

**Speech of Chief Justice of Bangladesh Dr. Justice Syed Refaat Ahmed on a
Regional Conference Titled " Judicial Independence and Efficiency"**

20/01/2025

Venue: Radisson Blue, Chottogram

Honorable Chair, Madam Justice Farah Mahbub

Resident Representative of UNDP Bangladesh, Mr. Stefan Liller,

Registrar General of Bangladesh Supreme Court

Senior District Judge & Metropolitan Sessions Judge, Chottogram

Distinguished Members of District Judiciary Chottogram

Respected President and Secretary of the District Bar Chottogram

Government Pleader and Public Prosecutor of District and Metropolitan

Sessions Court

Ladies and Gentlemen

Good afternoon

Allow me to begin by paying homage to the memory of the martyrs of 1971, whose sacrifices laid the foundation of our independent nation. Let us also remember the resolute spirit of the student-led revolution of July and August 2024, which catalyzed the movement to oust oppression and restore justice, equality, and humanity. These defining moments in our history remind us that the quest for justice is not a fleeting endeavor but a lifelong commitment, a commitment that forms the bedrock of our judicial mission.

Ladies and Gentlemen,

The Regional Seminar on Judicial Independence and Efficiency holds profound importance in strengthening the role of the district judiciary as a cornerstone of judicial reform in Bangladesh. As the primary constituency of me as Chief Justice, the district judiciary carries the immense responsibility of upholding justice at the grassroots level, where the majority of legal disputes are resolved. This Seminar serves as a vital platform to foster dialogue, share insights, and align the judiciary's collective efforts toward achieving the upcoming formation of strategic plan of Judiciary in short term, medium term and long term. By engaging district judiciary members as major stakeholders, this Seminars emphasize their critical role in implementing reforms that enhance judicial independence, efficiency, and public trust.

Such initiatives ensure that the principles of justice are not only upheld but are also adapted to meet the evolving needs of society. Through training, capacity building, and collaborative discussions, today's seminar empowers district judiciary to address challenges with greater competence and confidence, thereby contributing to a judiciary that is both dynamic and resilient. The commitment today's event will definitely underscore a shared vision to elevate the judiciary's credibility and effectiveness, reinforcing its role as the guardian of justice and the rule of law across the nation.

Dear Participants

It is with great honor and joy that I address this esteemed gathering today as we advance on our journey of judicial reform and implementation. I stand here with a deep sense of pride and responsibility to share that the roadmap unveiled on

September 21, 2024, is making significant strides. Numerous key milestones have already been accomplished, and many others are progressing steadily, reflecting our commitment to this transformative initiative.

Our judiciary, particularly the district judiciary, has exhibited extraordinary dedication and resilience in embracing and implementing the reforms outlined in our roadmap. Your commitment to justice has been stanch, even in the face of challenges, and your determination to uphold the rule of law serves as an inspiration to all. You are playing a pivotal role as the first point of contact for the majority of citizens seeking redress, and your firm efforts to enhance efficiency, fairness, and accessibility reflect your deep understanding of this responsibility. Through innovative practices, streamlined processes, and a people-centric approach, you are working tirelessly to bridge the gap between justice and those who seek it. Your ability to adapt to new reforms, prioritize case management, and embrace technological advancements has set a benchmark for judicial excellence. This collective effort not only strengthens the foundation of our legal system but also reinforces public confidence in the judiciary as a cornerstone of democracy and justice. It is through your pursuit of these ideals that we move closer to realizing a judicial system that serves as an example of hope, equity, and trust for every citizen of this nation.

In terms of displaying implementation of our reform proposal I am pleased to inform you that the Ordinance for the Judicial Appointment Council is approved by the cabinet and waiting for necessary routine vetting by legislative division. This Ordinance once promulgated, will represent a pivotal step in ensuring transparency and merit-based appointment of judges in the apex court. The establishment of this council will mark a significant milestone in institutionalizing fairness in judicial appointments.

Furthermore, the long-cherished aspiration for the establishment of a separate Supreme Court Secretariat has been elevated to the forefront of our fast-track reform agenda. In this regard, I have submitted a comprehensive and well-considered proposal to the government, which is presently under active review. Meanwhile, my dedicated team within the Supreme Court Registry, in collaboration with the Law and Justice Division, is diligently engaged in finalizing its organizational structure and delineating its various functionalities.

Another long-awaited reform is the formulation of rules governing the transfer and promotion of members of the district judiciary. This initiative aims to ensure consistency, fairness, and transparency in managing judicial careers, addressing a matter of great importance to the judiciary. In addition, my team is actively working on developing a comprehensive set of benchmarks to create a fit list for key positions like District Judge, Chief Judicial Magistrate and Chief Metropolitan Magistrate within the district judiciary. These measures collectively aspire to foster a stable, motivated, and merit-driven judicial system, reflecting our clear commitment to excellence and integrity.

We have also made notable progress in framing the Rule for Chief Justice Fellowship which outlines clear guidelines for the duration, scope of work, and expected deliverables of the fellowship. This initiative not only aims to strengthen the capacity of the judiciary but also serves as a platform for fostering a deeper understanding of judicial practices and encouraging a culture of excellence within the members of District Judiciary. Ultimately, the Chief Justice Fellowship program aspires to create a pool of future judges committed to advancing the cause of justice and upholding the rule of law.

Ladies and Gentlemen,

The Supreme Court's groundbreaking initiative to introduce a paper-free company bench has marked the dawn of a transformative era in judicial operations. Having successfully embarked on its journey, this innovation is now operating seamlessly, showcasing the immense potential of digitalization in streamlining judicial processes. The implementation of this initiative has not only enhanced efficiency but also demonstrated the Court's commitment to embracing environmentally sustainable practices.

This bold step forward is subject to consistent and rigorous review to ensure its effectiveness and adaptability. Insights gathered from its ongoing performance are paving the way for broader implementation. Plans are now underway to expand this digital paradigm to other benches within the Supreme Court, reflecting the judiciary's vision of a more integrated and technologically advanced system. Furthermore, efforts are actively being directed toward extending this initiative to the district judiciary, heralding a new chapter in making justice accessible, swift, and modernized. Such measures underscore vibrant dedication to innovation, ensuring that the judiciary not only upholds its foundational principles but also evolves to meet the demands of a dynamic society.

Distinguished participants

It is important to acknowledge the support we have received from our development partners in advancing these reforms. Organization like the United Nations Development Programme (UNDP) has fully embraced our reform agenda and is providing critical technical and logistical assistance. We are also seeing growing interest from other development partners and stakeholders, who recognize the

importance of an independent and efficient judiciary in fostering justice and the rule of law.

One of the most visible markers of our ongoing mission is **the regional seminar series**, which begins here in Chottogram and will continue across the other divisions. These seminars are a testament to our commitment to engaging with the judiciary at all levels, ensuring that our reform agenda is understood, embraced, and implemented nationwide.

Ladies and Gentlemen,

Legal philosopher Lon L. Fuller once wrote in "The Morality of Law" that a legal system must adhere to certain principles of legality to maintain its legitimacy. Among these principles are clarity, consistency, and predictability values that our reform agenda seeks to instill in our judiciary.

The independence of the judiciary is a foundational element of any democratic society. As Chief Justice William Rehnquist aptly stated, "An independent judiciary is the crown jewel of our constitutional republic." Judicial independence ensures that judges can make decisions based on the law and their conscience, free from external pressures and influences.

However, independence alone is not sufficient. It must be complemented by efficiency and accountability. Justice Benjamin N. Cardozo once remarked, "Justice is not to be taken by storm. She is to be wooed by slow advances." Our reform journey embodies this philosophy, a measured, deliberate approach to creating a judiciary that is both independent and efficient.

In pursuing this mission, we must remember that justice delayed is justice denied. The renowned legal maxim reminds us of the importance of timely justice. Lord Hewart, in his famous pronouncement, stated, "Justice must not only be done; it must also be seen to be done." This emphasizes the need for transparency and public trust in the judicial process.

We also recognize the critical importance of access to justice. Our introduction of a capacity test alongside the existing means test for legal aid services is a significant step in ensuring that those who lack representation before the court are not denied their right to a fair trial.

Distinguished Participants,

The judiciary's role extends beyond resolving disputes; it is the guardian of constitutional rights and the rule of law. As Alexander Hamilton noted in Federalist No. 78, "The judiciary has no influence over either the sword or the purse. It may truly be said to have neither force nor will, but merely judgment." This underscores the judiciary's unique position as the interpreter and guardian of the law, tasked with ensuring that justice prevails.

Our reforms are designed to strengthen this role, ensuring that the judiciary remains a pillar of fairness, integrity, and impartiality. The creation of the Judicial Appointment Council and the Supreme Court Secretariat, the development of rules for transfers and promotions, and the implementation of security measures all contribute to fortifying the judiciary's independence and operational efficiency.

Moreover, the engagement of our development partners is crucial to the success of our reform initiatives. The support of organizations like UNDP provides us with the technical expertise and resources needed to implement these reforms

effectively. As Justice Ruth Bader Ginsburg once said, "Real change, enduring change, happens one step at a time." With the continued support of our partners, we will achieve meaningful, lasting change in our judiciary.

Ladies and Gentlemen,

Our mission is unequivocal, to establish a judiciary that truly serves the people. Justice should not remain confined within the courtrooms of major cities but must extend to every corner of the nation.

As we bring this gathering to a close, let us renew our dedication to the principles of justice, equality, and the rule of law. Together, we must continue to fortify our judiciary, ensuring it stands as a beacon of hope, fairness, and accountability for all.

Thank you for your unwavering commitment to the cause of justice and for your attention today.