fixed. Process has been initiated to display the daily cause lists of both the Divisions in the website of Bangladesh Supreme Court ([www.supremecourt.gov.bd](http://www.supremecourt.gov.bd)) to provide the information as to status of the cases and destination of records.

### 2. The Court Management:

Since 2000 A. D. the backlog of cases increased at a high rate in the Appellate Division. Various steps have been taken for their disposal. As a result, the rate of disposal has increased considerably.

Court Management evolved through the formulation of various general and special techniques, approaches, strategies, statistical data analysis, identifying the causes of delay and the flaws in the case management have been adopted to improve the court efficiency resulting in the reduction of pending cases.

For speedy disposal of cases in the High Court Division, the Hon'ble Chief Justice constituted large number of Benches in the year 2009. The Hon'ble Chief Justice constituted several Vacation Benches for hearing of the urgent matters. A large number of cases were heard and disposed of by the Vacation Benches. Necessary steps were taken for the disposal of old cases and cases of public importance within the shortest possible time.

### 3. Lawazima Court:

The Lawazima Court, presided by the Registrar, deals with the procedural matters for making the cases ready for trial.

### 4. Supervision and control over the Subordinate Courts:

As part of its supervisory power over the Subordinate Judiciary, the Judges of the High Court Division of the Supreme Court visited and inspected following courts of subordinate judiciary:



Courts Inspected	Inspecting Judges
Court of District & Sessions Judge, Narayanganj and Courts attached there to.	Madame Justice Zinat Ara
Court of District & Sessions Judge, Pabna and Courts attached there to.	Mr. Justice A.K.M. Asaduzzaman
Court of District & Sessions Judge, Natore and Courts attached there to.	Mr. Justice A.K.M. Asaduzzaman
Court of District & Sessions Judge and Metropolitan Magistrate Court, Dhaka.	Mr. Justice Moyeenul Islam Chowdhury

Inspecting Judges submitted their respective reports to the Hon'ble Chief Justice with findings and recommendations. Defects found are being removed and administrative measures taken.

#### **Inquiry over the complaints against the Judicial Officers:**

- (1) Mr. Justice Mohammad Anwarul Haque held inquiry in respect of complaint against Mr. Abdul Aziz Khalifa, Special Judge, Khulna.
- (2) Mr. Justice Khondker Musa Khaled held inquiry in respect of complaint against Mr. Serajul Islam, Additional District and Sessions Judge, Jamalpur.
- (3) Mr. Justice A.K.M. Fazlur Rahman held inquiry in respect of complaints against (i) Mrs. Farzana Begum, Additional District and Sessions Judge, Kurigram; (ii) Mrs. Meharun Nessa, Senior Judicial Magistrate, Narshingdi.

#### **5. Other Activities:**

- a. **Full Court Meeting:** Five Full Court Meetings held at the Supreme Court in the year 2009. The Meetings considered recommendations of General Administration Committee in respect of the promotion, degradation and suspension of Judges of the subordinate Judiciary.
- b. **Judges' Committees:** During the year, 2009 twelve Committees were formed with the Hon'ble Judges of the Supreme Court on various matters and purpose, which are-
  - **General Administrative Committee (GA Committee):** These Committee is chaired by the Hon'ble Chief Justice. The other members of the committee are:
    - (1) Mr. Justice Md. Abdul Quddus (till 14.01.2009)
    - (2) Mr. Justice Khademul Islam Chowdhury (since 15.01.2009 to 17.04.2009)
    - (3) Madame Justice Nazmun Ara Sultana
    - (4) Mr. Justice Syed Mahmud Hossain (since 18.04.2009)
    - (5) Mr. Justice Khondker Musa Khaled

The committee looks after the administration of Subordinate Judiciary as provided in the Supreme Court (High Court Division) Rules. As per Part I, Chapter I, Rule III, Supreme Court (High Court Division) Rules, 1973, the Committee has power-

- (a) to dispose of all correspondence within its own department, urgent in its nature and not of general importance;
- (b) to make recommendations for the appointment of Joint District Judges, and for the promotion, degradation, or suspension of Joint District Judges and Senior Assistant Judges and Assistant Judges; but all such recommendations of the Administration Committee shall be placed before the Full Court for approval.



- **Committee for Recommending Re-fixation of Remuneration and other Privileges of the Judges of the Supreme Court:** The Committee prepared a report for enhancement of the pay, allowances and other privileges of the Judges of the Supreme Court of Bangladesh comparing those of the neighboring countries and submitted the same to the Chief Justice on 31.05.2009 which was placed to the Hon'ble President for consideration. The members of the Committee are:

  - (1) Mr. Justice Mohammad Fazlul Karim
  - (2) Mr. Justice Shah Abu Nayeem Mominur Rahman
  - (3) Mr. Justice Bijan Kumar Das (B.K. Das)
  - (4) Mr. Justice A.B.M. Khairul Haque
  - (5) Mr. Justice Md. Muzammel Hossain
  - (6) Mr. Justice Khademul Islam Chowdhury
  - (7) Mr. Justice Sikder Maqbul Huq
  
- **Committee for Bangladesh Supreme Court Annual Report, 2008:** The Committee prepared the Annual Report 2008 which is published by the Supreme Court. The members of the Committee are:

  - (1) Mr. Justice Mohammad Fazlul Karim
  - (2) Mr. Justice Shah Abu Nayeem Mominur Rahman
  - (3) Mr. Justice A.B.M. Khairul Haque
  - (4) Mr. Justice Md. Abdul Wahhab Miah
  - (5) Mr. Justice Mohammad Anwarul Haque
  - (6) Mr. Justice Khondker Musa Khaled
  
- **Committee for Supreme Court Judges' Libraries:** The Committee in its meeting discussed for improvement of the Libraries and procurement of books. The members of the Committee are:

  - (1) Mr. Justice Shah Abu Nayeem Mominur Rahman
  - (2) Mr. Justice A.B.M. Khairul Haque
  - (3) Mr. Justice Md. Muzammel Hossain
  - (4) Mr. Justice Md. Arayes Uddin
  
- **Committee for Salary Fixation of the Officers and Staff of the Supreme Court:** The Committee prepared a report for recommending revision of salary of the Officers and Staff of the Supreme Court. The members of the Committee are:

  - (1) Mr. Justice A.B.M. Khairul Haque
  - (2) Mr. Justice Mirza Hussain Haider
  - (3) Mr. Justice Quamrul Islam Siddiqui
  
- **Committee for the Amendment of the Supreme Court (High Court Division) Rules:** The Committee is preparing the draft of the Supreme Court (High Court Division) Rules. The members of the Committee are:

  - (1) Mr. Justice Md. Abdul Wahhab Miah
  - (2) Mr. Justice Syed Mahmud Hossain
  - (3) Mr. Justice Mohammad Anwarul Haque
  - (4) Mr. Justice A.F.M. Abdur Rahman
  - (5) Mr. Justice Md. Emdadul Huq
  
- **Advisory Board on Preventive Detention:** The Advisory Board consisting of three members including following Judges made 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) Mr. Justice Md. Abdul Wahhab Miah
  - (2) Mr. Justice Siddiquir Rahman Miah



- **Committee for Development of Equipments and Infrastructure:** The Committee recommends for procurement of the equipments and for development of infrastructure of the Supreme Court. The members of the Committee are:
  - (1) Mr. Justice Md. Imman Ali
  - (2) Mr. Justice Mohammad Anwarul Haque
  - (3) Mr. Justice Khondker Musa Khaled
  - (4) Mr. Justice Quamrul Islam Siddiqui
  
- **Committee for Gradation of the Officers and Staff of the Supreme Court:** The Committee prepared a report for recommending revision and re-fixation of Gradation of the Officers and Staff of the Supreme Court. The members of the Committee are:
  - (1) Madame Justice Nazmun Ara Sultana
  - (2) Mr. Justice Md. Imman Ali
  - (3) Mr. Justice Mohammad Anwarul Haque
  - (4) Mr. Justice Nozrul Islam Chowdhury.
  
- **Committee for necessary Amendment of Civil Rules and Orders (Volume I and II):** The Committee is revising the provisions of the Civil Rules and Order (Volume I and II) for its necessary amendments. The members of the Committee are:
  - (1) Mr. Justice Mohammad Anwarul Haque
  - (2) Mr. Justice Khondker Musa Khaled
  - (3) Mr. Justice A.K.M. Fazlur Rahman
  - (4) Mr. Justice Md. Emdadul Huq
  
- **Committee for framing of the Judicial Service (Discipline and Appeal) Rules:** The Committee is working for drafting of the Judicial Service (Discipline and Appeal) Rules. The members of the Committee are:
  - (1) Mr. Justice Mohammad Anwarul Haque
  - (2) Mr. Justice Khondker Musa Khaled
  - (3) Mr. Justice A.K.M. Fazlur Rahman
  - (4) Mr. Justice Md. Emdadul Huq
  
- **Committee for Translation of Criminal Rules and Orders 2009 in Bangla:** The Committee is working for an authentic Bangla translation of Criminal Rules and Orders 2009. The members of the Committee are:
  - (1) Mr. Justice Shahidul Islam
  - (2) Mr. Justice Moyeenul Islam Chowdhury
  - (3) Mr. Justice Md. Emdadul Huq

c. **Participation of Hon'ble Judges in the Seminars/Conferences/Workshops/Lectures in the year 2009 (National and International):**

Name of the Seminar/Conference/Workshops	Participating Hon'ble Judges
"Asia and the Pacific Judicial Reform Forum (APJRF)" on 19-21 January 2009 held in Singapore.	Mr. Justice M.M. Ruhul Amin, CJ
"Colloquium for Judges on the Use of Principles of Equity and Non-discrimination" on 16-17 November 2009 held in Maldives.	Mr. Justice Mohammad Fazlul Karim Mr. Justice Sikder Maqbul Huq
"Third Malta Judicial Conference- Cross- Boarder-Family Mediation" on 24-26 March 2009 held in Malta.	Mr. Justice Md. Tafazzul Islam, CJ Mr. Justice A.B.M. Khairul Haque



Name of the Seminar/Conference/Workshops	Participating Hon'ble Judges
"The International Family Justice Judicial Conference for Common Law and Commonwealth Jurisdiction" on 04-07 August 2009 held in London, UK.	Mr. Justice Md. Abdul Matin
Study Tour to the Malawi on "Improvement of the Real Situation of Overcrowding in Prisons" in 2009.	Mr. Justice Md. Imman Ali Mr. Justice Mohammad Anwarul Haque Mr. Justice Dr. Syed Refaat Ahmed
Study Tour to the United Kingdom on "Improvement of the real situation of over crowding in Prisons" in 2009.	Mr. Justice Md. Imman Ali Mr. Justice Dr. Syed Refaat Ahmed

The following Judges of the Supreme Court contributed as Resource Persons to the training sessions of the Judges of the Subordinate Courts conducted by Judicial Administration Training Institute (JATI) in the year 2009 :

- (1) Mr. Justice M.M. Ruhul Amin, HCJ
- (2) Mr. Justice Md. Tafazzul Islam, HCJ
- (3) Mr. Justice Mohammad Fazlul Karim
- (4) Mr. Justice Md. Abdul Matin
- (5) Mr. Justice Shah Abu Nayeem Mominur Rahman
- (6) Mr. Justice Md. Mozammel Hossain
- (7) Madame Justice Nazmun Ara Sultana
- (8) Mr. Justice Syed Mahmud Hossain
- (9) Mr. Justice Md. Imman Ali
- (10) Mr. Justice Mohammad Anwarul Haque
- (11) Mr. Justice Khondker Musa Khaled
- (12) Mr. Justice A.K.M. Fazlur Rahman
- (13) Madame Justice Salma Masud Chowdhury
- (14) Madame Justice Zinat Ara
- (15) Mr. Justice Shahidul Islam
- (16) Mr. Justice Quamrul Islam Siddiqui
- (17) Mr. Justice Moyeenul Islam Chowdhury
- (18) Mr. Justice Md. Emdadul Huq
- (19) Madame Justice Farah Mahbub
- (20) Mr. Justice Md. Momtaz Uddin Ahmed
- (21) Mr. Justice Faruque Ahmed
- (22) Mr. Justice Md. Azizul Haque

- d. The Supreme Court completed its domain registration, designed its Website in the name [www.supremecourt.gov.bd](http://www.supremecourt.gov.bd) and judgments having public importance pronounced by both the divisions of Supreme Court are displayed in the website. Steps have been taken to upload the daily cause lists of benches of both the divisions in the website.



**6. Statistics on the institution, disposal and pendency of cases in the Appellate Division of the Supreme Court**

**6.1 Statement showing institution, disposal & pendency of cases (from 01.01.2009 to 31.12.2009)**

**6.1.1. Petitions**

Description	Opening Balance	Institution	Total	Disposed of	Balance as on 31.12.2009
Civil	2857	2509	5366	3797	1569
Criminal	795	449	1244	743	501
Civil Review	90	95	185	138	47
Criminal Review	6	25	31	27	4
Jail Petition	47	7	54	31	23
<b>Total</b>	<b>3795</b>	<b>3085</b>	<b>6880</b>	<b>4736</b>	<b>2144</b>

**6.1.2 Misc. Petitions**

Description	Opening Balance	Institution	Total	Disposed of	Balance as on 31.12.2009
Civil Misc. Petition	1103	324	1427	546	881
Criminal Misc. Petition	359	216	575	264	311
Contempt Petition	0	6	6	0	6
Special Reference	0	1	1	1	0
<b>Total</b>	<b>1462</b>	<b>547</b>	<b>2009</b>	<b>811</b>	<b>1198</b>

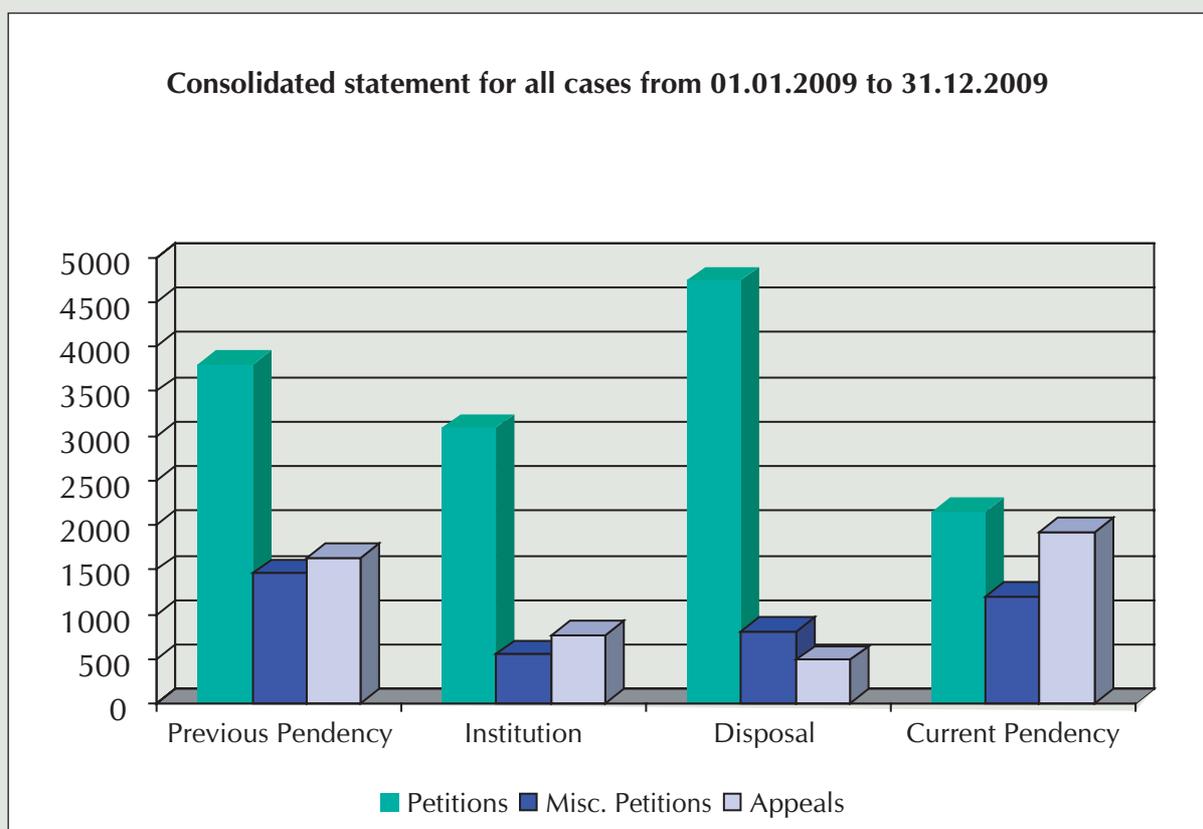
**6.1.3 Appeals**

Description	Opening Balance	Institution	Total	Disposed of	Balance as on 31.12.2009
Civil	1369	627	1996	377	1619
Criminal	253	67	320	29	291
Jail	13	77	90	82	8
<b>Total</b>	<b>1635</b>	<b>771</b>	<b>2406</b>	<b>488</b>	<b>1918</b>



**6.1.4. Consolidated statement for all cases from 01.01.2009 to 31.12.2009 in the Appellate Division of the Supreme Court**

Cases	Opening Balance	Institution	Total	Disposed of	Current Pendency	Remarks
Petitions	3795	3085	6880	4736	2144	Decreased by 1651
Misc. Petitions	1462	547	2009	811	1198	Decreased by 264
Appeals	1635	771	2406	488	1918	Increased by 283
<b>Grand Total</b>	<b>6892</b>	<b>4403</b>	<b>11295</b>	<b>6035</b>	<b>5260</b>	<b>Decreased by 1632</b>



**Figure 1:** Vertical Bar Chart of Pendency, Institution and Disposal of all cases in the Appellate Division in the year 2009.



## 6.2. Statistical Data Analysis for the Appellate Division of the Supreme Court

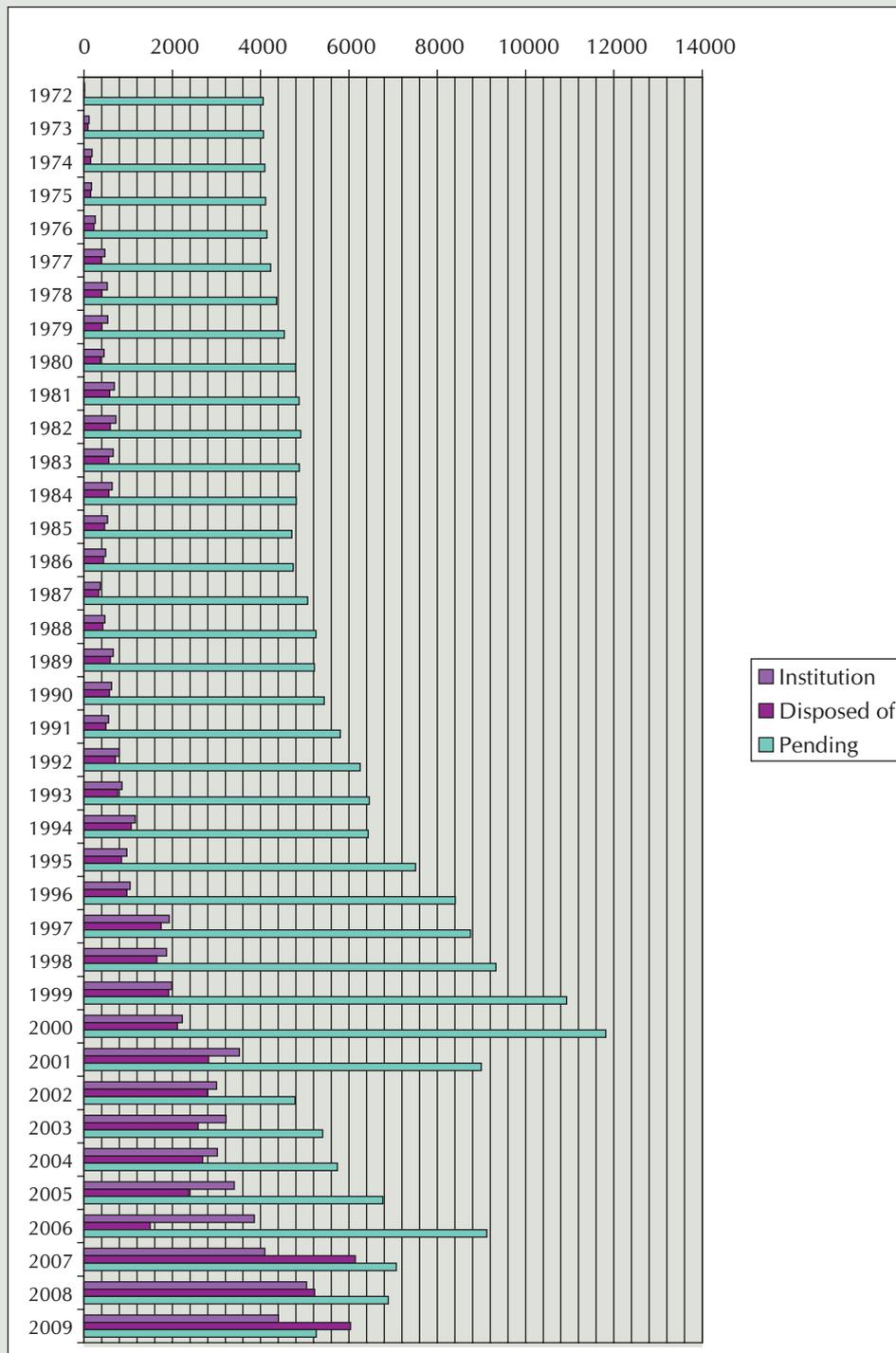
### 6.2.1. Year wise institution, disposal and pendency of all cases from 1972 to 2009

Years	Institution	Disposed of	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



### 6.3. Some visible trends

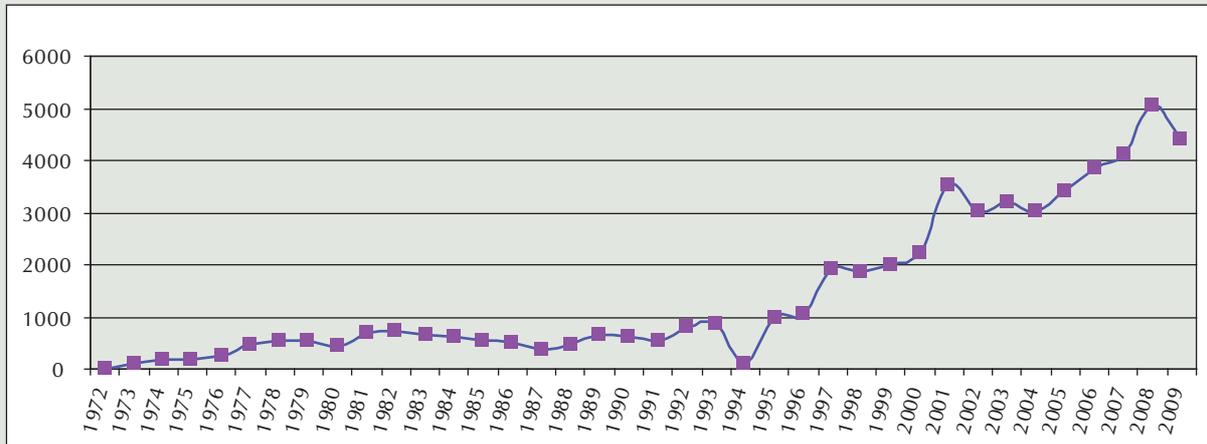
#### 6.3.1. Trend of institution, disposal and pendency (1972 to 2009)



**Figure 2:** Horizontal Bar Chart of institution, disposal and pending cases in the Appellate Division of the Supreme Court from the year 1972 to 2009.



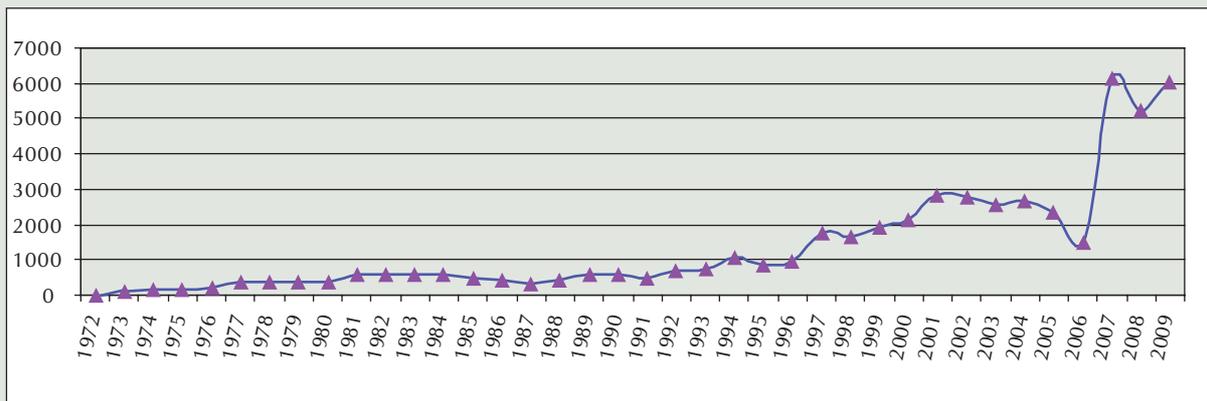
### 6.3.2. Trend of institution of cases from the years 1972 to 2009



**Figure 3:** Line graph of Institution of cases from the years 1972 to 2009

The institution of cases continued to go up over sharply from the year 2004 to 2008 but it went down slightly in the year 2009.

### 6.3.3. Trend of disposal of cases from the years 1972 to 2009

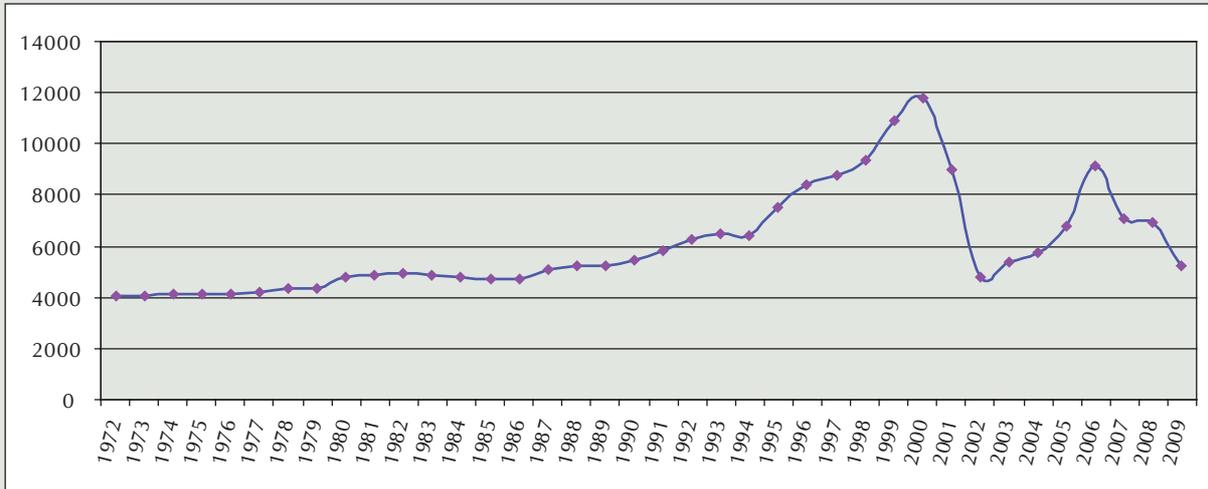


**Figure 4:** Line graph of disposal of cases from the years 1972 to 2009

The disposal of cases increased in the year 2009 in comparison with the year 2008.



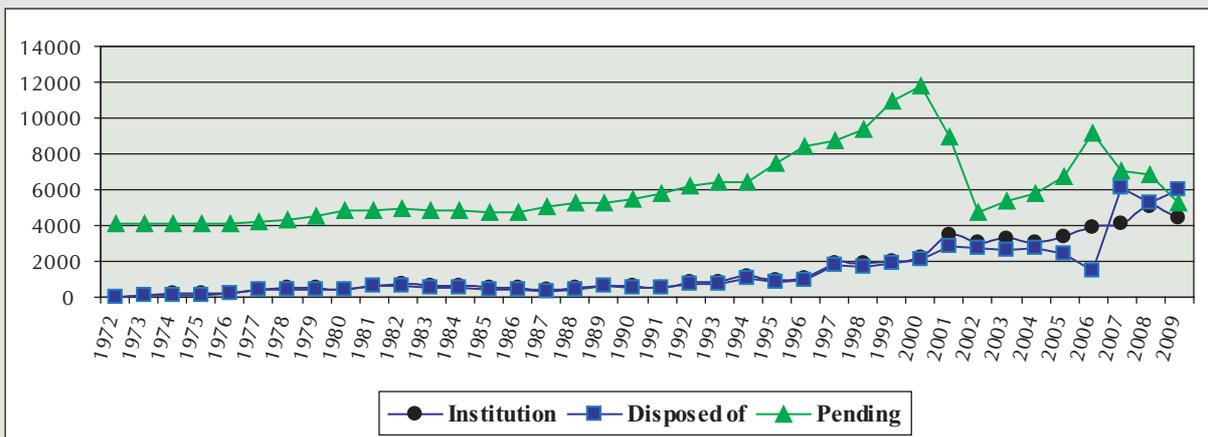
### 6.3.4. Trend of pending cases from the years 1972 to 2009



**Figure 5:** Line graph of pending cases from the years 1972 to 2009

In the year 2009, the pending balance went down remarkably due to more disposal than institution of cases.

### 6.3.5. Comparative Chart of institution, disposal and pending cases from the years 1972 to 2009



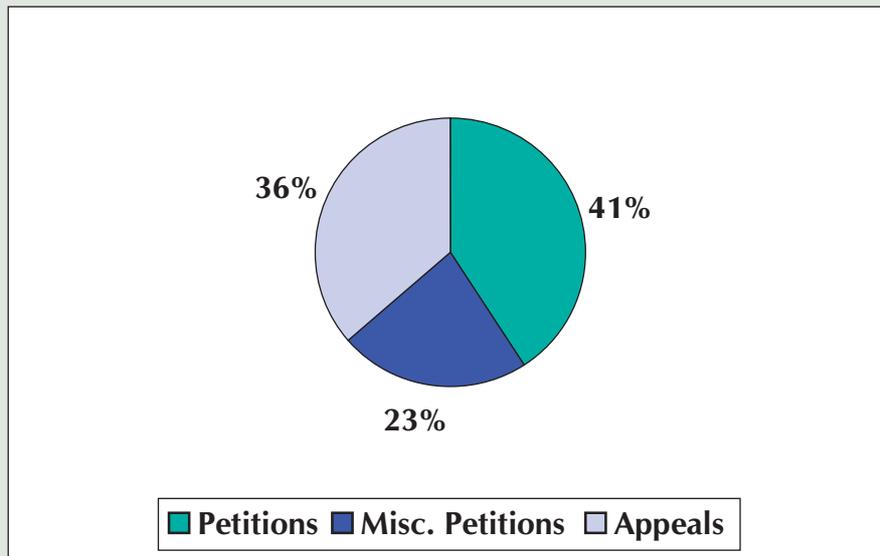
**Figure 6:** Line graph of pending, disposal & institution of cases from the years 1972 to 2009

The institution and pending balance of cases decreased slightly whereas the disposal of the cases increased remarkably in the year 2009.



#### 6.4. Analysis of the Pending balance for the Appellate Division in the year 2009

To understand the balance of pending case, the following tables may be examined. The pending balance for all cases for the year 2009 is 5260, while the pending balance for Petitions is 2144, that for all Misc. Petitions is 1198 and Appeals is 1918.



**Figure 7:** Pie Chart of all pending cases in the Appellate Division in the year 2009

Petitions and Misc. Petitions from 64% of all the balance of all pending cases.

##### 6.4.1. Analysis of the Pending balance for the Appellate Division in the year 2009

Opening Balance	Institution	Total	Disposed of	Pending for Disposal
3795	3085	6880	4736	2144

The pending balance of 2144 Petitions is 41% of all pending cases.

##### 6.4.2. Pending Misc. Petitions

Opening Balance	Institution	Total	Disposed of	Pending for Disposal
1462	547	2009	811	1198

The pending balance of 1198 Misc. Petitions is 23% of all pending cases.

##### 6.4.3. Appeals

Opening Balance	Institution	Total	Disposed of	Pending for Disposal
1635	771	2406	488	1918

The pending balance of 1918 Appeals is 36% of all pending cases.



**6.5. Data for the last 38 years: increase the institution, disposal and pendency of cases in the Appellate Division of the Supreme Court of Bangladesh.**

**6.5.1. Institution, disposal and pendency of cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 31-12-2009.**

**6.5.1.1. Petitions**

Year	Last balance	Fresh institution	Total	Disposed of	Pending
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	2518
1980	2518	310	2828	289	2711
1981	2711	433	3144	410	2741
1982	2741	482	3223	420	2768
1983	2768	440	3208	425	2696
1984	2696	447	3143	427	2624
1985	2624	353	2977	325	2570
1986	2570	355	2925	335	2560
1987	2560	271	2831	253	2783
1988	2783	325	3108	306	2865
1989	2865	476	3341	443	2794
1990	2794	388	3182	365	2983
1991	2983	372	3355	352	3187
1992	3187	554	3741	515	3498
1993	3498	556	4054	495	3674
1994	3672	826	4498	793	3601
1995	3601	671	4272	598	4225
1996	4225	720	4945	689	4819
1997	4819	1222	6041	1102	5096
1998	5096	1283	6379	1147	5288
1999	5288	1279	6567	1265	6235
2000	6235	1339	7574	1296	6872
2001	6872	2212	9084	1583	5289
2002	5289	1933	7222	1833	2704
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



### 6.5.1.2. Misc. Petitions

Year	Last balance	Fresh institution	Total	Disposed of	Pending
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	1348
1982	1348	96	1444	85	1318
1983	1318	51	1369	48	1339
1984	1339	55	1394	45	1361
1985	1361	69	1430	58	1367
1986	1367	67	1434	56	1416
1987	1416	64	1480	52	1463
1988	1463	105	1568	87	1503
1989	1503	99	1602	89	1541
1990	1541	137	1678	125	1581
1991	1581	127	1708	102	1685
1992	1685	165	1850	132	1791
1993	1791	206	1997	192	1838
1994	1838	238	2076	208	1892
1995	1892	239	2131	205	2260
1996	2260	262	2522	242	2464
1997	2464	573	3037	555	2495
1998	2495	446	2941	407	2731
1999	2731	586	3317	545	2895
2000	2895	643	3538	610	2988
2001	2988	709	3697	695	2293
2002	2293	703	2996	687	699
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



### 6.5.1.3. Appeals

Year	Last balance	Fresh institution	Total	Disposed of	Pending
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	625
1980	625	144	769	83	687
1981	687	142	829	78	781
1982	781	145	926	91	823
1983	823	172	995	92	840
1984	840	133	973	93	817
1985	817	109	926	86	769
1986	769	70	839	53	760
1987	760	38	798	29	818
1988	818	44	862	31	887
1989	887	87	974	65	879
1990	879	100	979	85	876
1991	876	57	933	43	930
1992	930	82	1012	62	965
1993	965	97	1062	78	950
1994	950	97	1047	69	940
1995	940	63	1003	47	1026
1996	1026	59	1085	39	1127
1997	1127	133	1260	89	1160
1998	1160	140	1300	95	1311
1999	1311	122	1433	108	1799
2000	1799	246	2045	210	1956
2001	1956	596	2552	541	1415
2002	1415	367	1782	269	1378
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



**6.6 Increase in the number of Judges in the Appellate Division from the year 1972 to 2009.**

<b>Period</b>	<b>Judges including Chief Justice</b>
1972	3
1973	4
1974	5
1975	5
1976	5
1977	5
1978	4
1979	5
1980	5
1981	5
1982	5
1983	5
1984	5
1985	4
1986	5
1987	5
1988	5
1989	5
1990	5
1991	5
1992	5
1993	5
1994	5
1995	4
1996	5
1997	5
1998	5
1999	6
2000	5
2001	5
2002	5
2003	7
2004	8
2005	7
2006	7
2007	6
2008	7
2009	11



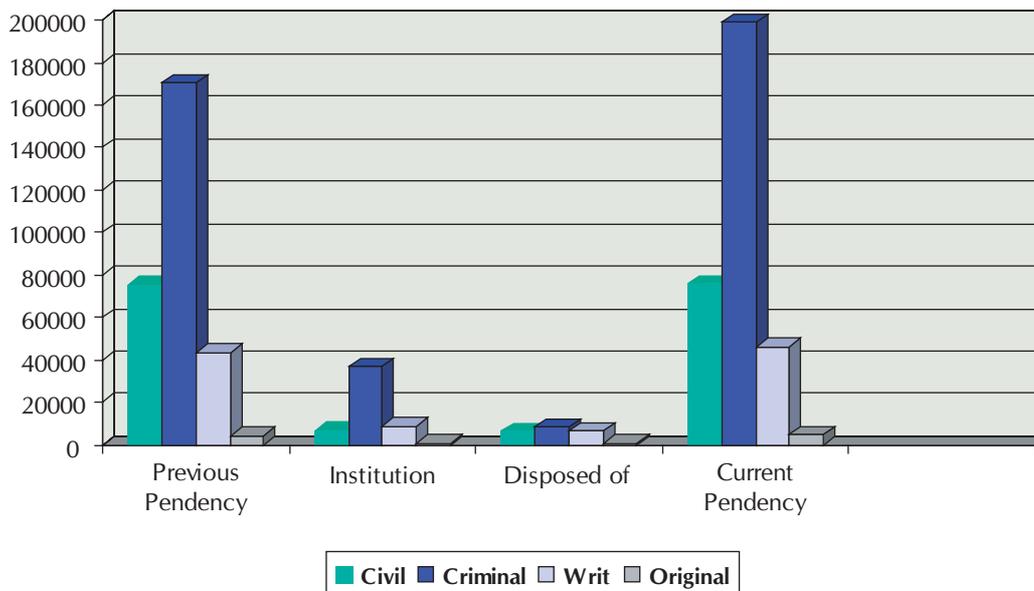
**7. Statistics on the institution, disposal and pendency of cases in the High Court Division of the Supreme Court**

**7.1. Statement showing institution, disposal & pendency of cases (from 01.01.2009 to 31.12.2009)**

**7.1.1. Statement for all cases from 01.01.2009 to 31.12.2009 in the High Court Division of the Supreme Court**

Cases	Opening Balance	Institution	Total	Disposed of	Current Pendency	Remarks
Civil	75638	6716	82354	6565	75789	Increased by 151
Criminal	170371	36725	207096	8096	199000	Increased by 28629
Writ	43654	8848	52502	6370	46132	Increased by 2478
Original	4238	866	5104	454	4650	Increased by 412
<b>Grand Total</b>	<b>293901</b>	<b>53155</b>	<b>347056</b>	<b>21485</b>	<b>325571</b>	<b>Increased by 31670</b>

**Consolidated statement for all cases from 01.01.2009 to 31.12.2009**



**Figure 8:** Vertical Bar Chart of Pendency, Institution and disposal of all cases in the High Court Division of the Supreme Court in the year 2009



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

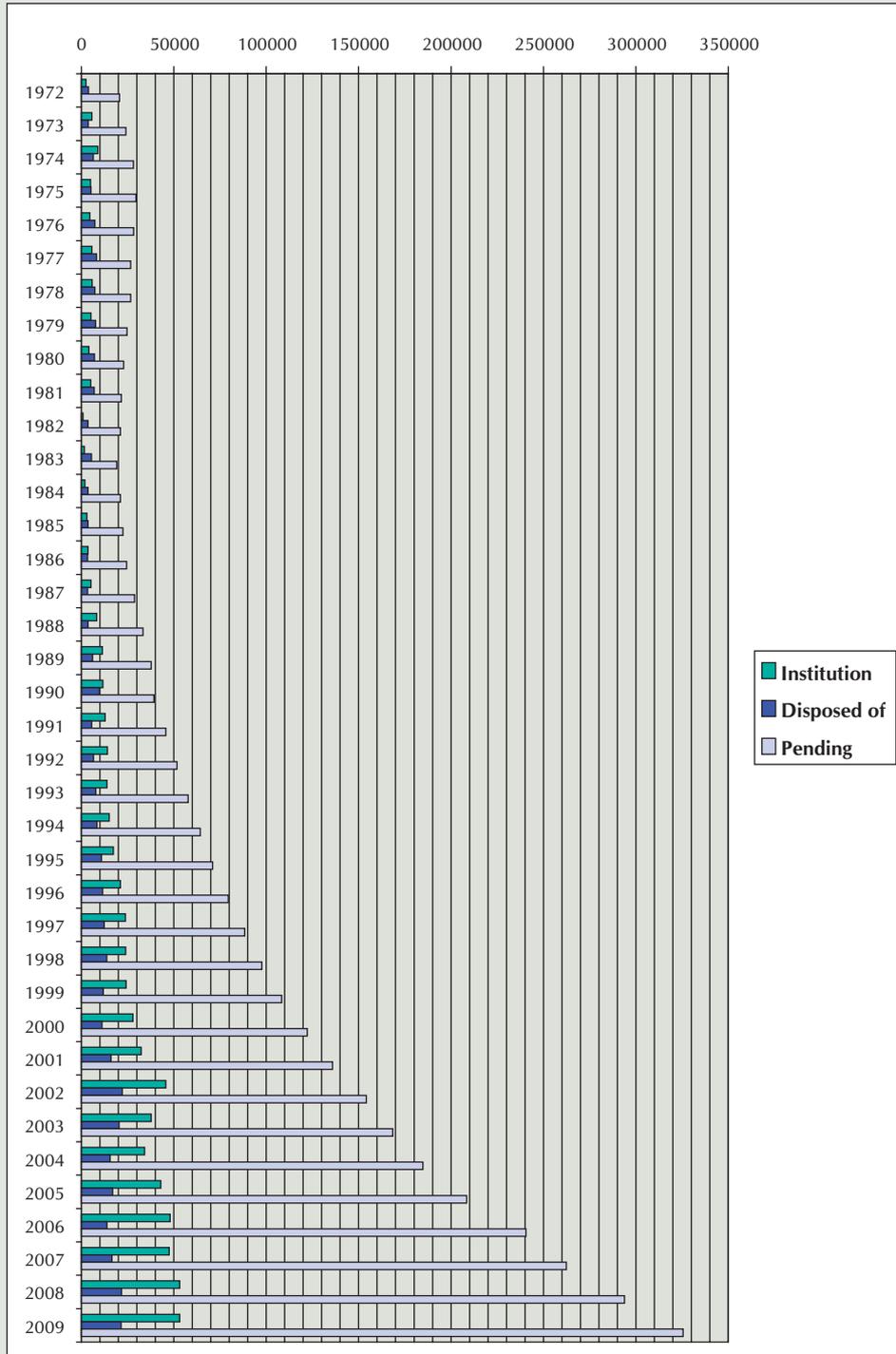
### 7.2.1. Year wise Institution, disposal and Pendency of all cases from 1972 to 2009

Years	Institution	Disposed of	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



### 7.3. Some visible Trends

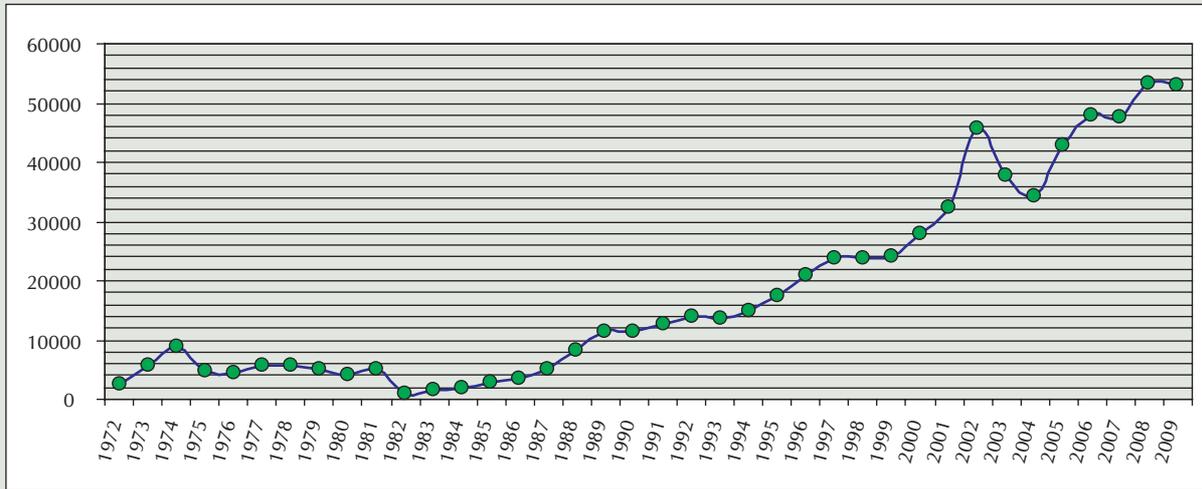
#### 7.3.1. Trend of institution, disposal and pendency (1972 to 2009)



**Figure 9:** Horizontal Bar Chart of institution, disposal and pending cases in the High Court Division of the Supreme Court from the year 1972 to 2009.



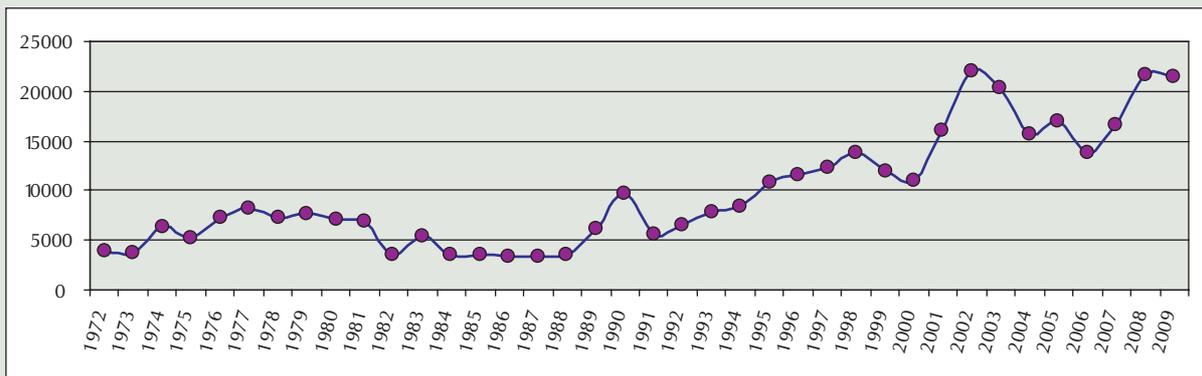
### 7.3.2. Trend of institution of cases from the year 1972 to 2009



**Figure 10:** Line graph of Institution of cases from the year 1972 to 2009.

The institution of cases in 2009 was stable in comparison with the year 2008.

### 7.3.3. Trend of disposal of cases from the year 1972 to 2009.



**Figure 11:** Line graph of disposal of cases from the year 1972 to 2009.

The disposal of cases continued to decrease from the year 2004 to 2006 whereas it was constant in the year 2009 in comparison with the year 2008.



### 7.3.4. Trend of pending cases from the year 1972 to 2009

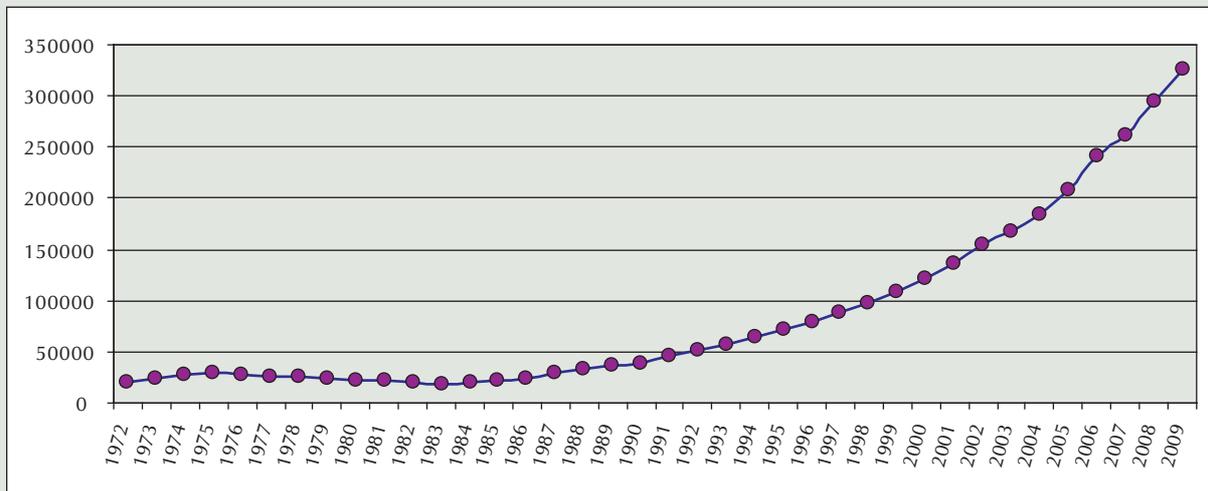


Figure 12: Line graph of pending cases from the year 1972 to 2009.

In the year 2009 the pending balance has increased remarkably due to high rate of institution of cases.

### 7.3.5. Comparative Chart of institution, disposal and pending cases from the year 1972 to 2009

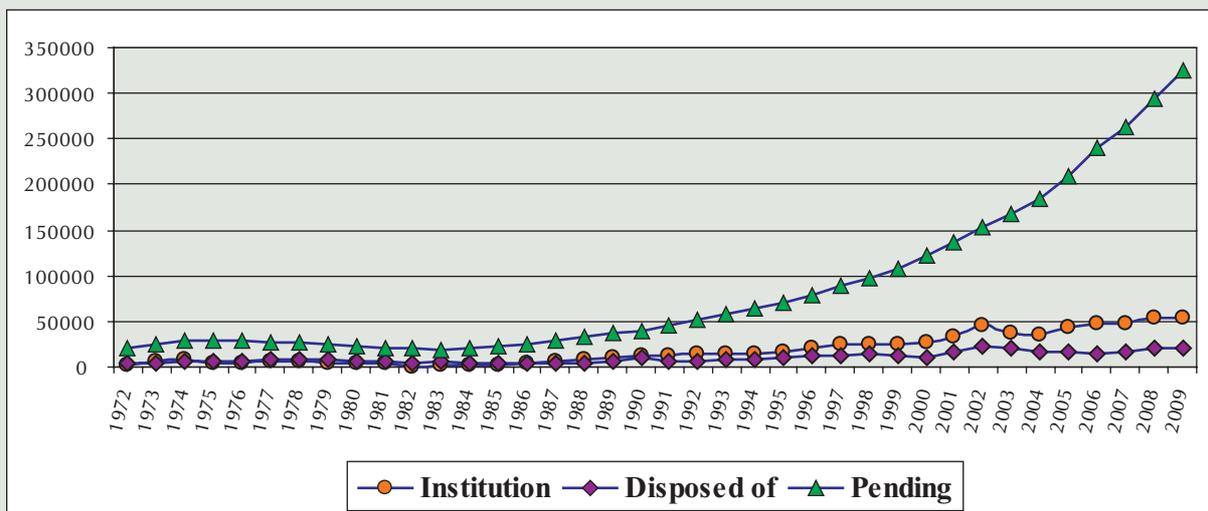


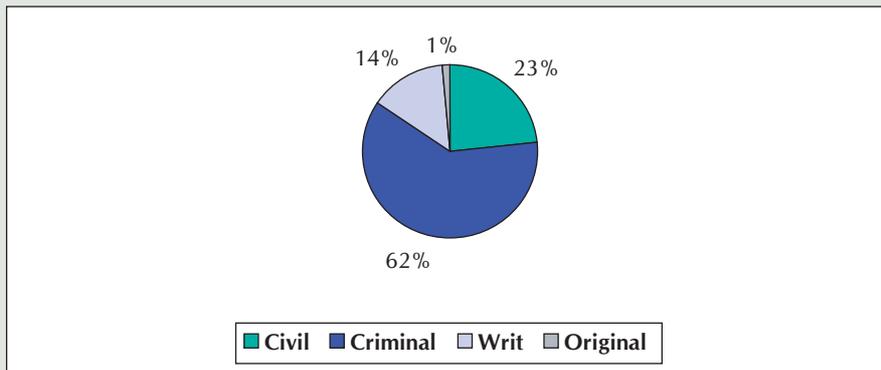
Figure 13: Line graph of pending, disposal & institution of cases from the year 1972 to 2009.

The pending balance and institution of cases increased remarkably whereas the disposal of cases was steady in the year 2009.



#### 7.4. Analysis of the pending balance for the High Court Division

To understand the balance of pending cases, the following tables may be examined. The pending balance for all cases for the year 2009 is 325571, while the pending balance for Civil Cases is 75789, that for Criminal Cases is 199000, Writ is 46132 and Original Cases is 4650.



**Figure 14:** Pie Chart of all pending cases in the High Court Division in the year 2009.

There are 62% Criminal cases, 23% Civil cases, of all the balance of all pending cases. Whereas only 15% Writ and Original cases of all the balance of all pending cases.

##### 7.4.1. Pending Civil Cases

Opening Balance	Institution	Total	Disposed of	Pending for Disposal
75638	6716	82354	6565	75789

The pending balance of 75789 Civil Cases is 23% of all pending cases.

##### 7.4.2. Pending Criminal Cases

Opening Balance	Institution	Total	Disposed of	Pending for Disposal
170371	36725	207096	8096	199000

The pending balance of 199000 Criminal Cases is 62% of all pending cases.

##### 7.4.3. Writ

Opening Balance	Institution	Total	Disposed of	Pending for Disposal
43654	8848	52502	6370	46132

The pending balance of 46132 Writ is 14% of all pending cases.

##### 7.4.4. Original

Opening Balance	Institution	Total	Disposed of	Pending for Disposal
4238	866	5104	454	4650

The pending balance of 4650 Original Cases is 1% of all pending cases.



**7.5. Data for the last 38 years : increase in institution, disposal and pendency of cases in the High Court Division**

**7.5.1. Institution, disposal and pendency of cases in the High Court Division from 1972 to 2009.**

**7.5.1.1. Civil Cases**

Year	Last balance	Fresh institution	Total	Disposed of	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

### 7.5.1.2. Criminal Cases

Year	Last balance	Fresh institution	Total	Disposed of	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



### 7.5.1.3. Writ

Year	Last balance	Fresh institution	Total	Disposed of	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



#### 7.5.1.4. Original Cases

Year	Last balance	Fresh institution	Total	Disposed of	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



## 7.6 Increase in the number of Judges in the High Court Division from the year 1972 to 2009.

Period	Judges including Chief Justice
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



## Thoughts on the Judiciary of Bangladesh-Reform Perspective

**Justice Latifur Rahman**

Former Chief Justice of Bangladesh

Bangladesh emerged as an independent and sovereign republic after a historic war for national independence. The three Pre-constitutional documents, namely, the Proclamation of Independence, Laws Continuance Enforcement Order, 1971 and the Provisional Constitution of Bangladesh Order 1972, gave clear guide-lines to the Members of the Constituent Assembly in drafting the constitution of Bangladesh. As a matter of fact, these Pre-constitutional documents are declaration, affirmation, resolution and a pledge of the people that the system of governance the people of Bangladesh cherished was the Parliamentary system of democracy.

A feeling of Bengali Nationalism grew as economic and cultural exploitation continued on the people of East Pakistan. The language movements of 1948 and 1952, and the economic disparity between West Pakistan and East Pakistan ultimately compelled the Bengali Nationalism to take a positive shape which culminated in a political movement for an independent democratic State of Bangladesh. The concept of nationalism which is professed in the preamble is not only confined within the bounds of the national territory, but speaks of Universal brotherhood towards promoting International Peace and co-operation. The ideal of democratic republic as enshrined in the preamble of our Constitution can be best illustrated as what President Abraham Lincoln of the U.S.A. had said at Gettysburg in 1863, the government of the people, by the people and for the people shall not Perish from the earth.

A democratic republic stands for the good of all people, which means a welfare state in Bangladesh. The economic and social justice as assured by the preamble can hardly be achieved if we confine ourselves to political democracy without achieving economic emancipation for the good of all kinds of People.

In the beginning of 21st century, our cherished goal remains to create a truly welfare state by protecting the rights of all kinds of people, particularly safe guarding the rights of disadvantaged and weaker class in society. This best can be achieved through a viable, powerful, independent and people-oriented judiciary in Bangladesh.

### **JUDICIAL REFORMS**

The main problem in the judicial system of Bangladesh is delay in disposal of cases in all Courts from the highest Court to the lowest Courts. At the present moment there is an abnormal delay in litigations in Bangladesh, both in civil and criminal cases.

An independent and impartial Judiciary, and a speedy and efficient judicial system is the very foundation for democratic development. However, Judicial System of Bangladesh by its very nature, has become excruciatingly slow. It is undeniable that Judicial Reforms in Bangladesh have become imperative on various grounds to make the Judiciary more dynamic, speedy, efficient and people-oriented. The Judicial reforms contemplate both substantive and procedural reforms with the objective of enjoying meaningful, expeditious and inexpensive justice to the people of our country.

Some judicial reforms have been undertaken by successive governments with the help of World Bank and other International Agencies. An agreement had been signed long back between the Government of Bangladesh and the World Bank to modernize and improve the legal system in Bangladesh from the District Courts to the Supreme Court.



## **FUNCTIONS OF THE JUDICIARY OF BANGLADESH**

The basic function of the Judiciary of Bangladesh is to resolve disputes between citizens and also to decide disputes between citizens and State. To-day, the state is a big litigant due to increase of enormous activities of a free State. Apart from the Power of adjudication of disputes, the Constitution of Bangladesh invests the High Court Division under Article 102 of the Constitution the Power to issue directions, orders or writs in the nature of habeas corpus, mandamus, prohibition, quo-warrant and certiorari. The exercise of this jurisdiction gives the Supreme Court the Power of judicial review of the executive actions and in exercise of this power, not only executive actions including orders or directions made can be quashed but also positive direction can be given. The Supreme Court is the guardian of the Constitution and it interprets the Constitution. Under Article 111 of our Constitution the law declared by either Division of the Supreme Court is binding on all subordinate Courts. Under article 112 of the Constitution all authorities, executive and judicial in the republic shall act in aid of the Supreme Court. Thus every organ of the State and authorities must obey and act under the law declared by the Supreme Court.

The three organs of the State, namely, the executive, the legislature and the judiciary are the three basic wings of government. Law-making is the function of the legislature, administration is in the hands of the executive and dispensing justice is the function of Judiciary. The High Court Division has the additional power of superintendence and control over all Courts and Tribunals subordinate to it under article 109 of our Constitution. The powers conferred is a general power and includes the power to control all subordinate Courts administratively and judicially. I am constrained to say that this jurisdiction given under Article 109 of our Constitution has not been effectively implemented. It is true that at times Judges of the High Court Division are sent to inspect subordinate Courts but the inspection reports are not strictly followed and as such accountability of the Judges of the Courts below remains illusory and meaningless. To my knowledge no surprise inspection and visit was made to any subordinate Court to ascertain the real activities of the Courts below. The Supreme Court of Bangladesh under article 109 of the Constitution can also issue an appropriate order if it thinks that some sort of direction is necessary for the better administration of justice. In this regard, the Supreme Court can also formulate Rules to regulate its external management to improve the accountability of the Judges of the subordinate Courts, but to my knowledge no tangible steps have been taken in this regard.

The overall administrative control of the Subordinate Courts must be made effective and meaningful in the interest of quick disposal of cases and to keep the image of the subordinate judiciary high. The accountability of the Judges of the subordinate Courts must be monitored by formulating a Code of conduct regarding their behaviour with public and lawyer community. A positive direction must be given so that the Judges sit in time in Courts, dispose of cases quickly and delivery of judgments who ought not to be delayed unnecessarily to increase the sufferings of the litigant public. At present the image of the judiciary is not upto the mark. Evidence is steadily and increasingly surfacing of widespread corruption in the judicial system in many parts of the world, including Bangladesh. It is not possible to say that the judiciary of Bangladesh is totally free from corruption. The degree of corruption may vary from country to country, but corruption is there in very society and in every system. It is high time that adequate steps must be taken by the Supreme Court to address the question of corruption in the Subordinate Courts. The confidence of the people in the judiciary as a whole cannot be allowed to be ruined.

## **INDEPENDENCE OF JUDICIARY**

An independent and impartial judiciary and a speedy and efficient system are the very essence of civilization. It is very often said that democracy, rule of law and independence of judiciary are the hall marks of a civilized nation. It is needless to say that good governance necessarily demands and requires an independent judiciary.



The idea of judicial independence is universally acknowledged. In the first world conference on the independence of justice held at Montreal on 10 June 1983, reaffirmed this Universal Principle as follows:-

“Judges individually shall be free, and it shall be their duty to decide matters before them impartially, in accordance with their assessment of the facts and their understanding of the law without any restrictions, influences, inducements, pressures, threats or interferences, direct or indirect from any quarter or for any reason.”

In that conference, it was further declared that judiciary shall be independent of the executive and the legislature. But any independence without accountability may generate both abuse and misuse. The concept of judicial accountability, however, is complex since it involves the consideration that judicial independence must not be in conflict with the idea of judicial accountability.

Independence of judiciary, primarily depends on certain conditions like mode of appointment of Judges, Security of their tenure in the office, and adequate remuneration and privileges. If these conditions are fulfilled, the judiciary as an organ of the State can perform its due role in society with public confidence.

Independence of the Judiciary in true sense of the term means that the judges must render justice in accordance with the constitution, law and equity. For maintaining judicial independence, a judge must remain impartial, transparent, free from any corrupt influences direct or indirect.

The concept of judicial independence is accepted all over the civilized world. It has now many facets as indicated below.

It has been recognised that a judge must enjoy the following independence-

- (1) Substantive independence which means functional or decision making independence.
- (2) Personal independence means that the judges are not dependent on governments in any way which might influence them in reaching at decisions in particular cases.
- (3) Collective independence of judges means institutional, administrative and financial independence of the judiciary.
- (4) Internal Independence meaning independence of a judge from any control from his superiors or colleagues in the matter of deciding cases.

## **JUDGES OF THE SUPREME COURT**

Under article 95 (1) of the Constitution of Bangladesh, the chief Justice and other judges of the Supreme Court are appointed by the President. In the Constitution, there is no provision for consultation with the Chief Justice in the matter of appointment of judges of the Supreme Court. Yet, normally at the time of appointment of judges of the Supreme Court the Chief Justice is consulted as a matter of practice and precedent. But till now the consultation has not assumed the character of a binding nature. It is still in the nature of a bargaining stage between the Chief Justice and the law minister, and the spokesman of the executive Government in the matter of appointment of the Judges. Thus the appointment of the Judges of the Supreme Court remains in the domain of the executive authority i.e. to say in the hand of politicians. To be honest and fair, in Bangladesh we have not been able to establish democratic culture and fairness in politics in the matter of good governance. Thus the appointment of Judges are made at times with utter political consideration which is highly detrimental to the interest of the Judiciary, the society and the people. It is needless to say that the Judges must be efficient, capable, independent and honest to the hilt. The Supreme Court being the last Court in the matter of protecting the life, liberty and property of the people cannot be manned by inefficient and corrupt people. I heard that Judges are divided on the basis of two main political parties.



I have heard from the lawyers and litigants that this is a 'Bangladesh Nationalist Party Court' and that is an 'Awami League Court.' How Pre-posterous is the idea to divide the Judges on political line? This should not be allowed to continue at all in the case of Judges of the highest Court. In the case of appointment of the Judges of the Supreme Court there should be primacy of the opinion of the Chief Justice.

It may be pointed out here that in the case of 'Bangladesh & others Vs. Idrisur Rahman & others, reported in 2009 (XVII) BLT (AD) 231, it has been held that the independence of Judiciary being a basic structure of the Constitution, consultation with the Chief Justice in the matter of appointment of Judges, with its primacy, is an essential part of the independence of Judiciary. It was further held that consultation with the Chief Justice is a must and the opinion of the Chief Justice is binding upon the executive. Another Judge in that decision held that consultations is a constitutional imperative. Now it is the bounded duty of executive Government to obey the judgment of the Supreme Court. The Law Commission of Bangladesh has an obligation to suggest constitutional amendment in article 95(1) of the Constitution in the light of the aforesaid judgment.

The appointment of Chief Justice is also made by the president under article 95(1) of the Constitution. Under article 48(3) of the Constitution, the President is free to appoint a Chief Justice without the advice of the Prime Minister. Thus it is expected that the President must exercise his independent good office to appoint a Chief Justice. The President of Bangladesh is elected by the members of Parliament as per article 48(1) of the constitution. Thus the President is obliged at times to appoint a Chief Justice on the indirect advice or influence of the Prime Minister. It may, however, be mentioned that one must pin faith in the Presidency of Bangladesh. It is also imperative that we must have faith and confidence at some point, otherwise no system can work.

In the context of Bangladesh, we have seen suppression in the appointment of Chief Justices. This should not have happened all, unless there is any proven allegation of corruption and inefficiency of the prospective senior most Judge of the High Court Division to be appointed as Chief Justice of Bangladesh. It may be noted herein, that a senior most Judge of the High Court Division who can continue as a Judge of the High Court Division should not be superseded in the case of appointment of a Chief Justice. If a senior most Judge is capable to work as Judge then on what logic he is not elevated as Chief Justice is indeed difficult to understand? Seniority must be maintained in the appointment of the Chief Justice and in no case there should be any deviation. Non-maintaining of the seniority may at times give rise to hobnobbing of the prospective Judge with the executive government. Apart from that, it may lead to political considerations for the appointment of Chief Justice by the executive. In Bangladesh, we have found that a person who in regular course was supposed to be the Chief Justice of Bangladesh was superseded by a Government and the next Government appointed the same person as Chief Justice of Bangladesh. How this could happen unless there is extraneous political consideration? In a fragile democracy like Bangladesh, where we have not been able to establish democratic norms, values and behaviours such things will happen to the great detriment of higher Judiciary and Judicial System. We must agree that mature democracy can not be achieved in a day. It takes decades, even generations to build viable and effective democratic institutions. The democratic institution does not in itself guarantee that political problems will always be solved correctly, rather democracy provides a process by which to solve problems fairly and with highest degree of political consensus. It is a means as well as an end. Commitment to democracy is also a state of mind. It is unfortunate that political leaders in Bangladesh lack tolerance and commitment to democracy. Democracy is not a rule by the majority, but is also defined by its respect for the minority. It is unfortunate that during the span of 39 years we have not been able to establish democratic culture in Bangladesh. In such a situation rethinking must be made in the case of appointment of the Judges of the Supreme Court including the Chief Justice of Bangladesh. The political atmosphere outside is not congenial for the growth of democracy and the effect of that may over shadow the appointment of efficient and good judges with qualities of head and heart.



I may mention here that a judge of Supreme Court of USA once said, "the strong Judicial System of America has kept us together and kept the nation running".

### **JUDICIAL ACCOUNTABILITY WHO CONTROLS THE JUDICIARY?**

How can it be controlled? The Judiciary, more particularly, the Supreme Court has the power to control and regulate the acts of the two other organs of the state. If the legislature enacts Laws inconsistent with the Fundamental Rights then the Supreme Court has the authority to declare that law void. In the case of executive, the Supreme Court of Bangladesh has the power of judicial review of the executive action and can set aside and positive direction can be mandated.

Traditionally the Judiciary is a weak organ in the sense that it has no powers of enforcement beyond that offered by other branches of the Government. It is common knowledge that the effect of Court's decisions can be nullified by subsequent legislation.

Judicial accountability, therefore, become all the more indispensable. Therefore Judges of the Superior Court will exercise their powers impartially and on trust reposed by the people. The Judgments passed by the Supreme Court must be impartial, transparent and fair. This is because the acceptability of Judgment is essential to the stability of the community.

### **AS GLEASON OPINIED**

"For the Judiciary as an institution, effectiveness includes the maintenance of the rule of law and Preservation of a Just society"

Acknowledging the significance of Judicial accountability, we may say that there can be various kinds of accountability such as, adjudication, administrative and institutional.

At the stage of political philosophy, democracy demands that all forms of governmental institutions are, in an appropriate manner, and to a sufficient degree responsible and ultimately answerable to the peoples.

Judges as human beings are not free from human errors and frailties. An independent and fearless Judge can best protect the rights of the citizen. The error or lack of due care, may, if or when it occurs, has disastrous consequences for a litigant. Judicial errors, deliberate or other wise, often cause damage to litigants. Some times the damage suffered is irreversible.

A look at the historical background will show that there was no judicial immunity of the Roman Judges. Like Roman law, ancient Irish law recognized no clear principal of immunity. Early English law did not provide immunity to Judges. It is in the seventeenth century that the immunity of the Judges of the Courts of record was put on a firm footing. By gradual process, the protection of judicial immunity has been extended to Court that were not Courts of record. Now, the protection of judicial immunity is extended to all Judicial and quasi judicial officers. In England and many other common law countries, the injured person will normally have no redress because of the privilege of immunity from suit enjoyed by Judges of all Courts. The immunity which the American Judges have been enjoying for a century and a half found its genesis in the English Common law. Today, a Judge has got absolute Judicial immunity.

Higher Judiciary as a whole of Bangladesh must remain accountable to the code of conduct formulated under article 96 of the Constitution of Bangladesh. Accountability to the Constitution really means accountable to the people. Article 7(1) of our Constitution speaks that "all powers in the Republic belong to the people, and their exercise on behalf of the people shall be effected only under, and by the authority of, this Constitution." The Constitution presupposes that the peoples are the repository of all powers in the republic.



In every democratic state Judiciary has been entrusted by the people to exercise Judicial power, individually and collectively. The judicial power is given to the Judges alone. The judges exercise the judicial power on trust. Normally when one sits in the seat of Justice, one is expected to be honest, trustworthy, truthful and a highly responsible person. The moment we believe that in a Judicial body trust is reposed individually and collectively the question of accountability comes in. In this sense, Judges of all courts are accountable to the Constitution, law and the people. Independence of the Judiciary will be neither real nor effective without accountability.

### **JUDICIAL ACTIVISM & LOCUS STANDI**

In recent years, “Judicial activism” is often heard in our neighbouring country India and other countries of South-East Asia. This Judicial activism is an acknowledgement Power of the Supreme Court. As long as the exercise of the Power is within known limits, it is legitimate exercise of Jurisdiction. When Judicial action is beyond the settled limits, such action is often referred to as Judicial activism.

It may be referred that in India in 1982, Chief Justice Bhagabati of the Supreme Court of India on the basis of a “Post Card” opened the bar on the concept of “Locus Standi” in consideration of the prevailing situation which made it difficult for the poor, disadvantaged and under privileged citizens to knock at the door of the Courts. In our jurisdiction, the question of Locus Standi was fully considered by the Supreme Court of Bangladesh as well. By Judicial interpretations, the Supreme Court of Bangladesh extended the concept of Locus Standi i.e. “ any person aggrieved”.

For filing an application under Article 102 of the Constitution it is not necessary that the person must be personally aggrieved. Any person or group can ask for relief in the interest of the general public or for the well being of a society and not for its own purpose. This idea has changed the traditional doctrine of locus standi and has opened the door of the Supreme Court even when the person concerned has no personal interest is moving the application in Court. Thus in our Jurisdiction gradually the door of public interest litigations have expanded ushering in better days for the common man of our society. In this regard the cases of ‘Kazi Mukhlesur Rahman, 26 DLR (SC) 44, Dr. Mohiuddin Farouque, 49 DLR (AD)1, ETV Ltd., 54 DLR (AD) 130, Professor Nurul Islam & others, 52DLR 413 and Bangladesh Sangbad Patra Parisad, 43 DLR (AD) 126 are worth mentioning.

In recent years, we have found that the executive organ of the state is weak and is not functioning for the overall well being of the people and the society. In such a situation it is indeed a good beginning that Supreme Court of Bangladesh has stepped in to ensure appropriate functioning of the executive government. The Judges are rightly interfering in violation of ‘Human Rights’, encroachment of environment, excesses committed like cross-firings and requisition of vehicles without any public interest by the Law-enforcing agencies. In Indian Jurisdiction, environmental issues were first considered by the Supreme Court of India, in consequence of which through out India, all High Courts of India are dealing with environmental cases. I may point out that in 1995, I sat in a Bench with the Chief Justice of Madras in the High Court of Madras, where environmental cases were being heard. It may be mentioned that the “Fundament Principles of State Policy” as enumerated in part II of our Constitution are not enforceable by the Supreme Court of Bangladesh. Similar “directive principles” of the Indian Constitution were not intended to be enforceable by Courts but the Supreme Court, has over the years, enforced them from time to time and the bar in Article 37 of the Indian Constitution has Vanished.



## **JUDGES OF THE SUBORDINATE COURTS**

Previously, Judges of the subordinate Courts were appointed through Public Service Commission.

It may be mentioned here that article 22 of our Constitution clearly mentions that, “the state shall ensure the separation of the judiciary from the executive organs of the state”. But unfortunately, no government came forward to implement this provision of the constitution. The judgment of the Supreme Court in Masdar Hossain’s Case, 2000 BLD (AD) 104, delivered on 19/12/1999, gave clear direction to the Government to implement twelve directions within six months and thereby to separate the judiciary. But no political Government after the delivery of the judgment took any steps. Lastly, the Last Care-Taker Government of Mr. Fakruddin Ahmed (Head of the Care Taker Government) took steps to implement the separation of the judiciary from the executive organ. It is surprising to mention that after more than eleven years of the delivery of the judgment by the Supreme Court, the Care- Taker government which is a non-party government implemented the judgment. This is how the politicians behave in Bangladesh? After separation of the Judiciary, the appointment of the Judges of the subordinate Courts are entrusted to a body called “The Bangladesh Judicial Service Commission” established by rule under article 115 of the Constitution. The main function of the commission is to recruit Judges at the entry point of Judicial service after holding written and oral examinations.

The commission is headed by 10 members of which the Chairman will be a Judge of the Appellate Division who will be appointed by the President after being nominated by the Chief Justice.

It is expected that the Judicial Service Commission as an independent body, consisted of competent persons will recruit meritorious and capable persons. Merit and previous good reputation will be the only criteria for selection of Judges at the entry point. The Commission being headed by a Judge of the Appellate Division will surely act transparently.

## **ALTERNATE DISPUTE RESOLUTION AND MEDIATION (ADR)**

Alternate dispute resolutions are in existence in every society from time immemorial. Most human disputes can be profitably resolved outside the Court room without unnecessary loss of time and money. This ADR System will conveniently bring down cases from the conventional litigation system and people will get quick and inexpensive Justice. This is real legal aid to the poor and suffering litigant public in any Country. ADR in Bangladesh can be brought under two categories, namely, (1) resolution of disputes outside the Court and (2) Court sponsored programs through which disputes may be resolved without a full trial.

I may mention here that in Srilanka, ADR is being practiced both in civil and criminal Jurisdictions. At present conciliation Board Act, 1958 is in force. In a reported decision of the Srilanka Supreme Court it was observed as follows:-

“The Act was intended to provide expeditious and inexpensive means of settling disputes between the parties without the necessity or having recourse to the complicated process of law suit”

In India, Lok Adalat has been set up in several states under Legal Service Authority Act, 1987 and that the people of India are getting positive results. In Indian, ADR is gaining Popularity. For a developing Country like Bangladesh, it will be a worthwhile project to incorporate ADR in our Judicial system, bringing benefit to the litigant public and relieving the legal system of a part of its burden. I hope the present Government will make necessary Legislation for the effective implementation of ADR in Bangladesh. It is high time that we should motivate the lawyers and Judges of successful implementation of this scheme of ADR, otherwise it will be difficult to motivate the uneducated people of this Country to switch over to this new system.



I may point out that the huge back log of cases were reduced in U.S.A through the process of ADR.

In Bangladesh at the beginning a pilot program for Alternative Dispute Resolution and mediation (ADR) was adopted in three Family Courts at Dhaka.

In the three Family Courts at Dhaka, this ADR method was introduced to resolve the family disputes, such as, dowry, maintenance, custody of child, divorce etc.

Now a days the ADR is practised in all Family Courts of Bangladesh. This is indeed an achievement. Apart from that, insertion of section 89A and 89B in the code of civil procedure will help settlement of disputes through mediation in civil cases. The success of ADR in civil cases lies on the initiative of the lawyers and Judges.

### **BACK LOG OF CIVIL AND CRIMINAL CASES**

The Bangladesh Civil Justice process is based on the British model and continues to operate under the 1908's Civil Procedure Code. The Civil Procedure Code of 1908 Prescribes various stages, such as, filing of the plaint, service of notices, written statement, framing of issues, discovery and interrogatories, examination and recording of witness, and judgment. All these stages take a long time in Bangladesh as the Court management is not efficient and it is dependant more on the ministerial staffs and lawyers. The method employed is old and everything is done manually.

To make the Justice systems speedy some amendments have been undertaken in the procedural system both in civil and criminal proceedings but this is not effectively followed. Unless the amendments are mandatory in nature, the delay in disposal of cases can not be minimised.

Case management is the heart of all matters as it help in speedy disposal of cases. Justice Krishna Iyer, in his book – "Judicial Justice" observed as follows:

"By increasing number of judges we cannot clear the backlog of cases. What we need is planning, court management and rationalization of procedure to improve the judicial administration in the country."

At the moment there is abnormal delay in litigations in Bangladesh. The problem of delay in disposal of cases in Bangladesh is highly a complex problem for which many factors are involved which need to be addressed speedily and in phases.

'The Police Commission' which was headed by a judge of the Supreme Court submitted a Police Commission Report, which suggested separate investigating agencies, proper training of Police and to increase logistic support for the Police force. The Police Commission Report has not yet been implemented.

I think The Law Commission of Bangladesh must come forwarded to suggest amendments in the procedural matters for quick disposal of both civil and criminal cases.

A Judge cannot work full day due to lack of court room facilities. It is the duty of the executive government to increase the court room facilities and provide other logistic supports.

The filing of civil and criminal cases have increased to a large number. The rate of disposal is so slow that old cases remain pending for years together in all courts of Bangladesh including the High Court Division.



## **COMPUTERIZATION**

Computerization of Courts is a must in Bangladesh. Extensive use of Information Technology by diverse organizations the world over has resulted in enhanced efficiency, effectiveness and optimum use of resources.

I must say frankly that we have not yet been able to computerize our Supreme Court and as such the question of computerization of the subordinate judiciary is a far cry. All the Courts in Bangladesh are functioning in old work method, based on manual systems, as a result of which we are facing enormous arrears of backlog and delays. The judicial system is essentially a hand-written one, with some use of typewriters. Oral testimony is taken down by hand. Judgments are also mostly hand-written. Case load management techniques are to be introduced. Courts at all levels ought to be provided with a computerized Management Information System (MIS) and upgraded office technology. The computer based case load management is expected to significantly reduce the case back-log and also improve transparency of the system.

## **THE JUDICIAL ADMINISTRATION TRAINING INSTITUTE (JATI)**

Judicial education in Western Countries has been institutionalized systematically and has become an integral part of the process. Further more, many countries have been continuing legal education programs which have been popular with the Judges themselves.

In Bangladesh, a Judicial Administration Training Institute has been setup for training of Judges at all tiers of subordinate Judiciary. This is a reformative measure taken by government in this regard. Now, the Institute has its own building with all facilities including a library. The training program will help the judges in disposing cases quickly and efficiently.

## **THE LAW COMMISSION OF BANGLADESH**

The Law Commission has been set up in Bangladesh to amend both substantive and procedural laws in keeping with the need of our time. This Law Commission is functioning in Bangladesh from 1996. The Law Commission updated Admiralty Act, Companies Act, Securities and Exchange Ordinance, 1969. The main Contribution of this Commission is the enactment of Arbitration Act, 2001. The Law Commission of Bangladesh must be more effective.

## **THE BAR COUNCIL OF BANGLADESH AND LEGAL COMMUNITY**

The Bar Council is the highest legal body of lawyers in Bangladesh. Bar Council should see that honest, painstaking and meritorious people are given certificate to take up the professional burden of a lawyer. Since the Bar Council is now entrusted under the law to enroll the lawyers of Bangladesh in legal community, it is its duty to see that inefficient and corrupt people do not crowd the Bar to detriment the Judicial System.

Lawyers are part of the Court. They are strictly called the officers of the Court. The Judicial System of Bangladesh consists of Judges and Lawyers. Truly speaking, lawyers are officers of the Court and the Judges are only Judges under the constitution and the law. But unfortunately, we find that at times the behaviours of the lawyers are not conducive for the proper administration of Justice in Bangladesh.

Lawyers as enlightened and educated community must be involved in active politics of the country, but the lawyer community must not bring active politics inside the Court, which will be harmful for the administration of Justice. In the past, the legal community used to do active politics, but it never brought active politics inside the Court to ruin the atmosphere and beauty of the judicial seat. The lack of respect and tolerance have reached such a stage that we find scuffle, acrimony and unhappy incidents in the Highest Court premises among the lawyers. This is indeed unfortunate.



Today, all the Bar Associations of Bangladesh including the Supreme Court Bar Association are crowded with young lawyers. Young lawyers must be well trained and men of high integrity, otherwise their behaviours will affect the judiciary of our country. Daniel Webster once said, "Tell me a man is dishonest and I will answer he is no lawyer." Let us remember the simple truth that respect begets respect.

### **RURAL COURTS**

Seventy percent people of the total population of Bangladesh live in villages. In Bangladesh, we had Village Courts Ordinance 1976 subsequently repealed by the Village Courts Act, 2006 (Môg Av`ij Z AvBb, 2006), Act XIX of 2006, but Village Courts are not functioning effectively. Perhaps the most important practical reform should be under taken for the Constitution and working of the rural courts for speedy Justice as a large number of people live in villages.

### **JAIL REFORM**

A jail commission was set up headed by a retired Chief Justice of Bangladesh. The Commission suggested many reforms in prison houses but as yet no tangible steps have been taken in this regard. In Bangladesh, if I may truly recall, the prisoners are living in inhuman conditions. The number of under trial prisoners will be more than 60% of the convicted prisoners. Quick disposal of cases will relieve the under trial prisoners from languishing in jail.

### **THE HUMAN RIGHTS COMMISSION**

The Human Rights Commission as set up by the last Care-Taker-Government can help poor, disadvantaged women and children who cannot go to courts of law for securing redress of their grievances for lack of money. It is needless to say that setting up of this commission will reduce some burden on courts.

I will conclude my write-up with a saying of an American Jurist who once said,

"The achievement of justice is the job not only of lawyers and judges but also of the media, public officers, political leaders, academicians, and above all the general citizenry. Justice is like liberty, and its existence depends on the moral determination of all people that there should be no injustice."



## Supreme Court and Judiciary as I see it

**Justice Mahmudul Amin Choudhury**  
Former Chief Justice of Bangladesh

In all the countries of the world there is existence of their Supreme Courts as well as of the judiciary. Even in autocratic countries Supreme Courts and judiciary exist but those are not meant for the welfare of the people but for supporting the autocratic acts of the rulers. Their only purpose is to serve the autocrats. But in a democratic country Supreme Court and judiciary exists for protecting the constitution and also for saving people from the bureaucratic and executive onslaughts. In democratic countries the Supreme Court and judiciary act for the people under the provision of the constitution and the laws. Ours is a democratic country and it functions under a written constitution wherein the powers and functions of the Supreme Court and the judiciary are clearly spelt out. Our Judges take oath of office to protect the constitution and to administer justice without fear, favour and in accordance with the laws. Whenever the right of a citizen is affected our constitution has mandated adjudication of the right by the Court. Of course, it has to be recognized that there may be issues even in domestic affairs which are by nature not for judicial determination. It should be left to the Court to identify such issues as and when presented and no question should escape judicial scrutiny when they are judicially manageable standard for such determination. In some other jurisdiction it has been observed that this political question doctrine is based in respect of the constitutional provision relating to separation of power among the organs of the state. It is recognized that where in a case the Court has jurisdiction to exercise power of judicial review the fact that it involves political question cannot compel the Court to refuse its determination. In our constitutional system there is no scope for the application of doctrine of political question in cases like proclamation of emergency. The Court attaches great importance to the views of the executive Government but sometimes they are inducing the Court that it has no power to question or decide the case of political question or doctrine. But in our system the Supreme Court has adequate power and authority to question any executive order for protecting the rights and interest of the populace. In the recent past we have observed that the last care-taker government declared state of emergency in the country and suspended some provisions of the fundamental rights of the populace. Whether the Care-taker government has this right and authority to declare emergency and suspend the fundamental rights of the citizens is a debatable question which the Supreme Court has authority to decide. Mere declaration of emergency and suspending the provisions of the constitution by the alleged care-taker government cannot by itself be a cause to refuse invoking the jurisdiction of the High Court Division under Article 102 of the Constitution because by way of declaration of emergency by the alleged care-taker government the right of a citizen is affected which the Constitution has mandated adjudication by the Court. It may be stated that when the fundamental right of a citizen is suspended the Court cannot mitigate his grievance under Article 102 of the Constitution. It is true that there was suspension of the fundamental rights of a citizen but there was no suspension of the provision of Article 102 of the Constitution as a whole. This is inherent in the Constitution which cannot be curtailed merely on the ground of declaration of emergency. We know that the last care-taker government after assumption of power under Article 58(b) of the Constitution declared emergency. This assumption of authority by President Mr. Iajuddin Ahmed was called in question in a Division Bench of the High Court Division but subsequently at the instance of the then Chief Justice that proceeding was nipped in the bud. There was ample scope to adjudicate the authority of Mr. Iajuddin Ahmed to assume the power of the care-taker government as envisaged under Article 58(b) of the Constitution but that scope was strangled by the highest authority in the judiciary. Then again in another matter bail was granted by a Division Bench holding that Supreme Court is not an ordinary Court and not established under any law but it was established under the Constitution and its authority cannot be curtailed by declaration of emergency merely stating that it is a Court like other Courts. That matter went to the Appellate Division and the order of granting bail was stayed but as far as I know no decision has yet been given on the matter whether Supreme Court is a court created by law or it is the product of the Constitution.



In these two matters there were scope for our Appellate Division to decide the assumption of power by the then President Mr. Iajuddin Ahmed and also subsequently appointing Mr. Fakhruddin Ahmed as Chief Adviser and declaration of emergency. From the media it appears that taking advantage of declaration of emergency some people in the administration or who were supporting the alleged care-taker government raised a reign of terror and oppression in the country. In the name of emergency people directly and indirectly were oppressed because of the attitude of our apex court as no steps could be taken for the ventilation of the grievances of the people. While disposing of these matters our Appellate Division has overlooked the provision of Article 104 of the Constitution which has given that Division the power to do complete justice. Furthermore by declaration of emergency the provisions relating to fundamental rights of a citizen has been suspended for sometime but that does not mean that this has suspended the provisions of Article 102 of the Constitution as a whole. In this situation the High Court Division had the authority to issue suo motu rule against assumption of power by President Mr. Iajuddin Ahmed and subsequent declaration of emergency. The Appellate Division also could have invoked the jurisdiction under Article 104 of the Constitution to mitigate the grievances of the people for whom they exist having constitutional mandate but both the Divisions thought it fit not to invoke their inherent jurisdiction for reasons best known to them and thereby leaving the populace at the mercy of the autocratic care-taker government and their accomplices. I do not know whether this has been done out of fear or of any other reason by the Hon,ble Judges of our apex courts.

We know that when a person is appointed either in the High Court Division or in the Appellate Division he has to take oath of office stating that he will faithfully discharge his duties of the office according to law and that he will bear true faith and allegiance to Bangladesh and will preserve, protect and defend the Constitution and the laws of the land and that he will do right to all manner of people according to law, without fear, favour, affection or ill-will.

By refusing to take up the matter in its true perspective there is a big question mark whether our Judges have fully worked within the ambit of their oath or whether out of fear of the so-called care-taker government or their accomplices they avoided taking action or avoided in deciding the matters placed before them in protecting the rights of the citizens. I leave it to the Judges themselves to ponder over this. It is well settled that whenever the right of a citizen is affected/curtailed the Constitution has mandated adjudication of the right by the Court itself.

I shall now deal with the matter of appointment of Judges in the Supreme Court. We know that under Article 95 of the Constitution of 1972 the Chief Justice is to be appointed by the President and the other Judges by the President after consultation with the Chief Justice and any person shall not be qualified for appointment as a Judge unless he is a citizen of Bangladesh and has for not less than 10 years being an Advocate of the Supreme Court or has for not less than 10 years held judicial office. This provision of Article 95 of the Constitution was given a go bye by the Fourth Amendment of the Constitution wherein it has been specifically mentioned that the Chief Justice and other Judges shall be appointed by the President but the qualification matters remained as before. The provision regarding consultation with the Chief Justice before appointment of a person in the Supreme Court has been removed. Now at the moment it rests solely upon the President to appoint Judges but under the provision of Article 48(3) of our Constitution excepting in the appointment of Prime Minister and the Chief Justice the President shall have to act in accordance with the advice of the Prime Minister. It is clearly spelt out that the President cannot act of his own in appointing a Judge of the Supreme Court. According to former President Mr. Justice Shahabuddin Ahmed the President of our country now is nobody in the affairs of the state excepting in the matter of appointment of the Prime Minister and the Chief Justice. So, for all practical purposes a Judge of the Supreme Court is appointed only on the advice of the Prime Minister. Since the introduction of the parliamentary system of Government we are noticing with great horror that people with clear political affiliations and thoughts are being appointed as Judges of the Supreme Court. These persons are being appointed not because of their ability to serve the judiciary but because of their political affiliation with



some exceptions. This has created a situation which cannot be conceived of earlier. Though the matter of consultation with the Chief Justice in appointing other Judges has been withdrawn or amended but as a matter of practice it is still continuing though the Chief Justice has no authority to press his own decision. Previously at least for once two Judges were appointed without consultation with the Chief Justice and the then Chief Justice raised objection to this and refused to administer oath of office to them. Subsequently, at the instance of the well-wishers of the judiciary the appointments of those persons were cancelled. In the recent past 17 persons were notified to be appointed as Judges and of them the Chief Justice refused to administer oath to two individuals and a commotion was raised by interested quarters. Some political personalities are pressing hard the Chief Justice to administer oath to them. The matter is still pending with the Chief Justice and I hope the matter will be resolved in a healthy atmosphere so that the Supreme Court and the judiciary may be saved. If under the pressure of the political elements oath of office is administered this will totally collapse the situation in the Supreme Court.

Part-IV of our Constitution deals with the judiciary and Article-7 provides that all powers in the Republic shall be effective only under and by the authority of the Constitution. The responsibility of seeing that no functionary oversteps the limit of his power is of necessity on the judiciary. So for proper administration of justice strong and independent is sine qua non in a democratic country like ours. Without such judiciary democracy cannot prosper. In such a situation proper and appropriate steps should be taken in the matter of appointment of Judges of the Supreme Court because they are the guardians of the Constitution and that the Judges are meant for protecting the life, property and safety of the citizens. So the Judges of the Supreme Court should be appointed very very carefully. In the matter of appointment of a Judge our Constitution has given a very short guideline which I think is not sufficient. More should be done. Firstly, the authority of the Chief Justice in recommendation a person to be appointed as a Judge as was in our original Constitution must be clearly reintroduced if we want to establish such a strong and independent Court. It is my opinion that the Chief Justice as well as the Senior Judges are proper persons to select a lawyer for his elevation to the Supreme Court because they always observe the performance of the lawyers. Secondly, the Chief Justice before nominating or selecting a person for such appointment must satisfy himself that the person he is recommending is a man of personality and integrity. As the Justices in the Supreme Court are not merely adjudicators of legal controversies, they are also dispenser of justice. In this matter both political and financial integrity of the person to be nominated should be thoroughly and adequately considered. A lawyer may have good practice but his integrity may be questionable and a person with this background should not be considered for appointment as a Judge. In addition to that a person to be nominated should have the courage and mental strength to administer justice without fear or favour. Mere taking of oath of office is not sufficient. The incumbent Judge must also in the heart of his heart believe that. Though in the constitution a minimum qualification has been given but I think this is also not sufficient. Nowadays persons at the age of 22 years are called on the Bar and after attending the Bar for 10 Years they at the age 32 years become eligible for elevation to the Bench without actually having any experience and maturity in the system of judiciary. So maturity should be counted in nominating a person to be appointed as Judge of the Supreme Court. People with immature experience and thought cannot be and should not be considered for such appointment. Though the Constitution has provided 10 years of practice or service but for getting matured people in the Supreme Court as a Judge the minimum age must be 45 years and this should be considered as a factor in selecting an individual. Of late some Judges have been appointed who are aged merely 33/34 years and at that age I am of the view that they have not attained maturity. If an Advocate of 33/34 years is found fit to be elevated to the Bench then why a Joint District Judge having at least 15 years of service cannot be considered for elevation as a Judge in the Supreme Court? At the age of 32-37 years the lawyers simply carry the files of the Seniors without getting any chance to address a Court. In that view of the matter no individual should be considered for appointment as Judge who has not attained at least the age of 45 years. Furthermore, any person having direct involvement in the political field should not also be considered for elevation in this apex Court for obvious reasons. It is true that most of the lawyers in our country subscribe to the thoughts of political parties and some of them are active in politics. Their elevation may tarnish the image of the judiciary. We know cases are won or lost not because



of popular palatability or compromise or friendship but for reasoned arguments proceeding from legal principles and precedents. So a person having no legal maturity and having political affiliation can deliver good to the system. Furthermore, the most important factor is that all the Courts are effective only as long as it retain the faith and trust of the public. Without support of the populace the Courts become useless as it cannot enforce its own pronouncements. It does not command the Army or Police or for that matter the raging mob neither does it have the money to grease political patronage. So a person with insufficient maturity and age cannot deliver this. The Court does not lust for a brute power of the executive. It prays only for courage, integrity and sagacity for those who are the only tools with which to fulfill the peoples trust. The Judges and the judicial personalities must know that their action not only to be pure but must also appear to be pure. Our Supreme Court must have the will and determination to be victorious in the battle for swift, fair and transparent justice. But this cannot be achieved if we fail to appoint suitable and proper person in the Supreme Court. Brilliant academic career of an individual cannot by itself be a ground for his elevation to the Bench. Supreme Court requires something more. So my view is that there should be a thorough change in the system of selecting a person for elevation to the Bench.

We have seen that after the introduction of parliamentary system of Government in our country in 1991 Advocates with political background are being elevated to the Bench with some exceptions. The same is still now going on and it is in the mind of common people that the Judges of the Supreme Court are divided into several groups which is not at all conducive or proper for the administration of justice. In Pakistan Supreme Court such situation was created at the instance of the then political Government when Mr. Justice Sajjad Ali Shah was the Chief Justice. Such situation was created again in Pakistan when the present Chief Justice entered into his office. The military government tried to exert their influence in the Supreme Court. But they failed due to the strong determination of the Judges. I do not think that such type of situation will occur in our Supreme Court in future. I firmly believe that our Judges are still firm in their attitude and trying to protect the Constitution but there is always a dark side of the picture. To uphold the dignity of the Supreme Court and to protect the Constitution and to uphold the rights of the people, courageous people with integrity and strong personality should be elevated to the Bench. Our Judges previously showed their courage and determination in Anwar Hossain's case and lastly in Mazder Hossain's case.

From the media it appears that in our country the judiciary is being used and sometime misused by the executive government. In other words, our Court system is being used and misused and the latest trend is on the matter of taking remand of a suspect in a criminal case. From the media it appears that whenever a person is arrested the police always pray for remand of the suspect to their custody and the Courts are obliging them. It is in media that during remand period the police is always using third degree method against that suspect and trying to squeeze out something which supports the prosecution. In many cases suspects are taken on remand time and again and after remand when that suspect is produced before the Court he appears to be a shattered person. The Supreme Court having supervisory authority over the Courts below is required to look into the matter. Previously as we know the police used a device which was know as "detention order" under Special Powers Act. Now they are using the sword of remand and the magistracy without understanding the utility and without looking into the police records or the FIR or the propriety are putting the suspects at the mercy of the police which cannot be conceived of in a civilized/democratic country. The Investigating Officers it appears are also transferring the suspects to different agencies without even taking permission from the Court. It is the Investigating Officer of a particular case can only question the suspect and none else. Furthermore, when the Magistrate considers that remand is necessary for investigation, he is required to apply his judicial mind to determine whether circumstances justify remand. Police custody being an infringement of liberty should not be ordered as a matter of course.

It appears from the media that such a matter was before the High Court Division which directed the police to examine the accused in the jail gate keeping the remand order in tact but the Hon'ble Chamber Judge of the Appellate Division stayed the operation of the order of the High Court Division thereby allowing the



police to use the third degree method against that accused. But ultimately after some time the Full Bench of the Appellate Division found no illegality in the order of the High Court Division. But during this period mischief has already been done. There was a chance for the Appellate Division to interfere in such matters or to give a clear cut direction for saving a suspect from the alleged torture. Now who will be responsible for this unwarranted situation that has been created? The Supreme Court is the ultimate forum for redress of the grievances of the citizens and they must not be oblivious of the situation of remand in our country. It appears that our learned Judges are not thinking over the awesome situation that has been created by the police and the Magistracy much to the annoyance of the common people.

Of late that is from the time of last alleged care-taker government much change has been made in the matter of bail. The Magistrates are refusing to grant bail even on petty matters and they are also issuing Warrant of Arrest whenever people who are nearer to the government move the courts. In defamation cases for one alleged offence several courts at different stations are issuing Warrant of Arrest or Summons against a single individual on the same fact by different complaints ignoring the clear provision of the Code of Criminal Procedure and the Penal Code. The persons aggrieved are not coming before the court with any complaint. It is third parties who are coming with the complaints and the Magistrates are obliging them. There is scope for our higher courts to interfere in such matters.

It is well settled that bail may be granted in all cases including murder cases. The simple reason that the offence is non-bailable cannot be a ground of refusal of bail keeping the suspect in custody for indefinite period. We saw right from the British time till before the time of last care-taker government the Courts are following uniform policy and pronouncements by higher courts in bail matters. But after the assumption of power by the last care-taker government the situation has changed. The Courts it appears have changed their attitude or have shut their eyes to the time old legal propositions in the matter of bail ignoring the provisions of Chapter XXXIX of the Code of Criminal Procedure. The Supreme Court having the superintending and controlling power over the Courts below ought to have looked into these matters for ends of justice for which they exist.

Before I conclude I quote here few lines from Justice Artemio V. Panganiban of Philippine Supreme Court who observed as follows:

“But there is a difference between the shifting winds of public emotion and the long-term public trust in the institution. While critics and pressure groups may rant from time to time against some decision or opinions, the court enjoy enough residual respect and esteem, with the constant hope that one day it will prove to be right after all. And even if its level-headed critics may disagree, they should respect it enough to concede its good faith and likewise the wisdom, the probity and the diligence with which its members have done their work. They must realize that, in very nature of our system of government, the Court’s function is not to mirror popular ideas but in fact to teach and to open vistas to enlightened opinion.”

- References –
- (1) Leadership by Example
  - (2) Transparency of Justice  
Artemio V. Panganiban
  - (3) Constitutional Law of Bangladesh  
By Mr. Mahmudul Islam.



## Leading Decisions of the Supreme Court of Bangladesh in the year 2009

In view of Article 111 of the Constitution of the 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 High Court Division of the Supreme Court of Bangladesh. Every judgment delivered by the Appellate Division of the Supreme Court of Bangladesh has its own significance. Brief note of some judgments, which have wider implications and impact on various sections of the society, delivered during the year 2009, are given below:

1. In **General Manager, Postal Insurance Eastern Region, Dhaka and another Vs. A.B.M. Abu Taher [(2009) 29 BLD (AD) 56]** the Appellate Division of the Supreme Court held that review is not meant for rehearing the matter already finally decided by pronouncement of judgment. Except in exceptional circumstances on ground of error apparent on the face of the record or discovery of new and material evidence and error in interpretation of law, review of judgment cannot be entertained.
2. In **Anti-Corruption Commission and others Vs. Mahmud Hossain and others [(2009) 61 DLR (AD) 17]** the Appellate Division of the Supreme Court held that the cardinal principle of criminal jurisprudence is that the person concerned should submit to the process of justice before he can claim the right of audience provided in law. The age-old maxim is that a man who seeks justice from a Court of Law must come before the Court to agitate his grievance by first surrendering to the process of justice, otherwise he remains a fugitive from justice and cannot seek the aid and assistance of the process of justice and claim right of audience against the process of the Court issued against him.
3. In **Chairman, Rajdhani Unnayan Kartripakkha (RAJUK) Vs. A Rouf Chowdhury and others [(2009) 61 DLR (AD) 28]** the Appellate Division of the Supreme Court held that the writ-petitioners could not show any reliance upon legal authority since the alleged permission by RAJUK was subject to restrictions imposed by Rule 26 of the Building Construction Rules and mandatory provision of obtaining the permission under the provision of Civil Aviation Rules, 1984 and the absence of such permission rendered the plan of a high-rise building illegal and, as such, no reliance could be placed by the writ-petitioners as to the alleged legitimate expectation and promissory estoppel.
4. In **State Vs. Jahedul Islam @ Moulavi Babu [(2009) 14 BLC(AD) 105]** the Appellate Division of the Supreme Court held that the confession of the accused respondent is to be considered true and voluntary even though as in the instant case he was produced before the Magistrate in Naogaon on 24-5-1988 for recording his confession after he was arrested by the police in Dhaka on 16-5-1988. No information is available on record as to how long the accused respondent was in police custody before he was produced before the Magistrate for recording his confession. Prosecution however, claimed that the accused respondent was not in police custody after his arrest in Dhaka till his production before the Magistrate at Naogaon for recording his confession. The time consumed between his arrest in Dhaka and his production before the Magistrate at Naogaon for recording confession on completion of legal formalities should not be taken to be the period of his detention in police custody. The time so spent should be considered as the time consumed for his transportation from Dhaka to Naogaon. Further, the Magistrate PW 7 as well as the Investigating Officer PW 9 were not cross-examined by the defence as to any police torture on the accused respondent while in police custody.

5. In **Ataur Rahman (Md) and others Vs. BM Muhibur Rahman and others [(2009) 14 BLC (AD) 62]** the Appellate Division of the Supreme Court held that the High Court Division heard and disposed of the Rule making the same absolute by the impugned judgment dated 10-2-2007 on the ground that the impugned Gm, Avi, I bs 250D AvBb/ 2006 mg(wewaD5)D15/2002 dated 11-10-2006 was illegal and unconstitutional being hit by Articles 27, 29 and 31 of the Constitution being arbitrary and discriminatory.

In it an admitted position that the writ respondent Nos. 4-17 could not take departmental examination as well as the foundation training as required of them by the Recruitment Rules, 1981 within the period of their probation for no fault of their own but for the reason that the Government could not make any arrangement for holding such examination and training within their probation period until SRO 7 of 1992 was promulgated. On the other hand, the writ petitioners having joined the service in 1998 had the scope and opportunity to avail of both the departmental examination and foundation training, inasmuch as the SRO 7 of 1992 set out the course (subjects) for departmental examination and foundation training as well as the procedures for such examination and training. In other words, all the arrangements and facilities were in place for holding departmental examination and foundation training with effect from 12-1-1992 and the writ petitioners availed of the same. The writ respondent Nos. 4-17 even having joined the general education service before the writ petitioners could not take the said examination and the foundation training and were being unduly prejudiced and discriminated in the matter of their confirmation in service and promotion to the senior scale. In order to remove this injustice and inequality between these two groups of members of the same service, Bangladesh Civil Service (General Education) Cadre, the President promulgated the impugned SRO dated 11-10-2006 exempting the members of the service, who could not take the departmental examination and foundation training for no fault of their own, from taking departmental examination and foundation training.

Since the impugned SRO amending the Recruitment Rules, 1981 was promulgated to fulfill the aforesaid governmental objective to remove undue hardship and injustice confronting the writ respondent Nos. 4-17 the same cannot be said to be discriminatory legislation and for the same reason such legislation cannot be also said to be a class legislation.

In the instant case the impugned notification was found necessary in view of the circumstances in which the writ respondent Nos. 4-17 were being deprived of being confirmed in service and promotion to the senior scale and this classification got reasonable basis having nexus to the object to be achieved, that is, to do justice to the writ respondent Nos. 4-17 and their other colleagues who having been appointed in the service prior to 12 January 1992 could not appear in the departmental examination and complete their foundation training for no fault of their own.

6. In **Md. Ataur Rahman & others Vs. Bangladesh [(2009) 14 MLR (AD) 138]** the Appellate Division of the Supreme Court held that article 141B and 141C provides for the effect of the Proclamation of Emergency. For our present consideration provisions under Article 141C(1) is material which reads as under:

“141C. (1) While a Proclamation of Emergency is in operation, the President may, [on the written advice of the Prime Minister, by order], declare that the right to move any court for the enforcement of such of the rights conferred by Part III of this Constitution as may be specified in the order, and all proceedings pending in any court for the enforcement of the right so specified, shall remain suspended for the period during which the Proclamation is in force or for such shorter period as may be specified in the order.”



The President in terms of Article 141C(1) is empowered to suspend the enforcement of any of the fundamental rights conferred by Part III during the period when a Proclamation of Emergency is in operation. It is for the President to decide the enforcement of which of the fundamental rights should be suspended during the operation of the Proclamation of Emergency and this power is not liable to be circumscribed or limited by any other provisions in the Constitution including Article 26. Once a Proclamation of Emergency has been made the security of Bangladesh or any Part thereof invest in the President all out power to suspend the enforcement of any of the fundamental rights conferred by Part III of the Constitution. This is necessary to keep up and maintaining the welfare of the State. As a matter of fact there is no scope for enquiry into the question whether the fundamental rights the enforcement of which the President has suspended under Article 141C(1) has anything to do with the security of Bangladesh which is threatened whether by war or external aggression or internal disturbance. If the President considered the suspension of the fundamental rights to be necessary during the subsistence of the Proclamation of Emergency it should be taken to have been made in the interest of security of Bangladesh and no further proof of the security is necessary.

7. **In Government of Bangladesh & others Vs. Abdus Sukur Prodhan and others [(2009) 14 MLR (AD) 169]** the Appellate Division of the Supreme Court held that the power to confiscate was added by Ordinance No. 6 of 1978 by Section 8 thereof but fact remains that it came into being long before the date of the offence either on 26.08.1989 or on 13.09.1989 and therefore the question of imposing the penalty grater than or different from that which could be inflicted under the law at the time of the commission of offence does not arise. Both Section 5 (2) of the prevention of Corruption Act, 1947 and Section 109 of the Penal Code under which the appellants were convicted were very much existing laws and the power to confiscate was already there long before the date of the commission of the offence as early as in 1978 and therefore the Special Judge was fully authorised to confiscate the lands in question in respect of which the offence under the above sections was committed by the appellants.
8. **In M.A. Sattar and others Vs. the State [(2009) 14 MLR (AD) 169 = 14 BLC (AD) 74 = 29 BLD (AD) 36]** the Appellate Division of the Supreme Court held that both Section 5(2) of the Prevention of Corruption Act, 1947 and Section 109 of the Penal Code under which the appellants were convicted were very much existing laws and the power to confiscate was already there long before the date of the commission of the offence as early as in 1978 and therefore the Special Judge was fully authorized to confiscate the lands in question in respect of which the offence under the above sections was committed by the appellants
9. **In Cap. (Rtd.) B. Akram Ahmed Khan Chowdhury Vs. Bangladesh Oil, Gas and Mineral Resources Corporation [(2009) 14 MLR (AD) 81]** the Appellate Division of the Supreme Court held that as per provision of Public Servants (Retirement) Act, 1974 (Act 12 of 1974) the Government is the only authority to make such order of premature retirement on completion of 25 years of service under section 9(2) of Act 12 of 1974 and the respondent No. 2 in exercise, of purported power under section 5 (kha) of the Pension and General Provident Fund rules, 1987 had no authority and power to retire him prematurely from the service. Incorporation of section 5 (kha) in Pension and General Provident Fund rules, 1987 of the respondent No. 2 was redundant as it has no relevancy with the subject matter of the rules so framed. The High Court Division having not considered the materials on record in their proper perspective and accordingly arrived at an erroneous decision which was set aside by the Appellate Division.
10. **In Shahid Hamid Vs. Nilufar Momtaz [(2009) 14 MLR (AD) 33]** the Appellate Division of the Supreme Court held that when the marriage is admittedly dissolved by talak at the instance of the husband, the wife is legally entitled to realize the dower money as stipulated in the kabinnama and also maintenance during the period of her iddat. The husband having failed to prove the payment .



of dower by any cogent evidence the Family Court decreed the suit which was upheld by the High Court Division and there after by the Appellate Division.

11. In **Major (Rtd.) Quazi Hasan Hena Begum Vs. Lt. Col. Kazi Mansurul Islam and others [(2009) 6 ADC (AD) 29]** the Appellate Division of the Supreme Court held that in the said case, the facts proved has given rise to waiver and acquiescence for which the writ petitioner is estopped from challenging or alleged enforcement of his previous allotment in the single name. The conduct of the writ petitioner, how ever, clearly manifests that a Court of law can reasonably and validly make a inference of waiver and acquiescence. Even act of the writ petitioner-respondent and his participation in subsequent transaction do not, however, show any of his unwillingness or lack of consent at any time of the transaction. The writ respondent as well participated in the transaction by contributing sufficient fund at her disposal even at the stage of construction of the building as has been detailed in her affidavit-in-opposition.
12. In **Majeda Khatun and others Vs. Jiban Nessa and others [(2009) Unreported, Civil Appeal No. 136 of 2003]** the Appellate Division of the Supreme Court held that suit can be remanded by the appellate court with direction for giving findings and decision on certain issues where the trial court omitted to do so. In terms of section 107 of the Code of Civil Procedure the appellate court has the power of remand of a case under the circumstances mentioned in order 41, rules 23 and 25. The appellate court can also exercise the power of remand in remand in exercise of its inherent power. The power of remand by the appellate court is not limited to specific case mentioned in rule 23. The court may also order a remand in case other than those covered under rule 23 and may do so also under section 151 of the Code if it becomes necessary for the ends of justice. Even the High Court Division can make an order of remand while exercising revisional jurisdiction if it is so required for full and effective adjudication of all the relevant points involved in a case. No remand order can however be made to facilitate a party to fill up the lacuna in his case.

It is now well settled that the remand orders are not to be made as a matter of course. The High Court Division as a revisional court is required to properly appreciate the relevance of the evidence on record before making such order of remand. The case of probodh Ranjan Shome Vs. Md. Easin, 4 BSCR (Ad) 457 may be referred to in this connection. Since there is no necessity for taking any further evidence in the interest of resolution of the dispute on title, the order of remand passed by the High Court Division can not be sustained. The case of Sukumar Sen Vs. Gouranga Dey, 42 DLR (AD) 18 can be profitably cited on the point.

13. In **Most. Monowara Begum and others Vs. Malanch Bibi and others [(2009) Unreported, Civil Appeal No. 91 of 2003]** the Appellate Division of the Supreme Court held that the exercise of revisional jurisdiction is confined to question of jurisdiction. While in a first appeal the Court is free to decide all questions of law and fact which arise in the suit; in exercise of its revisional jurisdiction the High Court Division is not entitled to reexamine or assess the evidence on record and substitute its own findings on facts those of the subordinate Courts. Jurisdiction means “the entitlement to enter upon the enquiry in question.” The word is a verbal cast of many colours. The jurisdiction of the High Court Division in revision is a limited one. The section is not directed against conclusions of law or fact in which the question of jurisdiction is not involved. Section 115 empowers to satisfy the High Court Division on matters that (a) the order of the Subordinate Court is within its jurisdiction (b) the case is one in which the Court ought to exercise jurisdiction, and (c) in exercise of jurisdiction the Court has not acted illegally, that is, in breach of some provisions of law, or with material irregularity by committing some error of procedure in Course of the trial which is material in that is, in breach of some provisions of law, or with material irregularity by committing some error of procedure in course of the trial which is material in that it may have affected the ultimate decision.



## Official Publications

Publications of the Supreme Court of Bangladesh

AT A GALANCE –

1. The Bangladesh Supreme Court Digest-  
Volume – I (1972 – 1977)  
Volume – II (1978 – 1979)  
Volume – III (1980 – 1981)  
Volume – IV (1982 – 1983)  
Volume – V (1984 – 1985)  
Volume – VI (1986 – 1987)  
Volume – VII (1988 – 1989)  
Volume – VIII (1990 – 1991)  
Volume – IX (1992 – 2006)  
Volume – X (2007)  
Volume – XI (2008)  
Volume – XII (2009)
2. The Code of Criminal Procedure, 1898 (Revised and printed with Amendment up to October, 2007)
3. The Supreme Court of Bangladesh (Appellate Division) Rules, 1988 (Revised and printed with amendment up to 22/04/08)
4. Annual Report of the Supreme Court of Bangladesh, 2008.
5. Annual Report of the Supreme Court of Bangladesh, 2009.
6. Criminal Rules and Orders (Practice Procedure of Subordinate Courts), 2009.
7. Companies Rules, 2009.

The publications are available at the Libraries of Supreme Court and distributed to the Government Departments, Subordinate Courts, Bar Libraries and Government Libraries, but not for sale.



## Former Chief Justices of Bangladesh

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

\*Deceased.

## Former Chief Justice of High Court of Bangladesh

1.	Mr. Justice Ruhul Islam*	13.08.1976 – 22.10.1978
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\*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



SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
37.	Mr. Justice Md. Abdul Quddus Chowdhury	18.01.1983		01.09.1991
38.	Mr. Justice Dalil Uddin Ahmed*	15.07.1983		01.02.1990
39.	Mr. Justice Mohammad Abdul Mottalib*	15.07.1983		14.07.1985•
40.	Mr. Justice Syed Mohammad Ali*	15.07.1983		01.08.1993
41.	Mr. Justice Nurul Hoque Bhuiyan*	30.12.1983		01.10.1990
42.	Mr. Justice Syed Misbah Uddin Hossain*	30.12.1983		01.01.1992
43.	Mr. Justice Mohammad Moksudor Rahman*	30.12.1983		26.12.1985**
44.	Mr. Justice Mohammad Sohrab Ali*	30.12.1983		20.10.1990□□
45.	Mr. Justice Mohammad Ismailuddin Sarker*	30.12.1983	08.06.1995	20.01.1996□□
46.	Mr. Justice Abdul Bari Sarker	30.05.1984		01.06.1992
47.	Mr. Justice Md. Abdul Jalil*	30.05.1984		01.05.1994
48.	Mr. Justice Mohammad Abdul Wahab	30.05.1984		29.05.1986•
49.	Mr. Justice Bimalendu Bikash Roy Chowdhury*	02.07.1985	11.05.1996	01.11.2000
50.	Mr. Justice Syed Fazle Ahmmed*	26.12.1985		01.01.1994
51.	Mr. Justice A. M. Mahmudur Rahman*	26.12.1985	01.02.1999	14.12.2000
52.	Mr. Justice A. K. M. Sadeque	27.01.1987		30.01.1995
53.	Mr. Justice D. M. Ansaruddin Ahmed	27.01.1987		01.07.1995
54.	Mr. Justice Md. Mozammel Haque	27.01.1987		01.12.2000
55.	Mr. Justice Quazi Shafi Uddin*	27.01.1987		01.11.2001
56.	Mr. Justice Mahmudul Amin Chowdhury	27.01.1987	28.06.1999	17.06.2002
57.	Mr. Justice Habibur Rahman Khan	21.01.1988		01.12.1995
58.	Mr. Justice Md. Budruzzaman	21.01.1988		01.02.1996
59.	Mr. Justice Naimuddin Ahmed*	21.01.1988		04.04.1996
60.	Mr. Justice Mohammad Ansar Ali*	21.01.1988		05.07.1995□□
61.	Mr. Justice Badrul Islam Chowdhury	29.01.1990		01.02.1998
62.	Mr. Justice Kazi Ebadul Hoque	29.01.1990	19.01.2000	01.01.2001
63.	Mr. Justice Mainur Reza Chowdhury*	29.01.1990	08.11.2000	22.06.2003
64.	Mr. Justice Abdul Hasib	29.01.1990		28.01.1992•
65.	Mr. Justice Habibul Islam Bhuiyan	29.01.1990		01.05.1990**
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



SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
75.	Mr. Justice Md. Asaduzzaman	10.02.1994		09.02.1997•
76.	Mr. Justice Md. Nurul Islam	10.02.1994		01.06.2002
77.	Mr. Justice Kazi A. T. Monowaruddin	10.02.1994	25.06.2002	15.07.2002
78.	Mr. Justice Md. Fazlul Haque	10.02.1994	17.07.2002	30.06.2003
79.	Mr. Justice Hamidul Haque	10.02.1994	29.06.2003	20.12.2003
80.	Mr. Justice Md. Bazlur Rahman Talukder	10.02.1994		10.02.1997•
81.	Mr. Justice Syed Amirul Islam	10.02.1994		13.01.2007
82.	Mr. Justice M. M. Ruhul Amin	10.02.1994	13.07.2003	22.12.2009
83.	Mr. Justice Md. Iftekhar Rasool*	01.06.1996		06.06.2000□□
84.	Mr. Justice M. A. Aziz	01.06.1996	07.01.2004	30.09.2006
85.	Mr. Justice Amirul Kabir Chowdhury	01.06.1996	26.02.2004	30.06.2007
86.	Mr. Justice Md. Hassan Ameen	01.06.1996	21.03.2007	03.07.2008
87.	Mr. Justice A. K. Badrul Huq	01.06.1996		02.03.2008**
88.	Mr. Justice Md. Joynul Abedin	01.06.1996	24.08.2006	31.12.2009
89.	Mr. Justice Gour Gopal Shaha	24.02.1997		26.12.2003
90.	Mr. Justice Md. Ali Asgar Khan	24.02.1997		13.01.2008
91.	Mr. Justice Md. Awlad Ali	24.02.1997		26.01.2008
92.	Mr. Justice Zakir Ahmad*	24.02.1997		17.07.1998□□
93.	Mr. Justice Md. Latifur Rahman	27.04.1998		01.07.2006**
94.	Mr. Justice Md. Abdul Quddus	27.04.1998		15.01.2009
95.	Mr. Justice (Alhaj) Md. Abdul Aziz	27.04.1998	08.03.2009	31.12.2009
96.	Mr. Justice Md. Abdur Rashid	24.10.1999		26.01.2009
97.	Mr. Justice Khademul Islam Chowdhury	24.10.1999		17.04.2009
98.	Mr. Justice N. K. Chakravarty *	28.05.2000		27.05.2002•
99.	Mr. Justice A. K. M. Shafiuddin	28.05.2000		27.05.2002•
100.	Mr. Justice A. F. M. Mesbahuddin	28.05.2000		27.05.2002•
101.	Mr. Justice Munsurul Haque Chowdhury	28.05.2000		27.05.2002•
102.	Mr. Justice Altaf Hossain Khan*	22.02.2001		10.07.2002□□
103.	Mr. Justice Abdus Salam Mamun	29.07.2002		13.02.2005•
104.	Mr. Justice Syed Shahid-ur-Rahman	27.04.2003		20.04.2004□
105.	Mr. Justice Nirmolendu Dhar	23.08.2004		22.08.2006•
106.	Mr. Justice A. B. M. Hatem Ali	23.08.2004		22.08.2006•
107.	Mr. Justice Faisal Mahmud Faizee	23.08.2004		12.07.2007**

\* Deceased.

\*\* Date of resignation.

□ Date of termination.

□□ Date of death.

• Performed as Additional Judge.

## The Supreme Court Registrar and 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 staffs 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 who renders such duty under the direction of the Chief Justice of Bangladesh.

### Organisational set-up:

In the area of organisational set-up the Registry consists of the following position:

Names of the post	Number of post		Remarks
	Appellate Division	High Court Division	
Registrar	1		For both the Divisions and appointed from Judicial Service (on deputation).
Additional Registrar	1	2	For both the division appointed from Judicial Service (on deputation).
Deputy Registrar	1	8	For Appellate Division appointed from employees of Supreme Court through promotion; For the HCD appointed 3 from Judicial Service (on deputation) 5 from employees of Supreme Court through promotion.
Assistant Registrar	3	11	For Appellate Division appointed from employees of Supreme Court through promotion; For the HCD appointed 5 from Judicial Service (on deputation) 6 from employees of Supreme Court through promotion.
Research & Reference Officer	1		Appointed from Judicial Service (on deputation).
Secretary of the Chief Justice	1	1	Appointed from employees of Supreme Court through promotion.
Other employees of different level	140	1347	employees appointed by the Supreme Court.



### **Functions:**

In rendering administrative service to the Court for carrying out its judicial functions, in accordance with the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and the Supreme Court (High Court Division) Rules, 1973, the Registry also provides 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 Court's necessary assistance and information to processing of 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.

### **Activities in the current year (2009 A.D.):**

The Registry provided its various services to the Court, lawyer and litigants over the year in accordance with the practice and procedure of the Supreme Court of Bangladesh. Planning was made and strategies were adopted to quicken the process of case flow by the staff as well as the Court. Various administrative steps were taken to ensure the expected service of the Registry to the litigants and the Court.

The officers and staff were fully committed and had rendered their hard work for the cause of case management and Court administration. The learned members of the Bar were also generous to afford their support in running the administration smoothly. The Court users and litigant public were in good understanding which helped the Registry to render best service to them. This endeavour will continue to ease the judicial administrations, required for the justice delivery system with vigour and passion.

There is much work to be done in the year 2010. In fact, the journey towards excellence is long and there will be no end of it.



## Names of the Registrars

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	in office since 09.08.2009



## 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 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.

Under 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 under 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 in the financial years 2008-2009 and 2009-2010 were Tk. 32,29,60,000/- and Tk. 43,55,91,000/-respectively. 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, 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 Chief Justice. The Registrar has to ensure the proper use of the funds allocated. He is also authorised to approbate and re-approbate 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.



## The Supreme Court Bar Association

All the practicing Advocates of both the Divisions 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 the integrity of the Supreme Court. The Association is housed in two buildings one is known as the main building which is two storied and the other known as the annex building which is 3 (three) storied. The present Association has a 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 judicial 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 collection of books, law journals and law reports of USA, UK, Australia, Common Wealth, India, Pakistan and Bangladesh Supreme Court.

The Supreme Court of Bangladesh has 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 to become member of the Supreme Court Bar Association. Both the Divisions have separate enrolment procedure.

### **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, persons who are judged, by their knowledge, ability and experience, to be worthy, if being granted the status of Senior Advocate and on signing the Roll of Senior Advocates he shall assume the said status. 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 entitle him to get the status of Senior Advocate. Rule 12 of Order 11 of the Rules, 1988 has provided that a fee of taka ten thousand only 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 have 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 applicant 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-

- (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 a 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; an authenticated photostat copy of his certificate of enrolment as an Advocate of the High Court Division of the Supreme Court;
- (iii) 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;
- (iv) bio-data of the applicant giving full particulars of his qualification and any previous employment for gain;
- (v) a list of cases in which he appeared before the High Court Division;
- (vi) 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
- (vii)



(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 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 applicant 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 2,000/00.

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 Advocates and Senior Advocates. In Rule 34 it has further been provided that 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 65 A 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 recognised 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 consisting of :

- (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 65 A (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 detailed in sub-article (3) of Rule 65 A. The qualifying marks 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 2009.**

<b>Period</b>	<b>Names of the President and the Secretary</b>	
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. M.A. Wahhab Miah



Period	Names of the President and the Secretary	
1989–90:	President	Mr. Syed Ishtiaq Ahmed
	Secretary	Mr. 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
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
2006–2008:	President	Mr. M. Amir-UI-Islam
	Secretary	Mr. A.M. Amin Uddin
2008–2009:	President	Mr. A.F.M. Mesbahuddin
	Secretary	Mr. S M Rezaul Karim