



Supreme Court of Bangladesh Annual Report 2015



Inner view of the Supreme Court of Bangladesh

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Research and Data Collection by :

Md. Shamim Sufi
Research and Reference Officer, Appellate Division
(Senior Assistant Judge)

Assisted by :

Mehnaz Siddiqui
Assistant Registrar
(Senior Assistant Judge)

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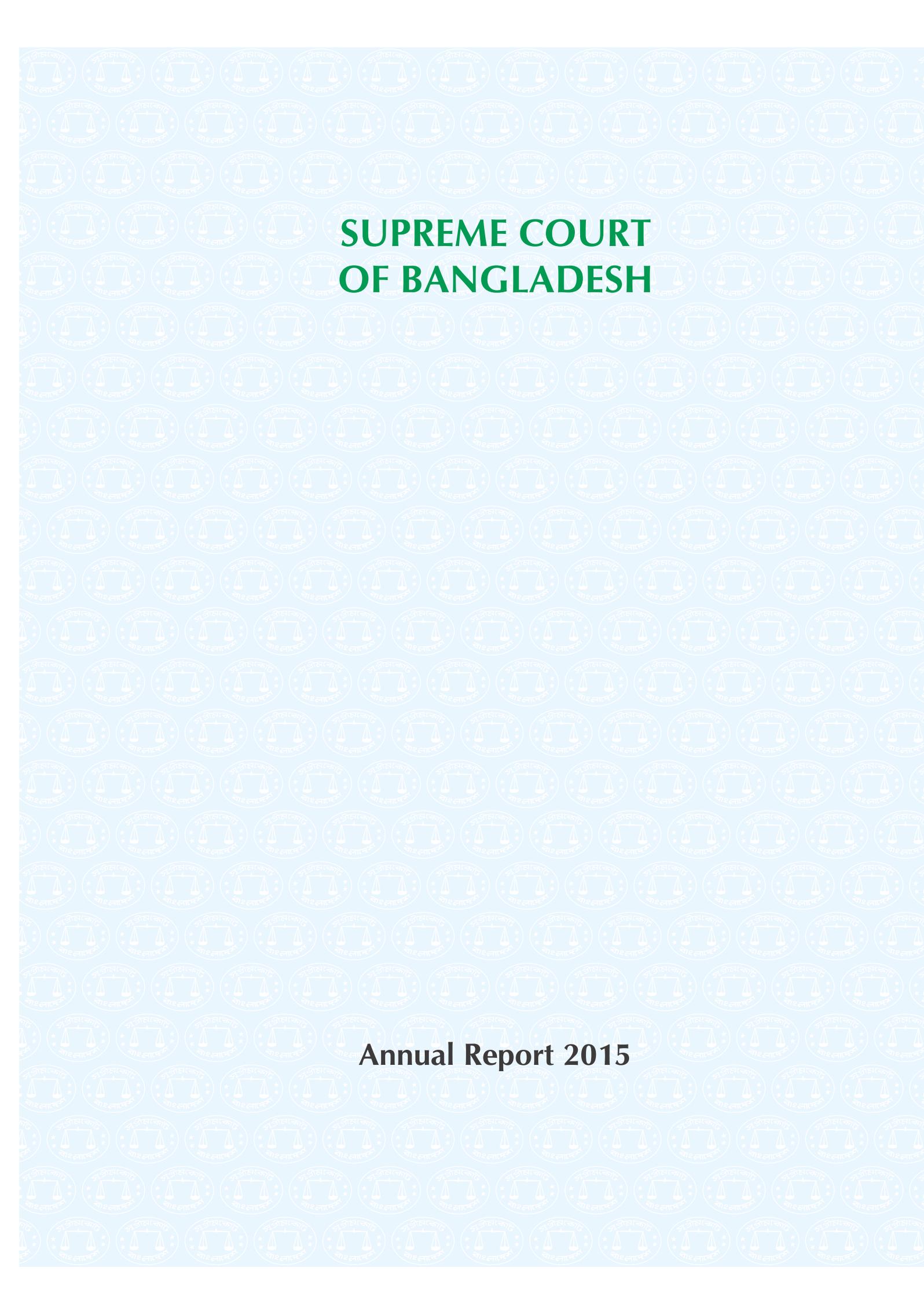
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SUPREME COURT OF BANGLADESH

Annual Report 2015



National Flag of Bangladesh



Logo of the Supreme Court of Bangladesh



Flag of the Hon'ble Chief Justice of Bangladesh



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



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Bangladesh Supreme Court at a Glance

Established	:	On 16.12.1972 A.D. under article 94 of the Constitution of the People's Republic of Bangladesh.
Authorized by	:	Part VI, Chapter I of the Constitution of Bangladesh.
Territorial Jurisdiction	:	Whole of Bangladesh.
Location/Permanent Seat	:	Dhaka, the capital of the Republic.
Area	:	55.05 Acres of Land. Floor Area: (i) Main Building 1,65,026.54 Sft. (ii) Annex Building 83,684.00 Sft. (iii) Old Building 78,81.83 Sft. (iv) New Annex Building (A, B and C) 1,57,000.00 Sft.
Composition of Court	:	As per article 94(2) of the Constitution the Supreme Court, comprising the Appellate Division and the High Court Division, consists of the Chief Justice and such number of other Judges as the President may deem it necessary for each Division.
Appointment of Judges	:	(i) The Chief Justice and Judges of both the Divisions of the Supreme Court are appointed as per article 95 of the Constitution; (ii) Additional Judges of the High Court Division and ad hoc Judges of the Appellate Division of the Supreme Court are appointed as per article 98 of the Constitution.
Present Strength of Judges	:	(i) Appellate Division: 08 (Eight) Judges including the Chief Justice. (ii) High Court Division: 97 (Ninety Seven) Judges.
Tenure of Office of the Judges	:	Until he attains the age of 67 years; unless (i) removed by the President of the Republic pursuant to a resolution of Parliament supported by a majority of not less than two-thirds of the total number of members of Parliament, on the ground of proved misbehaviour or incapacity; or (ii) resigns his office by writing under his hand addressed to the Hon'ble President of the Republic, (Article 96 of the Constitution)
Jurisdiction	:	(A) The Appellate Division shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the (i) High Court Division, (ii) Administrative Appellate Tribunal and (iii) International Crimes Tribunals. An appeal to the Appellate Division from a judgment, decree, order or sentence of the High Court Division shall lie; (a) as of right where the High Court Division- (i) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or (ii) has sentenced a person to death or to imprisonment for life; or (iii) has imposed punishment on a person for contempt of that Division; and in such other cases as may be provided for by Act of Parliament. [Article 103(1) and (2) of the Constitution]; and (b) by leave of the Appellate Division. (B) 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)
Court Rooms	:	The Appellate Division : 03 (in the Main Building) The High Court Division : 21 (in the Main Building) : 34 (in the Annex Building) : 04 (in the Old Building) Total = 62
Contact	:	The Registrar General, Supreme Court of Bangladesh, Shahbagh, Dhaka-1000 Phone : (+88 02) 9562941-5, 9567307 Fax : (+88 02) 9565058 Website : www. supremecourt.gov.bd Email : rg@supremecourt.gov.bd



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



Court Room of the Hon'ble Chief Justice of Bangladesh



Mr. Justice Md. Muzammel Hossain
Chief Justice of Bangladesh (Up to 16-01-2015)



Mr. Justice Surendra Kumar Sinha
Chief Justice of Bangladesh (From 17-01-2015)

From the Desk of the Chief Justice of Bangladesh

Justice Surendra Kumar Sinha



Supreme Court
Dhaka-1000.

Annual Report is the echo in which our account of past activities is vividly reflected. It provides us an occasion to take pride of our accomplishments and lets us ponder over our future course of actions that ought to have been resorted to in the bygone time for achieving excellence. This time I take pride to present the Annual Report 2015 of the Supreme Court of Bangladesh before the nation to show how successful we were in keeping our commitment to protect and safeguard the constitution, uphold rule of law and deliver justice to the people at large.

Ours is a constitutional democracy and in a democratic polity function and the responsibility of the apex Court of the country is complex and sometimes so rigid that other organs of the State do not feel comfortable to work hand in hand with Judiciary. No matter how rigid it might seem, we Judges act blindly without fearing and favoring anyone. We only fear the Almighty and our good conscience and follow the sacred Constitution and other laws, rules, regulations made or validated thereunder to dispense justice.

I have no doubt in my mind that in 2015 our concerted effort in delivering true, meaningful and quality justice to the people has contributed to strengthen the rule of law and democracy and thereby confidence of the people are increasing to the judiciary of Bangladesh.

The case backlog is now a hot issue in our country and somehow we feel uncomfortable when this issue is raised in any discussion. We do not have any magic wand. One of the main reasons behind this is awful shortage of Judges in both tiers of the Judiciary, lack of infrastructure and impediments created by the concerned Ministry in the process of recommendation of competent officers to the coveted posts. In comparison with sixteen core people, 1600 Judges is too meager and inadequate. Until and unless the present strength of the Judges is not increased at least double, no dramatic change can be expected. Again, only appointment is not sufficient. Frequent training and logistic supports will also have to be provided to them. Even with all the shortcomings that come between our heartiest endeavor and success, last year our all-out effort had pushed us up and we could able to dispose of more cases than before. The cumulative figure of disposal crossed 100% in both higher and subordinate judiciaries in 2015 compared to 2014.

When I assumed the Office of the Chief Justice on 17.01.2015, the total scenario of the judiciary was wearing a gloomy look. I decided to do everything to turn this gloom to a glowing image. In order to eradicate the allegation of corruption with my active supervision listing of the cases are being prepared in the Appellate Division. In the Supreme Court, I took initiatives to digitize some of the proceedings so that service process is simplified and public harassment reduced to the minimum. I introduced digital "Bail Confirmation" system; "Online Cause List" for both Divisions and an online law reporter namely, "Supreme Court Online Bulletin (SCOB)". For looking at online cause list from android mobile phone we have designed application software. If hands of cooperation are extended to me from all concerned, I dare dreaming a judiciary in near future when because of digitization evidence will be recorded through video conferencing and papers in the court proceedings will be considered redundant.

In the last one year I extensively inspected the courts of the subordinate judiciary to find out the problems they are facing and the areas needed to be intervened. I found, alongside shortage of Judges, paucity of logistic support and inadequate infrastructures contribute to case backlog. How a modern society can conceive that a Judge is waiting for his turn to come to use court room for hearing and deciding cases! The government has to look into this reality and take urgent steps to solve court room crises. It is deplorable that progress in constructing building for magistracy in most of the districts is very pathetic.

I can give the nation assurance that even with all these constraints, my Judges are working tirelessly to serve the people under the mandate of the constitution. I have issued practice directions to them to utilize best of their court hours and following my directions Judges in the subordinate judiciary are now doing judicial business in two shifts, i.e. even after the recess at noon. I caused to issue circular prohibiting station leave by the Judges of the subordinate Judiciary so that their cent percent effort and energy can be utilized in judicial



work. I urge the lawyers to cooperate with court in hearing cases in the afternoon. All concerned have to bear in mind that we cannot afford to sit idle while millions of cases are pending.

At this point, I also want to remind everybody that last year despite political unrest for about three months, the Appellate Division disposed of 9,992 cases whereas 8,007 cases were instituted. In fact, the disposal of cases by the Appellate Division stood almost double in 2015 than that of 2014. The High Court Division disposed of 37,753 cases while 70,940 cases were instituted. In the subordinate judiciary, 13,78,931 cases were disposed of whereas 14,67,555 cases were freshly instituted. Except in the Appellate Division in other two cases institution of cases exceeded the disposal. The rate of disposal states that we have a very effective, skillful and functioning judiciary upon which people have trust and confidence. I believe, if the Law and Justice Division sends proposal to the Supreme Court for filling up the vacant posts of Judges more promptly, no post of Judge shall remain vacant and thereby the rate of disposal will be increased.

In the Supreme Court I have tried to reduce the days of court vacation but could not motivate my brother Judges to say 'yes' to it. But it is my pleasure to mention that with the kind consent of my brother Judges of the Appellate Division, I extend at least forty-five minutes court hours of the Appellate Division by utilizing the entire allotted court hours to remove the sufferings of the litigant people. I know the judicial work is very taxing and needs leisure period to complete writing judgments, but if we could reduce vacation at least 20 days a year, it would contribute to mitigate the sufferings of the justice seeking people. However, I appreciate some of my brother Judges endeavor to complete judgments in time and I have no doubt that we have improved a lot in delivering full judgments without making delay.

Other than achieving excellence in judicial work, we have done a lot of visible changes in the Supreme Court. The environment has been made welcoming by taking various beautification measures. Registry regularly conducts cleanliness drive so that the people who visit Supreme Court can also feel a holy place. A medical and a 'Day Care' center with necessary logistic support have been established in the Supreme Court premises to cater to the needs of the Judges and employees of the Court. In the Supreme Court a Legal Aid Committee was formed to provide legal aid to the poor and indigent litigants. Poor litigants, who don't have means to avail service of a lawyer, can contact the said Legal Aid Office. These changes are ongoing and we will tune ourselves whenever we feel that we should stand and act together to facilitate any positive change.

It should be mentioned here that on 26 December, 2015, for the first time in the judicial history of Bangladesh, National Judicial Conference was held in presence of the Judges of the higher echelons and sub-ordinate judiciary, who assembled and sat together to share their experiences to surmount the challenges the judiciary usually faces in dispensing the justice. The conference was adorned by kind presence of the Hon'ble President of Bangladesh. The conference concluded with a dream that every Judge will be a role model to make justice easier to access, simpler to comprehend and quicker to deliver.

Supreme Court is the highest Court of the land and the constitution has entrusted this Court to interpret any law and to declare unconstitutional anything conflicting with the spirit of the Constitution. The Appellate Division in the case of BLAST and others vs. Bangladesh and others, 1 SCOB [2015] AD 1 declared mandatory death sentence provided in some laws unconstitutional and invalid. This is the way how Supreme Court does justice, protects fundamental freedoms of the people, safeguards Constitution and upholds rule of law. I urge all concerned to work in aid of Supreme Court in view of article 112 of the constitution in vindicating its Constitutional mandate.

I express my heartfelt gratitude to my learned brother and sister Judges for their untiring efforts to keep up judicial excellence and serve the nation with utmost dedication. I also appreciate performance and service of the officers of the Supreme Court Registry. I acknowledge the assistance and cooperation extended by the learned members of the Bar in doing day to day judicial business smoothly and to uphold the dignity and prestige of the Supreme Court of Bangladesh in the year 2015.

It is my firm belief and conviction, those days are not far away when our concerted efforts will bring a far-reaching change in the justice delivery system of Bangladesh. I conclude with the words of Francis Bacon that the place of justice is a hallowed place, and therefore not only the Bench, but also the foot space and precincts and purpose thereof ought to be preserved without scandal and corruption.


(Justice Surendra Kumar Sinha)
Chief Justice of Bangladesh



Hon'ble Judges of the Appellate Division of the Supreme Court of Bangladesh (Up to 16.01.2015)

(Left to Right) Mr. Justice AHM Shamsuddin Choudhury, Mr. Justice Muhammad Imman Ali, Madam Justice Nazmun Ara Sultana, Mr. Justice Surendra Kumar Sinha, Mr. Justice Md. Muzammel Hossain, Hon'ble Chief Justice, Mr. Justice Md. Abdul Wahhab Miah, Mr. Justice Syed Mahmud Hossain and Mr. Justice Hasan Foez Siddique.



Hon'ble Judges of the Appellate Division of the Supreme Court of Bangladesh (From 17.01.2015 onward)

(Left to Right) Mr. Justice Hasan Foez Siddique, Mr. Justice Syed Mahmud Hossain, Mr. Justice Md. Abdul Wahhab Miah, Mr. Justice Surendra Kumar Sinha, Hon'ble Chief Justice, Madam Justice Nazmun Ara Sultana, Mr. Justice Muhammad Imman Ali and Mr. Justice AHM Shamsuddin Choudhury.



Members of the Editorial Committee for Bangladesh Supreme Court Annual Report, 2015

(Left to Right) Mr. Justice Md. Nuruzzaman, Madam Justice Salma Masud Chowdhury, Mr. Justice Mirza Hussain Haider, Mr. Justice Syed Mahmud Hossain, Madam Justice Nazmun Ara Sultana, Mr. Justice Hasan Foez Siddique, Mr. Justice Tariq ul Hakim , Madam Justice Naima Haider.



***Profile of
the Hon'ble Chief Justice of Bangladesh and
Hon'ble Judges of the Appellate Division of the
Supreme Court of Bangladesh, 2015***





Justice Surendra Kumar Sinha
Chief Justice of Bangladesh

Father's name : Late Lalit Mohan Sinha
Mother's name : Dhanabati Sinha
Date of birth : 01.02.1951

Hon'ble Justice Surendra Kumar Sinha was born on February 01, 1951 in the Village- Tilakpur, P.S- Kamalganj, District- Moulvibazar, Bangladesh. He is the son of Late Lalit Mohan Sinha and Dhanabati Sinha. Having obtained Bachelor of Laws (LL.B.) under Chittagong University, he was enrolled as an Advocate of the District Court, Sylhet in 1974 and practiced there under the guidance of two renowned Civil and Criminal Lawyers. He obtained the permission to practice before the High Court Division and Appellate Division of the Supreme Court of Bangladesh in 1978 and 1990 respectively.

Justice Sinha was elevated to the Bench and sworn in as a Judge of the High Court Division of the Supreme Court of Bangladesh on October 24, 1999 and as Judge of the Appellate Division of the Supreme Court of Bangladesh on July 16, 2009. He assumed the office of the Chairman of the Bangladesh Judicial Service Commission on June 12, 2011 and continued till his appointment as Chief Justice of Bangladesh.

Mr. Justice Surendra Kumar Sinha represented the Chief Justice of Bangladesh in "3rd International Conference of the Chief Justices of the World" held at Lucknow, India in 2002 and presented there a paper on "Fostering respect for International Law". He participated in the "Judicial Training Programme for the Senior Judges of Bangladesh" held at Seoul, Korea in 2006. In response to an invitation from Korea International Cooperation Agency (KOICA), he participated in different Seminars on "Judicial Development Programme (Bangladesh)" from August 30 to September 14, 2010 held in Seoul, Korea and presented a Key Note on "Judicial Development of Bangladesh".

In 2012, Justice Sinha led a Bangladesh delegation to Singapore and Indonesia and took part at different meetings with the Chief Justice of Singapore and Chief Justice of Indonesia. Under the leadership of Justice Sinha, in 2013, a Bangladesh delegation visited India and United Kingdom and participated at different sessions with the Chief Justice of India, Chief Justice of Delhi High Court, Supreme Court of UK, Royal Courts of Justice, Judicial Appointments Commission in London, Judicial Appointments Board for Scotland, Lord President of Scottish High Court of Judiciary and Judicial Institute for Scotland. Being invited by the National Centre for State Courts, in 2013, he also participated at the "6th International Conference on the Training of the Judiciary" organized by the International Organization for Judicial Training in USA. In 2014, he led a delegation to Hong Kong and China where the delegation participated at different sessions with the Vice-President of the Court of Appeal of the High Court of Hong Kong, Vice-President of the Supreme People's Court of China, National Judges College China and High Court of Beijing.

Mr. Justice Surendra Kumar Sinha was sworn in as Chief Justice of Bangladesh on January 17, 2015. After assumption of the exalted office of the Chief Justice of Bangladesh he attended the "International Conference of Jurists" held in Mumbai, India from March 27 to March 29, 2015 and received the prestigious "International Jurists Award" for his extra-ordinary contribution in the field of 'Administration of Justice'. He participated "Regional Consultative Meeting on Judicial Service Commissions Model Law" in Kuala Lumpur, Malaysia from 9 to 11 June 2015. He delivered lecture on "Contribution of the Judiciary of Bangladesh in Strengthening Rule of Law and Democracy" on 5 October, 2015 at the Gujarat National Law University, Gujarat, India. Justice Sinha attended the "16th Conference of Chief Justices of Asia and the Pacific" held in Sydney, Australia from November 6 to November 9, 2015.

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



Mr. Justice Md. Abdul Wahhab Miah

Father's name : Late Md. Abdus Satter Miah

Mother's name : Late Syeda Tahera Begum

Date of birth : 11.11.1951

Obtained LL.B. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in 1974, 1976 and 1982 respectively. Also enrolled as a Senior Advocate in the Appellate Division in 1999.

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

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



Madam Justice Nazmun Ara Sultana

Father's name : Late Chowdhury Abul Kashem Moinuddin

Mother's name : Late Begum Rashida Sultana Deen

Date of birth : 08.07.1950

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

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

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

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

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



Mr. Justice Syed Mahmud Hossain

Father's name : Syed Mustafa Ali

Mother's name: Begum Kawsar Jahan

Date of birth : 31.12.1954

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

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

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

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

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

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



Mr. Justice Muhammad Imman Ali

Father's name : Israil Ali

Mother's name : Alifjan Bibi

Date of birth : 01.01.1956

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

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

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

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

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

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

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

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

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

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

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

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





Mr. Justice Hasan Foez Siddique

Father's Name : Late Abdul Gofur Mollah
Mother's Name : Noorjahan Begom
Date of Birth : 26.09.1956
Obtained M.A., LL.B.

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

Acted as Legal Advisor of Khulna City Corporation, Kushtia Municipality, Jalalabad Gas Transmission Company and Chief Law Adviser of the Ministry of Home Affairs. Besides he worked as Additional Attorney General for Bangladesh.

Elevated as Judge of the High Court Division on 25.03.2009 and as a judge of the Appellate Division of the Supreme Court of Bangladesh on 31.03.2013.

He has been acting as the Chairman of Bangladesh Judicial Service Commission since 30.04.2015.

Participated in the conference of South Asian Judges Regional Forum on Economic and Financial Crime held in Sri Lanka in 2011 and South Asian Conference on Environmental Justice held in Pakistan in 2012. He also participated in the International Conference on Environment held in New Delhi, India in 2015.

Visited India, Saudi Arabia, Sri Lanka and Pakistan.



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 Additional Judge of the High Court Division on 03.07.2001 and appointed Judge of the same Division on 25.03.2009.

Elevated to the Appellate Division of the Supreme Court of Bangladesh on 31.03.2013.

During 1981 and 1993 period, he remained employed with the UK's official immigration watchdog body, the UK Immigration Advisory Service (UKIAS), in which he was eventually elevated to the position of Acting Director. During this employment he regularly appeared before various tribunals and courts in the UK, often along with the UN High Commission for the Refugees and also undertook plentitude of extensive departmental courses and trainings on Judicial Review, Refugee, Immigration, Human Rights, Extradition laws, European Union Law and Law relating to European Union Convention on Human Rights.

During that time he also undertook training on DNA Profiling at the Oxford Laboratory of Cellmark Diagnostic, a Subsidiary of ICI. He acted as external Supervisor for Post Graduate Research Students on Immigration and Refugee Laws of the University of York (UK), Huddersfield Polytechnic, now Huddersfield University and University College Salford. During his UKIAS employment he was an ex-officio Lecturer on human rights and refugee and extradition laws at the training sessions for British Police, Prison and Immigration Officers and Diplomats, and for students at various educational institutes in the UK. He was an occasional contributor to New Law Journal (of Butterworth), Solicitors' Gazette and other periodicals in the UK and the Daily Star in Dhaka.

He acted as a lecturer on Constitutional and Administrative, Criminal and Contract laws for London University LL.B. students. During 2003-2008 period he independently practiced in the UK, intermittently with his practice in Bangladesh. He acted as a Deputy Attorney General until 3rd June, 2001.

He attended scores of international law related seminars in various countries and presented keynote papers therein and also took active part in discussion with the US State Department officials in Washington in 2001 with a view to persuade them to seal an Extradition treaty with Bangladesh.

He acted as a lecturer at the Clinical Law Programme of the Law Faculty of the Dhaka University for a wide period.





Honorable Chief Justice Mr. Justice Surendra Kumar Sinha is being sworn in as the 21st Chief Justice of Bangladesh by the Honorable President of the Republic Mr. Md. Abdul Hamid



Honorable Chief Justice Mr. Justice Surendra Kumar Sinha, accompanied by the Judges of the Supreme Court, is placing a floral wreath at the altar of the National Martyrs' Memorial at Savar



***Profile of
the Hon'ble Judges of the High Court Division
of the Supreme Court of Bangladesh, 2015***





Court No. Annex 14 of the High Court Division



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

Attended an international Seminar held in Nepal, 2006 and the 16th International Conference of Chief Justices of the world, Lucknow, India held in the year 2015, as nominated by the Hon'ble Chief Justice.

Visited India, Pakistan, U.K., U.S.A, France, South Korea, Canada and K.S.A.



Mr. Justice Syed Muhammad Dastagir Husain

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

Mother's name : Late Sufia Begum

Date of birth : 18.09.1951

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

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

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

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

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





Mr. Justice Mirza Hussain Haider

Father's name : Late Mirza Ashrafuddin Haider

Mother's name : Late Amina Khatoon

Date of birth : 01.03.1954

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in the Year 1979, 1981 and 1999 respectively.

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

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

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



Mr. Justice Sharif Uddin Chaklader

Father's name : Late Shamsuddin Chaklader

Mother's name : Late Begum Saleha Chaklader

Date of birth : 20.01.1949

Obtained B.Sc., LL.B.

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

Participated in the 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. and LL.B. Enrolled as an Advocate of the High Court Division of Bangladesh Supreme Court on 07.07.1984.

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



Mr. Justice Syed A.B. Mahmudul Huq

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

Mother's name : Late Begum Syeda Mahmuda.

Date of birth : 31.12.1950.

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

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

Visited Saudi Arabia, India and Singapore.





Mr. Justice Tariq ul Hakim

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

Mother's name : Nessima Hakim

Date of birth : 20.09.1953

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

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

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

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



Madam Justice Salma Masud Chowdhury

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

Mother's name : Mrs. Aminun Nesa Khatun

Date of birth : 13.12.1957

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

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

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

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

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





Mr. Justice Farid Ahmed

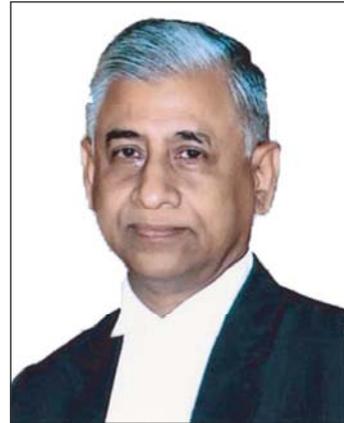
Father's name : Late Sultan Ahmed

Mother's name : Late Sabera Begum

Date of birth : 03.01.1950

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

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



Mr. Justice Shamim Hasnain

Father's name : M. A. Basir

Mother's name : Zeenat Ara

Date of birth : 24.04.1950

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

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

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





Mr. Justice A.F.M Abdur Rahman

Father's name : Late Dr. Abdul Gaffer Khan. M.B (Cal)

Mother's name : Late Mosammat Mohsena Begum

Date of birth : 05.07.1951

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

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

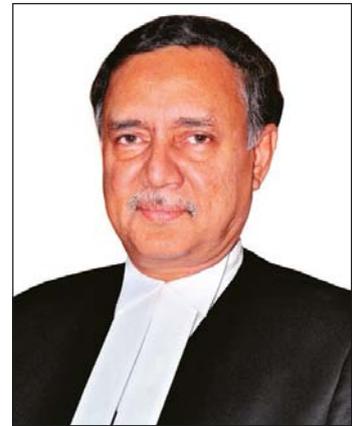
Elevated as Additional Judge of the High Court Division on 27.04.2003 and appointed Judge of the same Division on 27.04.2005.

Participated in the International Seminar and Workshop held in UK, on "European Laws on Human Rights" organised by Inns of Court School of Law, London, UK, in the year 2001.

Author of a Handbook on the Privileges & daily life of the judges of the Bangladesh Supreme Court under the title "The Judge".

Author of few books on Practicing Islam, on Muslim Marriage & Divorce, on Law and Proceeding of recovering money of dishonored cheque, on mass education, Novel on Freedom Fighting and Poetry.

Visited India, Nepal, Malaysia, Singapore, Indonesia, Saudi Arabia (Makkah, Medina & Jeddah)



Mr. Justice Md. Abu Tariq

Father's name : Late Mr. M. A. Matin

Mother's name : Late Mrs. Anwara Begum

Date of birth : 11.09.1952

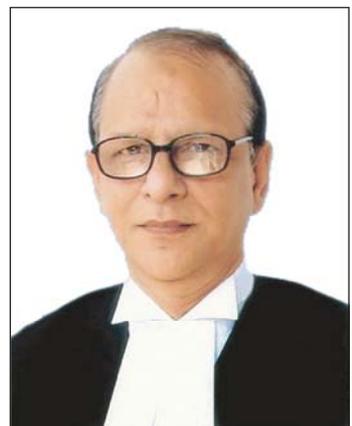
Obtained LL.B from Dhaka University and Ph.D. from World University, Benson, ARIZONA, U.S.A.

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

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

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

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





Madam Justice Zinat Ara

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

Mother's name : Late Begum Ayesha Siddiqui

Date of birth : 15.03.1953

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

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

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

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

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



Mr. Justice Muhammad Abdul Hafiz

Father's name : Al-haj Muhammad Abdul Jabbar

Mother's name : Rabeya Khanam

Date of birth : 01.06.1957

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

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

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

Participated in a Judicial Training Program in Korea.





Mr. Justice Syed Refaat Ahmed

Father's name : Late Barrister Syed Ishtiaq Ahmed

Mother's name : Dr. Sufia Ahmed

Date of birth : 28.12.1958

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

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

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

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

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

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

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



Mr. Justice Md. Miftah Uddin Choudhury

Father's name : Md. Abdul Ahad Choudhury

Mother's name : Rigia Begum Choudhury

Date of birth : 26.07.1955

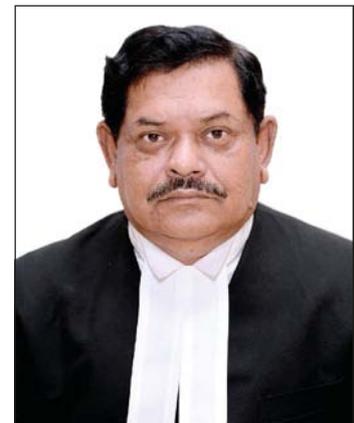
Obtained LL.B. (Hons) and LL.M.

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

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

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

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





Mr. Justice A.K.M. Asaduzzaman

Father's name : Late M. A. Samad

Mother's name : Majeda Khatun

Date of birth : 01.03.1959

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

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

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

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

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



Mr. Justice Md. Ashfaqu Islam

Father's name : Justice A.K.M. Nurul Islam

Former Vice-President of Peoples Republic of Bangladesh

Mother's name : Begum Jahanara Arjoo

A prolific poet of Bengali language and literature

Date of birth : 15.07.1959

Obtained LL. B. (Hons), LL. M. from University of Dhaka and F.I.C.P.S.(India).

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

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

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

Visited USA, Canada, UK, China, France, Italy, India, Turkey, Switzerland, Austria, Belgium, Netherlands, Czech Republic, Indonesia, Malaysia, Singapore, Thailand, Pakistan, Nepal, Bhutan, UAE and Kingdom of Saudi Arabia.





Mr. Justice Zubayer Rahman Chowdhury

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

Mother's name : Begum Sitara Chowdhury

Date of birth : 18.05.1961

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

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

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

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



Mr. Justice Shahidul Islam

Father's name : Late Alhaj Abul Hossain

Mother's name : Hamida Begum

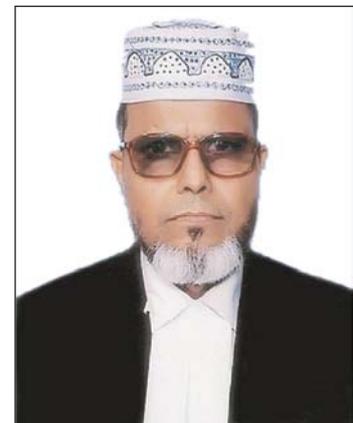
Date of birth : 01.09.1948

Obtained B.Sc., LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 28.12.1975, 16.09.1982 and 06.07.2000 respectively.

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

Visited UK, Saudi Arabia, Bahrain and India.





Mr. Justice Md. Abdul Hye

Father's name : Omar Ali Khan

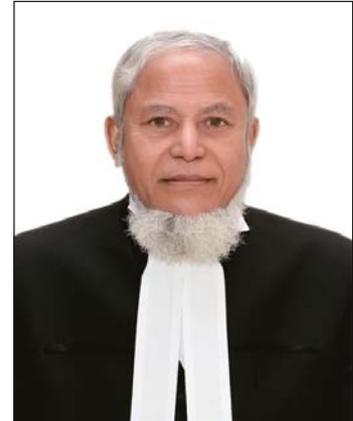
Mother's name : Hazera Khatun

Date of birth : 01.02.1949

Obtained B.A., LL.B.

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

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



Mr. Justice 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 to the post of District and Sessions Judge on 22.04.1992.

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

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

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





Mr. Justice Md. Fazlur Rahman

Father's name : Late Mr. Rahim Baksha

Mother's name : Late Most. Fatema Begam

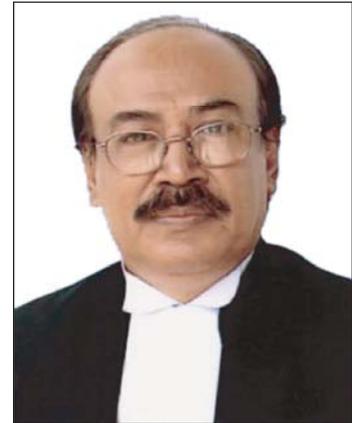
Date of birth : 01.02.1951

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

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

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

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



Mr. Justice Moyeenul Islam Chowdhury

Father's name : Late Mr. Abdul Fattah Chowdhury

Mother's name : Mrs. Rownak-Ara-Begum

Date of birth : 09.01.1953

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

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

Participated in International Seminars, Symposia, Workshops in Australia and Thailand and sharing of views and experiences with Canadian Judges in Ottawa and American Judges in New York.

Visited India and Saudi Arabia.





Mr. Justice Md. Emdadul Huq

Father's name : Late Sajjad Ahmed
Mother's name : Late Mst. Monwara Begum
Date of birth : 01.10.1953

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

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

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

Visited India, Malaysia, Thailand, the Philippines, Singapore and various countries of Europe.



Mr. Justice Md. Rais Uddin

Father's name : Late Md. Afsar Uddin
Mother's name: Mrs. Jobeda Khatun
Date of birth : 30.06.1956

Obtained B.Sc. and LL.B.

Enrolled as an Advocate in the District Court and the High Court Division of Bangladesh Supreme Court on 22.08.1981 and 03.11.1983 respectively.

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

Visited India, Saudi Arabia, Singapore and Malaysia.





Mr. Justice Md. Emdadul Haque Azad

Father's name : Late Advocate Abul Kalam Azad

Mother's name : Late Jainab Azad

Date of birth : 16.10.1956

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

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

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



Mr. Justice Md. Ataur Rahman Khan

Father's name : Late Mr. Abdul Gaffar Khan

Mother's name : Mrs. Amena Khanam

Date of birth : 01.12.1957

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

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

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

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





Mr. Justice Syed Md. Ziaul Karim

Father's name : Late Syed Abdul Malek

Mother's name : Late Anowara Begum

Date of birth : 12.12.1957

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

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

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

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

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

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



Mr. Justice Md. Rezaul Haque

Father's name : Late Md. Tazimul Hossain

Mother's name : Mrs. Umme Kulsum Hossain

Date of birth : 24.04.1960

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

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

Visited India, Nepal and Thailand.





Mr. Justice Sheikh Abdul Awal

Father's name : Late Sheikh Yousuff Ali

Mother's name : Late Saleha Begum

Date of birth : 04.06.1960

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

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

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

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



Mr. Justice S.M. Emdadul Hoque

Father's name : Late Alhaj Mohammad Moslem Uddin Sarder

Mother's name : Late Zobayda Akter

Date of birth : 07.11.1963

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

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

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

Visited: India and K.S.A.





Mr. Justice Mamnoon Rahman

Father's name : Late Advocate Rezaur Rahman

Mother's name : Late Afsari Rahman

Date of birth : 09.12.1965

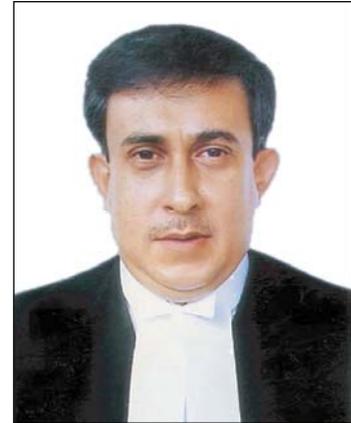
Obtained LL.B. (Hons) and LL.M. from the University of Dhaka.

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

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

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

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



Madam Justice Farah Mahbub

Father's name : Mahbubur Rahman

Mother's name : Mrs. Feroja Mahbub

Date of birth : 27.05.1966

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

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

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

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



Mr. Justice Md. Nizamul Huq

Father's name : Nurul Huq

Mother's name : Asia Khatun

Date of birth : 15.03.1950

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

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

Elevated as Additional Judge of the High Court Division on 03.07.2001 and appointed Judge of the same Division on 25.03.2009. Appointed Chairman of the International Crimes Tribunal, Bangladesh, Dhaka on 25.03.2010, and worked there till 11.12.2012.

As a Nuffield fellow participated in the training programs held in IALS London University on Preventive Detention law in 1993 and submitted a research paper on the comparative study of preventive detention laws of Bangladesh, India, Pakistan, Sri Lanka, U.K and South Africa.

Also attended training program in the Hague, Netherlands on higher studies of International Laws in 1994. Attended Malaysia trial court as an International observer 8 (eight) times.

Attended seminar and workshop in India, Sri Lanka, Thailand, Nepal in different forums on refugee law, minority rights, preventive detention law, human rights including family, child and labour rights.

Visited Singapore, France, Belgium, Luxemburg, Germany.

Visited Cambodia to meet Judges, Prosecutors of Extra Ordinary Criminal Court of Cambodia (ECCC) in 2011.

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

Performed Hajj in 2011.

Presently the Chairman, Jatio Aingoto Sahayata Prodan Sangstha, Supreme Court Unit.

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

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



Mr. Justice Mohammad Bazlur Rahman

Father's name : Late Md. Alhaj Younus Biswas

Mother's name : Late 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 26.09.1984 and 08.07.1987 respectively.

Elevated as Additional Judge of the High Court Division on 03.07.2001 and appointed Judge of the same Division on 10.05.2009.





Mr. Justice A.K.M. Abdul Hakim

Father's name : Late Al-Haj Abdul Hamid

Mother's name : Late Roushan-Ara-Begum

Date of birth : 19.12.1954

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

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

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



Mr. Justice Borhanuddin

Father's name : Late Advocate Abdus Sabur

Mother's name : Late Momtaz Sabur

Date of birth : 28.02.1957

Obtained LL.B. from the University of Chittagong.

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

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

Visited India, China, Kingdom of Thailand, Singapore, Malaysia and Saudi Arabia.





Mr. Justice M. Moazzam Husain

Father's name : Late Mohammad Afzal Husain

Mother's name : Late Begum Assia Afzal Shelley

Date of birth : 01.02.1951

Obtained M.A. and LL.B.

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court in the year 1977, 1982 and 2001 respectively.

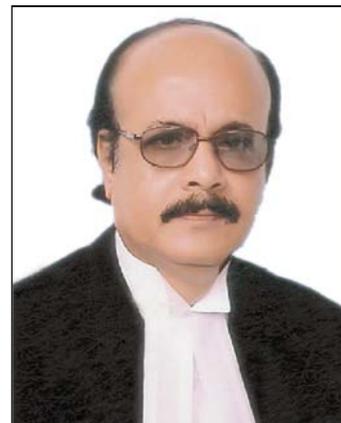
Elevated as Additional Judge of the High Court Division on 30.06.2009 and appointed Judge of the same Division on 06.06.2011.

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

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

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

Visited India, UK, France, Netherlands and Belgium.



Mr. Justice Soumendra Sarker

Father's name : Late Mr. Sitanath Sarker

Mother's name : Late Mrs. Parimal Sarker

Date of birth : 31.10.1953

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

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

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

Visited India, Bhutan, Thailand and United Kingdom.





Mr. Justice Abu Bakar Siddiquee

Father's name : Late Abdul Gofur Mollah

Mother's name : Late Noor Zahan Begum

Date of birth : 29.07.1954

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

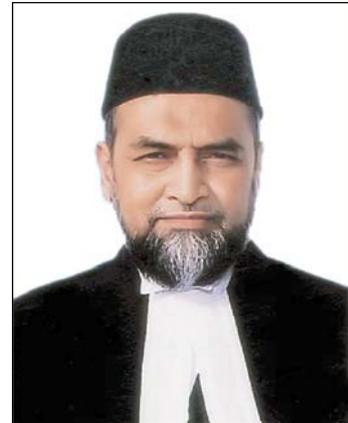
Enrolled as an Advocate of the Kushtia Bar Association in the year 1979.

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

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

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

Visited Macca and Madina for performing Hajj.



Mr. Justice Md. Nuruzzaman

Father's name : Late Hazi Md. Bazlur Rahman

Mother's name : Late Alhaj Amena Begum

Date of birth : 01.07.1956

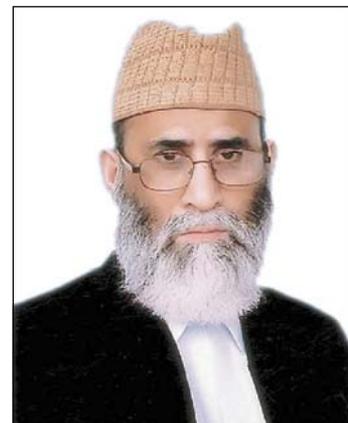
Obtained M.S.S. and LL.B. Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 04.09.1983 and 07.01.1987 respectively.

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

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

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

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





Mr. Justice Md. Moinul Islam Chowdhury

Father's name : Late Alhaj Nurul Islam Chowdhury

Mother's name : Late Alhaj Jahanara Chowdhury

Date of birth : 07.04.1957

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

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

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

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

Visited India, France 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. from University of Dhaka.

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

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

Worked as Chairman of International Crimes Tribunal-2 since 13.12.2012.

Participated in an 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. from Dhaka University.

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

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

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

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

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

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

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



Madam Justice Naima Haider

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

Mother's name : Mrs. Anwara Haider

Date of birth : 19.03.1962

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

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

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

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

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

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



Mr. Justice Md. Rezaul Hasan (M.R. Hasan)

Father's name : Late Abul Kalam Azad (Advocate)

Mother's name : Hosnara Begum

Date of birth : 17.12.1962

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

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 03.03.1985, 17.06.1989 and 21.07.2004 respectively.

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

Author of the "Index of Bangladesh Laws"; 1st edition 1992 and 2nd edition in 2004, with a foreword written by Hon'ble Mr. Justice Mustafa Kamal, the former Hon'ble Chief Justice of Bangladesh and the 3rd edition published in 2014. Copies of these books are preserved in the Libraries of Congress of the US Supreme Court, and in the Libraries of Columbia University Law School, Harvard Law School, Cornell University, University of Chicago, University of Iowa, University of Pennsylvania, Yale University and Alibris, Emeryville, USA. (Source-Google search)

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

He has also acted as a resource person for the World Bank Group (2009) by contributing to a treatise "Investing Across Borders 2010," published by World Bank, Group, from Austria, and was a Short Term Consultant of World Bank, Dhaka Office (2003).

Contributed many articles (on legal matters) in the journal section of the law reporters etc, from 1990 onward.



Mr. Justice Md. Faruque (M. Faruque)

Father's name : Late Mafiz Uddin

Mother's name : Late Urchander Nessa

Date of birth : 01.01.1953

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

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

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

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

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

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





Mr. Justice Md. Shawkat Hossain

Father's name : Late Abdus Subhan

Mother's name : Late Sahida Begum

Date of birth : 10.01.1953

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

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

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

Visited London, Scotland, Indonesia and Australia.



Mr. Justice F.R.M. Nazmul Ahasan

Father's name : Late Md. Anwar Hossain

Mother's name : Mrs. Jahanara Begum

Date of birth : 15.02.1955

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

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

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

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

Visited Russia, Vietnam and India.



Madam Justice Krishna Debnath

Father's name : Late Sree Dinesh Chandra Debnath

Mother's name : Sreemoti Benu Debnath

Date of birth : 10.10.1955

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

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

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

Attended a certificate course at Harvard Law School, USA in 1990.

Participated in the conference of the International Women Judges

Association, Canada in 1996. Participated in the conference of the National Women Judges Association of U.S.A. in 2012.



Mr. Justice A.N.M. Bashir Ullah

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

Mother's name : Most. Jamila Khatun

Date of birth : 31.03.1956

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

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

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





Mr. Justice Abdur Rob

Father's name : Late Din Mohammad Mia

Mother's name : Mst. Safia Khatun

Date of birth : 10.09.1958

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

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

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



Mr. Justice Quazi Reza-ul Hoque

Father's name : Late Quazi Azizul Haque

Mother's name : Late Fazilatnuessa Chowdhury

Date of birth : 28.11.1958

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

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

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

Has a number of publications to his credit.



Mr. Justice Md. Abu Zafor Siddique

Father's name : Late Dr. Kawsher Uddin Ahamed

Mother's name : Late Mrs. Majida Khatun

Date of birth : 02.01.1959

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

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

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

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

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



Mr. Justice A.K.M. Zahirul Hoque

Father's name : Late Alhaj Abdur Rashid Howlader

Mother's name : Late Mrs. Safura Khatun

Date of birth : 31.01.1959

Obtained B.Sc. and LL.B.

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

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

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

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





Mr. Justice Jahangir Hossain

Father's name : Late Md. Abdul Latif

Mother's name : Late Ms. Masuda Khatun

Date of birth : 31.12.1959

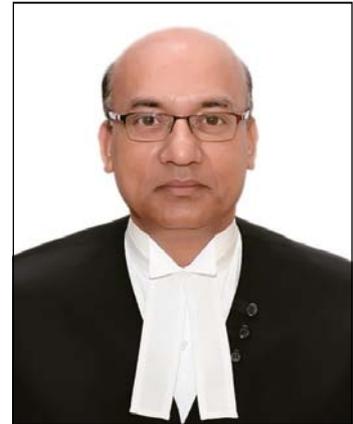
Obtained M. Com. and LL.B.

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

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

Participated in SAARC Law Conference in Delhi (1995).

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



Mr. Justice Sheikh Md. Zakir Hossain

Father's name : Late Kanchan Sheikh

Mother's name : Most. Noorjahan Begum

Date of birth : 02.03.1962

Obtained LL.B. from University of Dhaka.

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

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

Visited India.



Mr. Justice Md. Habibul Gani

Father's name : Alhaj Jahurul Huq Chowdhury

Mother's name : Late Julekha Begum

Date of birth : 31.05.1962

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

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

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

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

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



Mr. Justice Gobinda Chandra Tagore

Father's name : Late Gurubar Tagore

Mother's name : Madhumala Tagore

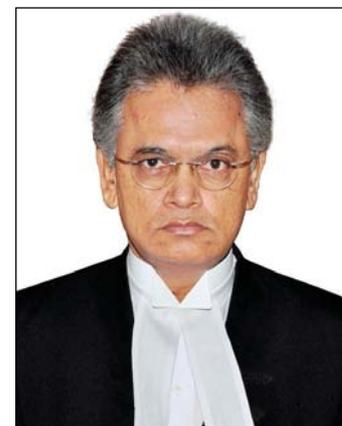
Date of birth : 15.05.1963

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

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

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

Visited the then Union of Soviet Socialist Republic (USSR) in 1989.





Mr. Justice Sheikh Hassan Arif

Father's name : Advocate Faizur Rahman

Mother's name : Hosne Ara Begum

Date of birth : 20.04.1967

Obtained LL.B. and M.S.S. from University of Chittagong; LL.B. (Hons) from University of Wolverhampton, UK; Postgraduate Diploma in Professional and Legal Skills from the then ICSSL, City University, London, UK and Barrister-at-Law from the Hon'ble Society of Lincoln's Inn, London, UK.

Enrolled as an Advocate of the District Court and the High Court Division of Bangladesh Supreme Court on 12.10.1995 and 18.01.1998 respectively.

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

Participated in SAARC Law Conference, Dhaka in 1996, Bangladesh Human Rights Convention (2005) held in London, UK, AIJA 'Child Protection Conference' (5-7 May, 2011), Brisbane, Australia and 2nd International Summit of High Courts (20-22 November, 2013), Istanbul, Turkey.

Visited Switzerland, UAE, India and Thailand.



Mr. Justice J.B.M. Hassan

Father's name : Late A.F.M. Shamsuddin

Mother's name : Late Nur Mohal Begum

Date of birth : 10.01.1968

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

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

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

Participated in the International Workshop held in Bangkok, Thailand.



Mr. Justice Md. Ruhul Quddus

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

Mother's name : Late Rahela Khatun

Date of birth : 07.12.1962

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

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

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

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

Visited India, Nepal, Ukraine and USA.



Mr. Justice Md. Khasruzzaman

Father's name : Md. Shamsul Haque

Mother's name : Saria Begum

Date of birth : 28.10.1968

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

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

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

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

Visited India and Malaysia.





Mr. Justice Farid Ahmed

Father's name : Late Md. Mahar Ali

Mother's name : Late Bana Bibi

Date of birth : 01.01.1960

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

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

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

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



Mr. Justice Md. Nazrul Islam Talukder

Father's name : Late Sajibuddin Talukder

Mother's name : Late Sahidan Bibi

Date of birth : 01.12.1964

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

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

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

Participated in the International Training held in University of Wollongong, Australia (2009).



Mr. Justice Bhabani Prasad Singha

Father's name : Late Sudhir Chandra Singha

Mother's name: Late Brishabhanu Rajkumari

Date of birth : 08.08.1953

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

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

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

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

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

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

Visited India.



Mr. Justice Anwarul Haque

Father's name : Late A.K.M. Zahirul Haq

Mother's name : Late Razia Khatoon

Date of birth : 01.08.1956

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

Enrolled as an Advocate of the District Court on 15.11.1980.

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

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

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

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

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

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

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



Mr. Justice Md. Akram Hossain Chowdhury

Father's name : Md. Belayet Hossain Chowdhury

Mother's name : Begum Shamsunnahar

Date of birth : 25.04.1959

Obtained LL.B. from Dhaka University.

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

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

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

Visited India, Bhutan and Saudi Arabia.



Mr. Justice Md. Ashraful Kamal

Father's name : Abdul Gofran

Mother's name : Ashraf Jahan Begum

Date of birth : 30.11.1964

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

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

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

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

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



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

Father's name : Late Abdun Noor Jaigirdar

Mother's name : Saleha Khatun

Date of birth : 30.11.1951

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

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

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

Participated in Second Asian Judges Symposium on Environment: Natural Capital and the Rule of law held on 3-5 December 2013, Auditorium C&D, ADB Headquarters, Manila, Philippines.

Visited India, Pakistan, France, UK, the Philippines and Kingdom of Saudi Arabia.



Mr. Justice K.M. Kamrul Kader

Father's name : Late Advocate K.M. Fazlul Kader

Mother's name : Bagum Aysha Kader

Date of birth : 09.06.1964

Obtained LL.B. (Hons.), LL.M. from University of Rajshahi, LL.B. (Hons.) from University of Wolverhampton, U.K., Barrister-at-law, Lincoln's Inn, London, U.K.

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

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

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





Mr. Justice Md. Mozibur Rahman Miah

Father's name : Late Md. Yusuf Ali Miah

Mother's name : Late Most. Sharifa Khatun

Date of birth : 04.07.1965

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

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

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

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

Appointed Member of the International Crimes Tribunal-2 (ICT-2) on 13-12-2012 and discharged function therein till 15.09.2015.

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

Visited India, Singapore and Malaysia.



Mr. Justice Mustafa Zaman Islam

Father's name : Late Muzaharul Islam

Mother's name : Rokeya Khaton

Date of birth : 10.02.1968

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

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

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

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



Mr. Justice Mohammad Ullah

Father's name : Mr. Shakhawat Ullah

Mother's name : Mst. Afrazunnessa

Date of birth : 18.03.1970

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

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

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

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

Visited India, Malaysia, England and USA.



Mr. Justice Muhammad Khurshid Alam Sarkar

Father's name : Alhaj M.A. Sattar Sarkar

Mother's name : Mrs. Asma Sattari

Date of birth : 01.03.1972

Obtained LL.B. (Hons) and LL.M. from University of Dhaka, LL.B. (UK), Barrister-at-law (Gray's Inn).

Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of Bangladesh Supreme Court on 01.04.1995, 07.03.1996 and 24.08.2010 respectively.

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

Visited England, Switzerland, French, Germany, Italy, India, Pakistan, Thailand and Nepal.





Mr. Justice A.K.M. Shahidul Huq

Father's name : Late Alhaj Mohammad Nurul Huq
Serior Advocate, Supreme Court of Bangladesh

Mother's name : Late Alhejja Jahan Ara Begum

Date of birth : 29.12.1955

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

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

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

Visited India and UK.



Mr. Justice Shahidul Karim

Father's name : A.K.M. Rezaul Karim

Mother's name : Mst. Saleha Begum

Date of birth : 11.03.1958

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

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

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

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





Mr. Justice Md. Jahangir Hossain

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

Mother's name : Sakhina Begum

Date of birth : 01.02.1959

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

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



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

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

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

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

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

Mr. Justice Abu Taher Md. Saifur Rahman

Father's name : Md. Abdul Jabber Sarker

Mother's name : Mrs. Umme Salma Khatun

Date of birth : 31.12.1966

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

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

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

Visited UK and India.





Mr. Justice Ashish Ranjan Das

Father's Name : Late Jogesh Chandra Das

Mother's Name : Gayatri Das

Date of Birth : 29.01.1958

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

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

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



Mr. Justice Mahmudul Hoque

Father's Name : Late Noor Hossain

Mother's Name : Late Mabiya Khatun

Date of Birth : 13.12.1958

Obtained M.A. and LL.B. from Chittagong University.

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

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

Visited India, Malaysia and Saudi Arabia.





Mr. Justice Md. Badruzzaman

Father's Name : Late Md. Sadar Uddin Mondal

Mother's Name : Mrs. Sahar Banu

Date of Birth : 06.09.1969

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

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

Visited India, Nepal, UK, USA and UAE.



Mr. Justice Zafar Ahmed

Father's Name : Nazir Ahmed Bhuiyan

Mother's Name : Rokey Begum

Date of Birth : 04.01.1970

Obtained LL.B. (Hons), LL.M from University of Dhaka and LL.B. (Hons) from London Metropolitan University, UK & Bar Vocational Course (BVC), BPP Professional School, London, UK.

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

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

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

Visited United Kingdom and United Arab Emirates.





Mr. Justice Kazi Md. Ejarul Haque Akondo

Father's Name : Late Md. Ismail Hossain Akondo

Mother's Name : Most. Hasina Begum

Date of Birth : 24.05.1971

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

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

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

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

Visited United Arab Emirates (UAE), The Republic of Maldives.



Mr. Justice Md. Shahinur Islam

Father's Name : Late Md. Serajul Islam

Mother's Name : Late Shamsun Nahar Islam

Date of Birth : 07.04.1958

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

Elevated as Additional Judge of the High Court Division on 05.08.2013 and later on re-appointed as a Member of International Crimes Tribunal-2. He was appointed Judge of the High Court Division on 05.08.2015. Since 15.09.2015 he has been serving as a Member of International Crimes Tribunal-1 [ICT-BD-1].

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

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





Madam Justice Kashefa Hussain

Father's Name : Late Justice Syed Muhammad Hussain

Mother's Name : Mrs. Suraiya Hussain

Date of Birth : 01.07.1958

Obtained B.A. (Honors) and M. A. in English Literature from Department of English, University of Dhaka; LL.B. from University of Dhaka, LL.M. from University of London; Diploma in French Language from Alliance Francaise, Dhaka.

Enrolled as an Advocate of the District Court and the High Court Division of the Supreme Court of Bangladesh on 12-10-1995 and on 27-04-2003 respectively.

Elevated as Additional Judge of the High Court Division on 05.08.13 and appointed Judge of the same Division on 05.08.2015.

Visited USA, UK, France, Switzerland, Italy, Greece, Spain, Sweden, Finland, Turkey, Bahrain, Japan, Thailand, Singapore, China, Hong Kong, Malaysia, Indonesia, the Vatican, India and Nepal.



Mr. Justice S.M. Mozibur Rahman

Father's Name : Late Fazlur Rahman

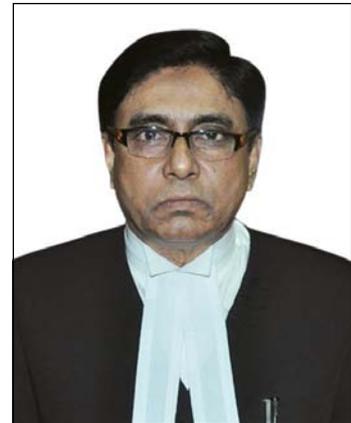
Mother's Name : Late Foyezun Nesa Begum

Date of Birth : 12.07.1955

Obtained B.A. (Hon's) and LL.B. Joined the Judicial service as Munsif (Assistant Judge) on 22.02.1984 and promoted as District and Sessions Judge on 09.05.2007.

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

Served as Senior Research Officer, Law Commission, Dhaka and Deputy Solicitor/Deputy Secretary, Ministry of Law, Justice and Parliamentary Affairs, Dhaka. Former Judge, Nari-O-Shishu Nirjatan Damon Tribunal, Jamalpur; Judge, Jono Nirapatta Bighnakari Aporadh Damon Tribunal, Chittagong; District and Sessions Judge, Potuakhali and Metropolitan Sessions Judge, Chittagong.





Mr. Justice Farid Ahmed Shibli

Father's Name : Late Modoris Khan

Mother's Name : Mrs. Saleha Khanom

Date of Birth : 07.12.1956

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

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

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



Mr. Justice Amir Hossain

Father's Name : Alhaj Abdus Samad

Mother's Name : Alhaj Syedunnesa

Date of Birth : 30.11.1957

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

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

Participated in many seminars, workshops, law conferences and visited Australia, Switzerland, China, Indonesia, Singapore, South Korea, India, Dubai, Holy Mecca (Saudi Arabia), Turkey, Germany, Luxemburg, Belgium, France, United Kingdom, Canada and Netherlands.





Mr. Justice Khizir Ahmed Choudhury

Father's Name : Aklakul Ambia Choudhury
Mother's Name : Jahanara Khanom Choudhury
Date of Birth : 24.11.1959

Obtained BA. and LL.B. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 18.03.1986, 30.04.1989 and 13.12.2009 respectively.

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

Visited England, France, Belgium, Germany, Turkey, Netherlands, Malaysia, Indonesia, Thailand, India, Nepal, Bhutan, Singapore, Vietnam, UAE, U.S.A. and Canada.



Mr. Justice Razik-Al-Jalil

Father's Name : Late Justice Md. Abdul Jalil
Mother's Name : Late Syeda Hazera Jalil
Date of Birth : 22.11.1962

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

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

Visited India.





Mr. Justice J.N. Deb Choudhury

Father's Name : Late Jitendra Narayan Deb Choudhury, Advocate

Mother's Name : Mrs. Khushi Rani Choudhury

Date of Birth : 15.03.1965

Obtained LL.B. under Chittagong University. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 16.04.1990, 11.05.1992 and 04.11.2001 respectively.

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

Attended in the Conference of the International Association of Democratic Lawyers (IADL) held in 2005 at Paris, France; Conference of World Peace Forum held in 2006 at Vancouver, Canada; Conference of Lawyer's of the Asia Pacific held in 2010 at Manila, Philippines.

Author of "Labour and Industrial Law" Student's Edition (in Bangla).

Visited India, Nepal, Singapore, Malaysia, Indonesia, Philippines, France, England, Canada, USA and Vietnam.



Mr. Justice Bhishmadev Chakraborty

Father's Name : Keshab Chakraborty

Mother's Name : Suniti Chakraborty

Date of Birth : 02.07.1967

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

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

Participated in "ADB-CITES Conference: Innovative Enforcement Strategies to Combat Wildlife Crime and Uphold the Rule of Law" held in Thailand in 2013; "Mutual Legal Assistance Training" conducted by the US Department of Justice at the Office of the Attorney General for Bangladesh in May, 2009.

Visited Thailand.





Mr. Justice Md. Iqbal Kabir

Father's Name : Dr. Md. Tojammal Hoque

Mother's Name : Most. Ayasha Khatoon

Date of Birth : 10.11.1967

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

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

Acted as Vice Principal of Dhanmondi Law College.

Visited India, Pakistan, Nepal, Sri Lanka, Bhutan, Iran, Dubai, Kenya, Tanzania, Korea, Philippines, Mexico, USA, Germany, Swaziland, Australia, Canada, Hong Kong, Finland, Sweden, Switzerland, Turkey, Maldives.



Mr. Justice Md. Salim

Father's Name : Late Md. Jamal Uddin

Mother's Name : Late Asiyeh Khanum

Date of Birth : 11.09.1969

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

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

Participated in international Workshops on 'Investigation and Prosecution of Hi-Tech crime-Technological Challenges and Practical Solution', held in Male, Maldives from 12 to 14 June 2010 and in international Conferences of BIMSTEC, held in Dhaka, 2013.

Visited Canada, U.A.E, India, Nepal and Maldives.





Mr. Justice Md. Shohrwardi

Father's Name : Late Md. Edrish Ali

Mother's Name : Late Jumela Khatoon

Date of Birth : 05.12.1970

Obtained LL.B. (Hon's) and LL.M. from University of Dhaka. Enrolled as an Advocate of the District Court, the High Court Division and the Appellate Division of the Supreme Court of Bangladesh on 16.08.1994, 29.09.1996 and 23.10.2014 respectively.

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

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

Participated in training programme on Mutual Legal Assistance conducted by U.S. Department of Justice and completed the 'Investigating Terrorist Incidents Course' organized by Bureau of Diplomatic Security, U.S. Department of State. He also participated in 'Investigation and Prosecution of Financial Crimes' seminar organized by United States Department of Justice.

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





JUDGES WHO LEFT US IN 2015

Mr. Justice Mustafa Kamal

Former Chief Justice of Bangladesh

Date of Birth : 01.01.1935
Date of elevation to the High Court : 09.04.1979
Date of elevation to the Appellate Division : 01.12.1989
Date of Retirement : 31.12.1999
Died on : 05.01.2015



Mr. Justice Sultan Hossain Khan

Date of Birth : 01.01.1925
Date of elevation to the High Court : 13.03.1978
Date of Retirement : 01.01.1990
Died on : 04.07.2015



Mr. Justice AKM Nurul Islam

Date of Birth : 01.01.1925
Date of elevation to the High Court : 21.10.1968
Died on : 14.11.2015





Auditorium of the Supreme Court



Conference Room of the Supreme Court



Hon'ble Chief Justice Mr. Justice Surendra Kumar Sinha and Hon'ble Judges of the High Court Division of the Supreme Court of India



of Bangladesh, 2015



The Supreme Court of Bangladesh

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

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

History of Higher Judiciary in the Territory of Bangladesh:

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

Use of Distinctive Flag by Judges:

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

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

Supreme Court under the Constitution of Bangladesh:

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



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

Appointment and Removal of Judges:

Chapter-I contains articles 94 to 113. Article 94 relates to the setting up of the Supreme Court of Bangladesh comprising the Appellate Division and the High Court Division. The Supreme Court consists of the Chief Justice and such number of other judges, as the President may deem it necessary to appoint in each of the Divisions. The Constitution provides for one Chief Justice for both the Divisions. The Chief Justice and the judges of the Appellate Division sit in the Appellate Division, whereas the judges of the High Court Division sit in the High Court Division. The Chief Justice is known as the Chief Justice of Bangladesh. Article 95 of the Constitution provides that the Chief Justice and other judges shall be appointed by the President and a person shall not be qualified for appointment as a judge unless he is a citizen of Bangladesh and has acquired the required qualifications as enumerated in Article 95. As per article 96, a judge shall not be removed from office except by an order of the President passed pursuant to a resolution of Parliament supported by a majority of not less than two-thirds of the total number of members of Parliament, on the ground of proved misbehaviour or incapacity. Article 97 provides for temporary appointment for performing the functions of the Chief Justice, as and when necessary, if his office becomes vacant on account of his absence, illness or any other cause, to the next most senior judge of the Appellate Division. Article 98 provides for appointment of Additional Judge(s) in the Supreme Court for any period not exceeding two years and a judge of the High Court Division may be required to sit in the Appellate Division for a temporary period as an ad-hoc judge. Normally, a judge is appointed on regular basis under article 95 of the Constitution. Article 100 of the Constitution provides that the permanent seat of the Supreme Court shall be in the Capital. However, judges of the High Court Division may be required to sit at such other place or places as the Chief Justice may, with the approval of the President, from time to time appoint.

Functions of the Supreme Court:

Articles 101 and 102 provide for the jurisdiction and power of the High Court Division in exercising its judicial functions and articles 103, 104 and 105 provide for the jurisdiction and power of the Appellate Division in exercising its judicial functions. The Appellate Division is also given the advisory jurisdiction to give opinion to any question of law relating to such national and public importance as may appear to the President, which may be referred to by him under Article 106. Article 107 provides for the rule making power of the Supreme Court and the authority of the Chief Justice in constituting Benches of any Division. Article 108 empowers the Supreme Court to order investigation and award punishment for any contempt. Article 111 declares the binding effect of law declared by the Appellate Division on all authority of the Republic and the Courts including the High Court Division and the binding effect of the law declared by the High Court Division upon all authority of the Republic and the Subordinate Courts. Article 112 requires all authority, executive and judicial, in the Republic to act in aid of the Supreme Court. Article 107 provides for the Supreme Court to make rules for regulating, practice and procedure of both the Divisions of the Supreme Court or any Sub-ordinate Court, subject to the approval of the President, and article 113 gives the authority to the Chief Justice or such other judge or officer, as he may direct, for appointment of staff of Supreme Court in accordance with the rules framed with previous approval of the President, and such appointment and service condition of the Supreme Court staff are guided by the rules framed by the Division concerned. The power to issue writs to redress the violation of fundamental rights detailed in Part-III of the Constitution and the authority to declare any law promulgated inconsistent with the rights guaranteed under Part-III of the Constitution, as void have been exclusively vested with the High Court Division under the provisions of articles 44 and 102 of the Constitution. Article 109 has given the High Court Division the power and authority of superintendence and control over all Courts and Tribunals, subordinate to it. Article 110 authorizes the High Court Division to withdraw any case from any Court subordinate to it which involves a substantial question of law as to the interpretation of the constitution, or a point of general public importance, the determination of which is necessary for disposal of the case and to determine the question of law and return the case to the Court from which it has been withdrawn and to transfer it to any other subordinate court. Article 114 provides for establishment of Courts sub-ordinate to the Supreme Court and normally the sub-ordinate Courts under civil jurisdiction are set up under the provisions of the Civil Courts Act, 1887 and those of criminal jurisdiction are set up under the Code of Criminal Procedure, 1898. Persons employed in judicial service and Magistracy are independent in exercising their respective judicial functions.

The Appellate Division of the Supreme Court of Bangladesh has 8 (Eight) judges including the Chief Justice and the High Court Division has 97 (Ninety Seven) judges.



Jurisdiction of the Supreme Court

The jurisdiction of the Supreme Court of Bangladesh has been provided for in the Constitution of the People's Republic of Bangladesh. Article 94(1) of the Constitution provides that there shall be Supreme Court for Bangladesh comprising the Appellate Division and the High Court Division. These two Divisions of the Supreme Court have separate jurisdictions. The sources of this jurisdiction, apart from the Constitution, are general laws (Acts of Parliament) of the country.

Jurisdiction of the Appellate Division

The Constitution has conferred on the Appellate Division the following jurisdictions:

- a. **Appellate Jurisdiction:** Article 103 of the Constitution provides that the Appellate Division shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the High Court Division. An appeal to the Appellate Division shall lie as of right where the High Court Division- (a) certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or (b) has sentenced or confirmed the sentence of a person to death or to imprisonment for life; or (c) has imposed punishment on a person for contempt of that division; and in other cases if the Appellate Division grants leave to appeal and also pursuant to Acts of Parliament.
- b. **Issue and execution of processes of Appellate Division:** Under article 104, the Appellate Division shall have power to issue such directions, orders, decrees or writs as may be necessary for doing complete justice in any cause or matter pending before it, including orders for the purpose of securing the attendance of any person or the discovery or production of any document.
- c. **Power of Review:** Article 105 provides that the Appellate Division shall have power, subject to the provisions of any Act of Parliament and of any rules made by the Division, to review any judgment pronounced or any order made by it. Part IV, Order XXVI of the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 deals with the power and procedural matters of review of the Appellate Division.
- d. **Advisory Jurisdiction:** Article 106 of the Constitution provides that if at any time it appears to the President that question of law has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to the Appellate Division for consideration and the Division may, after such hearing as it thinks fit, report its opinion thereon to the President.
- e. **Rule making power of the Supreme Court:** Subject to any law made by Parliament, the Supreme Court may with the approval of the President, make rules for regulating the practice and procedure of each Division of the Supreme Court and of any Court subordinate to it.

Jurisdiction of the High Court Division

Article 101 of the Constitution provides that the High Court Division shall have such original, appellate and other jurisdictions, powers and functions as are or may be conferred on it by the Constitution or any other law.

- a. **Original Jurisdiction:** Original jurisdiction of the High Court Division means that jurisdiction whereby it can hear a case or suit as Court of first instance. The Constitution has conferred on the High Court Division special Original Jurisdiction under Article 102 of the Constitution, under which the High Court Division can enforce fundamental rights guaranteed in Part III of the Constitution and can also exercise its power of judicial review. There are some other ordinary laws (Acts of Parliament) namely, The Companies Act, 1994; The Admiralty Court Act, 2000; The Bank Companies Act, 1991; Will and Probate under Succession Act, 1925; The Divorce Act, 1869; The Representation of the People Order, 1972; Bangladesh Merchant Shipping Ordinance, 1983; The Contempt of Courts Act, 1926 etc.) which fall under the ordinary/original jurisdiction of the High Court Division. Further jurisdiction of the High Court Division is guided by the Code of Civil Procedure, 1908 and The Supreme Court (High Court Division) Rules, 1973.
- b. **Appellate Jurisdiction:** Any law may confer on the High Court Division appellate jurisdiction on any matter. The Code of Criminal Procedure, 1898; The Code of Civil Procedure, 1908; Section 42 of Value Added Tax Act, 1991; Section 196D of the Customs Act, 1969 etc and the High Court Division Rules, 1973 have conferred on the High Court Division appellate jurisdiction.
- c. **Revisional Jurisdiction:** (a) Section 115 of The Code of Civil Procedure, 1908 has conferred on the High Court Division the revisional jurisdiction. The High Court Division may examine the decisions of the courts subordinate to it.



(b) Section 439 of The Code of Criminal Procedure, 1898 has conferred on the High Court Division the revisional jurisdiction as to criminal matters of the courts subordinate to it. Furthermore, the High Court Division has inherent power under section 561A of the Code of Criminal Procedure, to make such orders as may be necessary to give effect to any order under 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 Superintendence and Control over Courts Subordinate to it:** Article 109 of the Constitution provides that the High Court Division shall have superintendence and control over all Courts and Tribunals subordinate to it. As part of its supervisory power over the subordinate judiciary, the Hon'ble Chief Justice Mr. Surendra Kumar Sinha visited several courts of subordinate judiciary in the year 2015. Nine Honorable Judges, appointed by the Hon'ble Chief Justice Mr. Justice Surendra Kumar Sinha inspected all the Courts and Tribunals of subordinate judiciary in 15 Districts in 2015.

The table below shows the names of the Districts in which District and Sessions Judge Court and Courts subordinate to it (including Chief Judicial Magistrate Court), and various Tribunals were inspected by the Hon'ble Judges of the High Court Division in 2015:

SL.	Name of the Honorable Judges	Name of the Districts
1.	Mr. Justice Farid Ahmed	Narail and Barguna
2.	Mr. Justice Moyeenul Islam Chowdhury	Chandpur and Comilla
3.	Mr. Justice Md. Emdadul Huq and Mr. Justice Muhammad Khurshid Alam Sarkar	Dhaka (Metropolitan Sessions Judge Court and Courts subordinate to it including Metropolitan Magistracy)
4.	Mr. Justice Md. Nuruzzaman	Jhenaidah and Kushtia
5.	Mr. Justice Md. Shawkat Hossain	Pabna
6.	Mr. Justice A.N.M. Bashir Ullah	Gazipur, Netrokona and Sherpur
7.	Mr. Justice Md. Ruhul Quddus	Naogaon and Chapainawabganj
8.	Mr. Justice Bhabani Prasad Singha	Rangpur and Thakurgaon

f. Transfer of cases from subordinate Courts to the High Court Division:

Under Article 110 of the Constitution if the High Court Division is satisfied that a case pending in a Court subordinate to it involves a substantial question of law as to the interpretation of the Constitution, or on a point of general public importance, the determination of which is necessary for the disposal of the case, it shall withdraw the case from that Court and may- (a) either dispose of the case itself; or (b) determine the question of law and return the case to the Court from which it has been so withdrawn (or transfer it to another subordinate Court) together with a copy of the judgment of the Division on such question, and the court to which the case is so returned or transferred shall, on receipt thereof, proceed to dispose of the case in conformity with such judgment.

Apart from the above, section 113 of The Code of Civil Procedure 1908 gives jurisdiction to the High Court Division to give opinion and order on a case referred to it by any subordinate Court by way of reference. Under section 160 of the Income Tax Ordinance, 1984 the High Court Division is empowered to hear income tax references. Section 24 of The Code of Civil Procedure provides for transfer of cases of the civil Courts and section 526 of the Code of Criminal Procedure provides for transfer of cases under criminal jurisdiction of the subordinate Courts.

Lawazima Court:

The Lawazima Court is presided over by the Registrar General. This court deals with the procedural matters for making the cases ready for hearing.



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

Full Court Meeting:

Six Full Court Meetings of the Supreme Court were held in the year 2015 on 11.01.2015, 23.02.2015, 05.05.2015, 27.07.2015, 15.09.2015 and on 23.11.2015 wherein decisions were taken in various issues including consideration of recommendations of the General Administration Committee (G.A. Committee) in respect of promotion, degradation and suspension of the Judges of the subordinate Judiciary. As many as fifteen G.A Committee meetings was held on 25 and 26 January; 22, 24 and 25 February; 15 March; 31 March; 15 April; 16 May; 23 May; 4 June; 28 June; 5 August; 12 August; 9 September; 20 October; 17 December and on 31 December 2015. Full Court Meetings and G.A Committee meetings were presided over by the Honorable Chief Justice of Bangladesh.

Different Committees of the Supreme Court: Different Committees of the Supreme Court comprised of Honorable Judges of the both Divisions of the Supreme Court have been formed, reconstituted and convened to accomplish different functions necessary for smooth running of the Courts and administration in the year 2015. Some of the Committees and their composition along with the task assigned with them have been discussed below:

- **The Supreme Court of Bangladesh (Appellate Division) Rules 1988 Amendment Committee:** The Committee is entrusted with the responsibility of revising the existing Appellate Division Rules. The members of the Committee are:
 - (1) Mr. Justice Md. Abdul Wahhab Miah
 - (2) (4) Madam Justice Nazmun Ara Sultana
 - (3) Mr. Justice Syed Mahmud Hossain
- **General Administration Committee (G.A. Committee):** The G.A Committee consists of the Chief Justice and not more than three Judges as the Chief Justice may appoint from time to time. The Committee for 2015 is as follows:
 1. Mr. Justice Surendra Kumar Sinha, HCJ
 2. Mr. Justice Nozrul Islam Chowdhury (up to 12/12/2015)
 3. Madam Justice Zinat Ara
 4. Mr. Justice Obaidul Hassan

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

- (1) The G.A Committee shall be in charge of the superintendence and control over the affairs of all Courts and Tribunals subordinate to the High Court Division, so far as such superintendence and control are exercised otherwise than judicially.
- (2) The G.A Committee shall have power, without reference to the Full Court:
 - (a) to dispose of all correspondence relating to its business, urgent in its nature and not of general importance;
 - (b) to make recommendations for posting, disciplinary action including imposition of penalty upon, grant of leave to, and suspension and promotion of judicial officers; but recommendations of the G.A Committee with regard to promotion of and imposition of penalty on, a judicial officer shall be placed before the Full Court for approval;
 - (c) to formulate general guidelines for the purpose of exercising its power under clause (b).
- (3) The Chief Justice may at any time direct that the powers conferred on the G.A Committee under sub-rule (2) above shall be exercised by one or more Judge(s) of that Committee and such Judge(s) may apportion the duties of the Committee among them, subject to the approval of the Chief Justice.



- **Supreme Court Judges' Library Committee (High Court Division):** The Committee in its meeting discusses improvement of the Libraries and procurement of books. The members of the Committee are:

- (1) Mr. Justice Nozrul Islam Chowdhury (up to 12/12/2015)
- (2) Mr. Justice Md. Nizamul Huq
- (3) Madam Justice Naima Haider
- (4) Mr. Justice Quazi Reza-ul Hoque

- **Performance of the Judges of the Subordinate Judiciary Evaluation Committee:** Members of this committee evaluate the performance of the Judges of the Subordinate Judiciary and recommend necessary measure:

- (1) Madam Justice Zinat Ara
- (2) Mr. Justice Quamrul Islam Siddique

- **Bangladesh Supreme Court Museum Committee:** This Committee recommends measures for increasing the collection of the museum of the Supreme Court of Bangladesh. The members of the Committee are:

- (1) Madam Justice Nazmun Ara Sultana
- (2) Mr. Justice AHM Shamsuddin Choudhury (Up to 01.10.2015)
- (3) Mr. Justice Syed Refaat Ahmed
- (4) Mr. Justice Obaidul Hassan
- (5) Madam Justice Naima Haider

- **Bangladesh Supreme Court Judges' Corner Committee:** This Committee takes measures for increasing facilities at the Supreme Court Judges' corner. The members of the Committee are:

- | | | |
|---|---|--------------------|
| (1) Mr. Justice Surendra Kumar Sinha, HCJ | - | Chairman |
| (2) Mr. Justice Syed Mahmud Hossain | - | Executive Chairman |
| (3) Mr. Justice Mirza Hussain Haider | - | Vice Chairman |
| (4) Mr. Justice Tariq ul Hakim | - | Member |
| (5) Madam Justice Salma Masud Chowdhury | - | Vice Chairman |
| (6) Mr. Justice A.F.M Abdur Rahman | - | Member |
| (7) Mr. Justice Syed Refaat Ahmed | - | Member |
| (8) Mr. Justice A.K.M. Abdul Hakim | - | Secretary |
| (9) Mr. Justice Obaidul Hassan | - | Joint Secretary |
| (10) Mr. Justice M. Enayetur Rahim | - | Member |
| (11) Mr. Justice Jahangir Hossain | - | Member |
| (12) Mr. Justice Sheikh Hassan Arif | - | Member |
| (13) Mr. Justice Md. Ashraful Kamal | - | Member |
| (14) Mr. Justice Md. Jahangir Hossain | - | Member |
| (15) Mr. Justice Ashish Ranjan Das | - | Member |

- **Bangladesh Supreme Court High Court Division (Employee) Recruitment Rules, 1987 Amendment Committee:** The Committee prepared a report for recommending revision and re-fixation of Gradation of the Officers and Staff of the Supreme Court in light with the amendment made in 2014 in the Rules of 1987. The members of the Committee are:

- (1) Mr. Justice Nozrul Islam Chowdhury (up to 12/12/2015)
- (2) Mr. Justice Quamrul Islam Siddique
- (3) Mr. Justice M. Enayetur Rahim
- (4) Mr. Justice Md. Shawkat Hossain



- **Committee for establishing a CNG re-fueling station, a vehicle pool and a modern printing press in the Supreme Court premises:** The Committee is responsible for taking measures to a CNG re-fueling station, a vehicle pool and a modern printing press in the Supreme Court premises. The members of the Committee are:

- (1) Mr. Justice Md. Abdul Wahhab Miah
- (2) Mr. Justice Nozrul Islam Chowdhury (up to 12/12/2015)
- (3) Mr. Justice A.K.M. Asaduzzaman
- (4) Mr. Justice Moyeenul Islam Chowdhury

- **Vehicles Purchase Consultative Committee:** The Committee supervise the purchase of all vehicles for the Supreme Court of Bangladesh. The members of the Committee are:

- (1) Mr. Justice Syed Mahmud Hossain
- (2) Madam Justice Salma Masud Chowdhury
- (3) Mr. Justice Md. Ashfaquul Islam
- (4) Mr. Justice Abu Bakar Siddiquee
- (5) Mr. Justice Md. Nuruzzaman

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

1. Madam Justice Zinat Ara
2. Mr. Justice M. Moazzam Husain

- **Civil Rules and Orders (Volume I and II) necessary amendment Committee:** The Committee is revising the provisions of the Civil Rules and Orders (Volume I and II) for its necessary amendments. The members of the Committee are:

- (1) Mr. Justice Quamrul Islam Siddique
- (2) Mr. Justice Moyeenul Islam Chowdhury
- (3) Mr. Justice Md. Emdadul Huq
- (4) Mr. Justice Bhabani Prasad Singha

- **Criminal Rules and Orders amendment Committee:** The Committee is working for amending Criminal Rules and Orders 2009. The members of the Committee are:

- (1) Mr. Justice Quamrul Islam Siddique
- (2) Mr. Justice Moyeenul Islam Chowdhury
- (3) Mr. Justice Md. Emdadul Huq
- (4) Mr. Justice Bhabani Prasad Singha

- **Bangladesh Supreme Court Annual Report, 2015 Editorial Committee:** The Committee prepared the Annual Report 2015 in 2016 which is published by the Supreme Court. The members of the Committee are:

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|---|---|----------|
| (1) Madam Justice Nazmun Ara Sultana | - | Chairman |
| (2) Mr. Justice Syed Mahmud Hossain | - | Member |
| (3) Mr. Justice Hasan Foez Siddique | - | Member |
| (4) Mr. Justice Mirza Hussain Haider | - | Member |
| (5) Mr. Justice Tariq ul Hakim | - | Member |
| (6) Madam Justice Salma Masud Chowdhury | - | Member |
| (7) Mr. Justice Md. Nuruzzaman | - | Member |
| (8) Madam Justice Naima Haider | - | Member |



- **Bangladesh Supreme Court Online Bulletin (Online Law Report) Committee:** The committee is responsible for publishing online law reports of the Supreme Court of Bangladesh comprising of judgments from both Divisions. The members of the Committee are:

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

- **Committee for taking measures in relation to ensuring best usage of collected resources in admiralty cases:** The Committee gives direction to use the collected resources in admiralty cases in an appropriate way. The members of the Committee are:

- (1) Mr. Justice AHM Shamsuddin Choudhury (Up to 01.10.2015)
- (2) Mr. Justice Mirza Hussain Haider
- (3) Mr. Justice Syed Refaat Ahmed
- (4) Mr. Justice Md. Abu Zafor Siddique
- (5) Mr. Justice Md. Emdadul Huq
- (6) Mr. Justice Sheikh Hassan Arif

- **Backlog of pending cases Monitoring Committee (High Court Division):** The Committee monitors the backlog of cases in the High Court Division and recommends measures to overcome it. Members of the Committee are as follow:

- (1) Mr. Justice Nozrul Islam Chowdhury (up to 12/12/2015)
- (2) Mr. Justice Syed Muhammad Dastagir Husain
- (3) Mr. Justice Mirza Hussain Haider
- (4) Madam Justice Zinat Ara
- (5) Mr. Justice Syed Refaat Ahmed

- **Backlog of pending cases Monitoring Committee (Subordinate Courts and Tribunals):** The Committee monitors the backlog of cases in the subordinate Courts and Tribunals and recommends measures to overcome it. Members of the Committee are as follow:

- (1) Madam Justice Salma Masud Chowdhury
- (2) Mr. Justice Moyeenul Islam Chowdhury
- (3) Mr. Justice Md. Nuruzzaman
- (4) Mr. M. Enayetur Rahim
- (5) Mr. Justice Md. Shawkat Hossain

- **Special Committee for Judicial Reforms:** The Committee looks after the proposed Judicial Reforms in the Judiciary, development of information technology (IT) and other related matters. Members of the Committee are as follow:

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

- **Committee for taking measures in relation to ensuring security of the Supreme Court of Bangladesh:** The Committee reviews security measures taken in the Supreme Court and recommends new measures for the same. The members of the Committee are:

- (1) Mr. Justice Syed Mahmud Hossain
- (2) Mr. Justice Mirza Hussain Haider
- (3) Mr. Justice A.F.M. Abdur Rahman
- (4) Mr. Justice Quamrul Islam Siddique
- (5) Mr. Justice Obaidul Hassan
- (6) Mr. Justice M. Enayetur Rahim
- (7) Mr. Justice Gobinda Chandra Tagore



Steps taken to strengthening the role of Supreme Court in establishing rule of law and reducing case backlog in 2015 under the leadership of Honorable Chief Justice

Mr. Justice Surendra Kumar Sinha

1. Increasing disposal rate:

After assuming office Honorable Chief Justice has taken many steps to reduce case backlog in both Divisions of the Supreme Court. His lordship's earnest endeavor and dynamic leadership has made it possible to increase disposal rate compared to that of last year's figure. The table below shows the vivid picture of drastic rise in the figure and percentage of settlement of cases in the higher as well as subordinate judiciary:

SL No	Name of the Court	Disposal in 2014 (from 17.01.2014 to 30.11.2014)	Disposal in 2015 (from 17.01.2015 to 30.11.2015)	Comparative Rate of Disposal
1.	Appellate Division	5789	9356	162%
2.	High Court Division	22477	33380	149%
3.	Subordinate Judiciary	997652	1067733	107%

2. Organizing First National Judicial Conference, 2015:

First time in the history of the Judiciary on the 26th December of 2015 with the participation from the Judges of the both Divisions of the Supreme Court and Judicial Officers of all tiers from across the country a National Judicial Conference was held at the Bangabandhu International Conference Center, Dhaka. The main focus of the conference was reducing case backlog through digitization and effective court administration and case management. The conference also aimed at to find out ways to solve existing problems of the Judiciary. The Honorable President of the Republic was the Chief Guest of the Conference, whose presence inspired every soul taking part in the event.

3. Amending Civil Rules and Orders:

'Civil Rules and Orders', a very important document containing guidelines to conduct the Civil cases in the subordinate Judiciary, has become obsolete on many points due to keeping them untouched though a long time has elapsed since its promulgation. With the advent of information technology in the last part of the previous century, it has become obligatory to introduce provisions relating to ICT in the said Orders to tune them with the time. In a view to do that, initiatives have been taken to bring amendments in the 'Civil Rules and Orders'. A Judges' committee has been formed. The committee is working full swing to bring necessary amendments in 'Civil Rules and Orders'.

4. Issuance of orders relating to delegation of administrative and financial power:

Most of the administrative work is done in the Supreme Court in accordance with Supreme Court of Bangladesh (High Court Division) Rules, 1973. With the passage of time nature and ambit of administrative work has been changed and its volume has increased manifold. But in some cases no clear rules are found in the above mentioned rules based on which a decision can be taken. Therefore, to bring dynamism in administrative work and to manage the budget allocated against the Supreme Court effectively and efficiently on 04.08.2015 two orders namely, 'The Delegation of Administrative Power' and 'The Delegation of Financial Power' have been issued by the Supreme Court.

5. Issuance of circulars in relation to administrative file management of the High Court Division:

On 02.08.2015 direction towards management of administrative file was issued in the Supreme Court



following the practice adopted in the Secretariat. Due to this direction work flow in different sections of the High Court Division has increased considerably and administrative file management has become more speedy and clear.

6. Completion of project to construct twenty-storey residential building for the Judges of the Supreme Court:

The project to construct a twenty-storey residential building in plot no. 67, Kakrail, Dhaka is going on. Under the project 76 flats are going to be constructed. It is expected that the construction work will be completed by the end of December 2016.

7. Preparing development project proposal (DPP) to initiate a project to construct a twelve-storey Court building having twenty-storey base in the vacant space of the western side of the Annex Building of the High Court Division:

Due to the huge number of institution of cases each year pending cases in the High Court Division of the Supreme Court are increasing gradually. To make working space for officers and staff of the court and accommodation for records of the cases a development project proposal (DPP) to initiate a project to construct twelve-storey Court Building with twenty-storey base has been prepared. Under this project forty new court-rooms and same number of Judges Chambers will be constructed. It is expected that to some extent it will solve the present crisis of acute shortage of court rooms and chambers.

8. Steps taken to initiate a project to construct twenty-storey administrative building for the Supreme Court:

Due to the increase in the volume of the work of the Supreme Court proper accommodation for the Officers, Staff and records and other files of the Courts cannot be managed effectively. It leads to the disturbance in smooth functioning of the administration as well as Court proceedings. Therefore, steps have been taken to initiate a project to construct a twenty-storey administrative building for the Supreme Court of Bangladesh.

9. Construction of building for recreation facilities for the Judges of the Supreme Court:

Steps have been taken to construct a four-storey building at 68, Old Circuit House, Kakrail, Dhaka with single basement and accommodation block to provide recreation facilities for Judges of the Supreme Court.

10. Creation of posts:

The posts of the Registrar General and Registrar of the High Court Division have been created. Initiatives have been taken to create posts for cooks and guards for the honorable Judges of the Supreme Court and many other posts in different tiers totaling 414.

11. Promotion and appointment:

To bring dynamism in the administrative work one employee was promoted to the first class post of Deputy Registrar and one employee was promoted to the post of Secretary (High Court Division) of the Honorable Chief Justice. Four employees were promoted to the post of Assistant Registrars and six were promoted to the post of Bench Officers. One post of Assistant Maintenance Engineer was filled up with direct appointment. Alongside, one employee was promoted to the second class post of Stamp Reporter. Likewise, three posts of Court Keepers, three Senior Superintendents, twelve Superintendents, twenty nine Administrative Officers, two Affidavit Commissioners, and sixteen Assistant Bench Officers- in total 66 posts were filled up through promotion. Forty four Personal Officers have been appointed directly and about 135 staff of third and fourth class employees have been newly appointed in 2015.

12. Organizing training for the Staff and Officers of the Supreme Court:

For smooth functioning of the administrative matter of the court and to give transparency a priority, staff and officers of different tiers of the Supreme Court have been given training on various matters including file management system.

13. Introduction of Online Cause List:

Many measures have been taken for digitization of different procedures of the Supreme Court aiming at



total digitization of the judiciary. Among them, introduction of online cause list is the most important initiative. Under this system cause list of both Divisions of the Supreme Court are published online. Through this online cause list litigant people can be informed about the result of his case even from a remote place. It is expected that online cause list system would reduce the harassment of the parties of the case drastically.

14. Preserving information relating to cases:

Everyday cases are filed in different Benches of the High Court Division. Different information relating to these cases is given entry to online and preserved in the server. In which dates a particular case appeared in the cause list, information relating to this is also preserved in the server. A person who wants to know about his case can go to the website of the Supreme Court and can search for and know about the present status of his case.

15. Introduction of 'Online Bail Confirmation' system:

Previously for confirming the authenticity of a bail order sent to the district courts, the district courts authority would have resorted to making phone call to the concerned section of the Supreme Court. Unless the concerned section confirmed that the order was genuine, the person who got bail from the Supreme Court had to languish in jail. The whole system now has been digitized and every bail order has been made available online through a software made and installed in our website. The district courts now can verify online the authenticity of bail orders very quickly and can make arrangements for release of the prisoner. Therefore, the harassment of the persons who got bail from the Supreme Court has been reduced to a minimum.

16. Introduction of online Law Report (SCOB):

From August 2015 Supreme Court publishes an online Law Reports namely, 'Supreme Court Online Bulletin (SCOB)'. It contains important judgments from both Divisions of the Supreme Court with their ratio decidendi as head notes.

17. Establishment of Supreme Court 'Day Care Center':

For facilitating the upbringing of the children of the officers and staff of the Supreme Court during office hour, a 'Day Care Center' has been established in the first floor of the Administrative Building no-3.

18. Increasing facilities in the Medical Centre of the Supreme Court:

The medical centre established in the Supreme Court premises was not sufficiently equipped. Steps have been taken to modernize the medical centre so that it can serve Judges, officers and staff of the Supreme Court and can provide effective medical services. In the center a database relating to health record of the Honorable Judges of the Supreme Court is being maintained.

19. Issuing circulars to the subordinate Judiciary:

After the Hon'ble Chief Justice has taken over his post, with a view to filling in the vacant post of the Judges in the subordinate Judiciary for speedy and quick disposal of cases, a letter has been sent to the Ministry of Law, Justice and Parliamentary Affairs on 26th January 2015.

At present about 28 lac cases are pending in the Subordinate Judiciary and the number of pending cases is on increase. Since the number of pending cases has increased exponentially, it is of utmost importance that the court hours are utilized effectively. In this regard, the following directions have been given to the judges of the Subordinate Judiciary on 4th May 2015:-

1. The judges will compulsorily hear miscellaneous cases particularly Criminal Miscellaneous Cases and contesting temporary injunction petitions in the second half (from 2.00 p.m to 4.30 p.m) and if time is left after such hearing, the court shall take up hearing of Appeal and Revision matter.
2. Courts where miscellaneous cases are not pending, Judges of such courts will ensure effective use of the entire court hours by hearing Trial Cases/Appeal Cases/Revision Cases during the



- entire 1st and 2nd half of the court hours.
3. With a view to reduce the number of pending cases, to avoid long and lengthy time duration in disposing cases and most importantly for speedy disposal of cases in the subordinate Judiciary, a circular has been issued on 2nd June 2015 directing the Judges of all tiers over the country to not leave their work station on weekends without informing the Registrar General of the Supreme Court of Bangladesh.
 4. On 23rd July 2015, a circular has been issued directing that no one outside the court (e.g. umedar) other than the concerned officer/staff shall be entering or documenting any orders in the record of the cases. As a result, the Bench Assistants often have to work from 9.00 a.m to 10 p.m which is inhumane. Therefore, it is imperative to create posts for additional Bench Assistants for every court.
 5. On 29 July 2015, a circular was issued regarding adjournment of cases and fixing the date of hearing.
 - a. Once recording of evidence stage commences (unless adjournment is essential on reasonable ground) the hearing of the cases shall continue from day to day till the evidence is not closed upon examining all the witness.
 - b. When the cases are pending for over 3 years, during recording of evidence if the case is adjourned on reasonable ground the next date of hearing shall be fixed within a minimum timeframe (under no circumstances it can be more than one month).
 - c. The old cases shall be taken up for hearing and be disposed of on a priority basis.
 6. On 30 July 2015, a letter was sent to the Secretary, Ministry of Law, Justice and Parliamentary Affairs requesting to issue a Gazette Notification for taking necessary action to declare every Speedy Trial Tribunal except in Dhaka as Sessions Court with a view to fulfill the purpose of the Code of Criminal Procedure, 1898 following the provisions of Section 4 (b) of the Special Court (Additional Charge) Act 2003. Thereafter, the Ministry issued a circular to this effect.
 7. On 20th August 2015, a circular was issued to take necessary action to dispose of long pending cases under the Small Causes Courts Act, 1887 and Rent Control Act, 1990 and GR and Non GR cases regarding criminal offences adjourned for no justifiable ground filed before the year 2000.
 8. On 6th September 2015, a circular was issued giving directions to the Judicial Officers and assisting officers-staff to wear identity cards to the class 4 staff to wear official uniform.
 9. In order to prevent illegal activities like forgery of certified copies of orders/judgments by persons who entered the court premise pretending to be lawyers' assistants, a circular was issued on 6th September 2015, directing the lawyers' assistants to show their identification in every court throughout the country.
 10. As a part of the digitalization of the courts, on 29th July 2015 and 12th August 2015, two circulars were issued giving directions to establish internet connection in the courts under government expenditure.

20. Determination of adequate work for the Judges of the subordinate Judiciary:

To determine adequate work and disposal of the Judges of the subordinate Judiciary, an initiative has been taken to replace the existing system with a modern Credit System. It is expected to be implemented soon.

21. Inspection of different subordinate Courts by the Hon'ble Chief Justice:

After taking over his chair as the Hon'ble Chief Justice of Bangladesh, His Lordship has inspected 13 District Courts in 2015 with the objective to be informed about the judicial, administrative and structural condition of the subordinate Judiciary. Such inspections have created a lot of enthusiasm among the judges



of the subordinate Judiciary and inspired them to render services more efficiently.

22. Promotion of the Judicial Officers:

After the Hon'ble Chief Justice of Bangladesh took over his charge, in 2015 four Additional District Judges were promoted as District Judges, 164 Joint District Judges were promoted as Additional District Judges, 348 Senior Assistant Judges were promoted as Joint District Judges and 1 Assistant Judge was promoted as Senior Assistant Judge.

23. Issuing letter for creating 41 District Judges' posts:

Under the direction of the Hon'ble Chief Justice, a letter has been sent to the concerned Ministry to create 41 posts of "Nari o Shishu Nirjaton Damon Tribunal" which is a District Judge equivalent post and supporting staff post to reduce the number of long pending cases and to ensure speedy disposal of cases.

24. Initiative taken to resolve different problems and issues of the subordinate Judiciary:

The Hon'ble Chief Justice of Bangladesh upon taking over his Office had met Secretaries of different Ministries concerned with the Judiciary in order to solve different problems of the Subordinate Judiciary. In addition, the Hon'ble Chief Justice had attended meetings with the Hon'ble Minister of the Ministry of Law, Justice and Parliamentary Affairs, Deputy Secretary and Official of higher designation.

25. Address to the District Judges:

On 11th April, the Hon'ble Chief Justice addressed the District Judges coming from all over the country and gave them his directions to resolve different problematic aspect of the subordinate Judiciary.

26. Enactment of Guidelines for Supreme Court Judges for Claiming Medical Expenses Incurred Abroad, 2015:

According to Supreme Courts Judges (Remuneration and Privileges) Ordinance, 1978, the Hon'ble Judges of the Supreme Court are entitled to medical facilities as per the provision of Special Medical Attendance Rules, 1950. However, these provisions did not clarify specifically the rules regarding treatment out side the country and there were some inconsistencies. Keeping this in mind, regarding the clearance of medical bills of the Hon'ble Judges of the Supreme Court, the "Guidelines for Supreme Court Judges for Claiming Medical Expenses Incurred Abroad, 2015" was enacted and endorsed at the Full Court Meeting.

27. Miscellaneous:

(A) The Complaint/Suggestion box management of the Supreme Court of Bangladesh:

As per the order of the Hon'ble Chief Justice on 31st March 2015, a complaint/suggestion box was established in the Supreme Court of Bangladesh. The purpose of this complaint/suggestion box is to collect proposal/initiative, complaint regarding violation of law, rules, circulars, complaint regarding officers/employee working in the subordinate and higher judiciary, complaint regarding any irregularities or misconduct by learned advocates etc. with a view to serve the litigant people with transparency and responsibility. A Committee consisting of the officers of the Supreme Court regularly investigates such complaints and takes necessary actions to dispose them off. Up to December 2015, the Committee has taken necessary action to dispose of 103 complaints/ suggestions.

(B) Activities of Monitoring Committee for the High Court Division and Monitoring Committee for Subordinate Courts:

According to Chapter IA, Rule 7B and 7C of the Supreme Court of Bangladesh (High Court Division Rules), 1973, the two aforementioned Committees have been formed consisting of 5 Hon'ble Judges of the High Court Division to determine mechanisms to reduce the number of pending cases and speedy disposal of the cases in both the Supreme Court and the subordinate Judiciary.



Iftar Mahfil 2015



The Honorable President, Honorable Prime Minister, Honorable Speaker, Honorable Chief Justice & Honorable Law Minister are taking part in *Munajat* at a Iftar party organized by the Supreme Court



Honorable Judges as participants at the Iftar party

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

1. Statement showing filing of new cases, disposal and pendency of cases (from 01.01.2015 to 31.12.2015).

1.1. Petitions.

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2015
Civil	7961	3763	11724	4636	7088
Criminal	1267	786	2053	1186	867
Civil Review	323	322	645	141	504
Criminal Review	24	74	98	19	79
Jail Petition	100	19	119	19	100
Grand Total	9675	4964	14639	6001	8638

1.2. Miscellaneous Petitions.

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2015
Civil Misc. Petition	2384	1469	3853	2533	1320
Criminal Misc. Petition	899	905	1804	812	992
Contempt Petition	57	32	89	22	67
Grand Total	3340	2406	5746	3367	2379

1.3. Appeals.

Cases	Opening Balance	Institution	Total	Disposal	Pending on 31.12.2015
Civil	1749	474	2223	565	1658
Criminal	560	149	709	55	654
Jail	22	14	36	04	32
Grand Total	2331	637	2968	624	2344



1.4. Consolidated statement for all cases from 01.01.2015 to 31.12.2015 in the Appellate Division of the Supreme Court of Bangladesh.

Cases	Opening Balance	Institution	Total	Disposal	Current Pendency
Petition	9675	4964	14639	6001	8638
Misc. Petition	3340	2406	5746	3367	2379
Appeals	2331	637	2968	624	2344
Grand Total	15346	8007	23353	9992	13361

Consolidated statement for all cases from 01.01.2015 to 31.12.2015

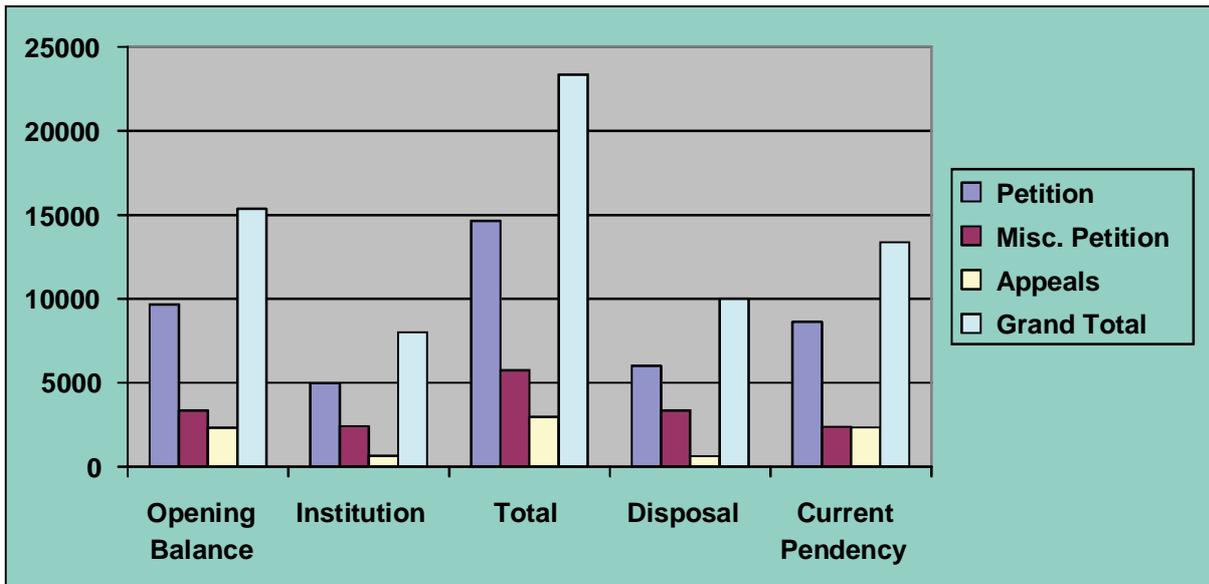


Figure 1: Vertical Bar Chart showing institution, pendency and disposal of all cases in the year 2015 in the Appellate Division of the Supreme Court of Bangladesh.

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

2. Year wise filing of new cases, disposal and pendency of all cases from the year 1972 to 2015.

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



3. Some visible trends.

3.1. Trend of filing of new cases, disposal and pendency from the year 1972 to 2015.

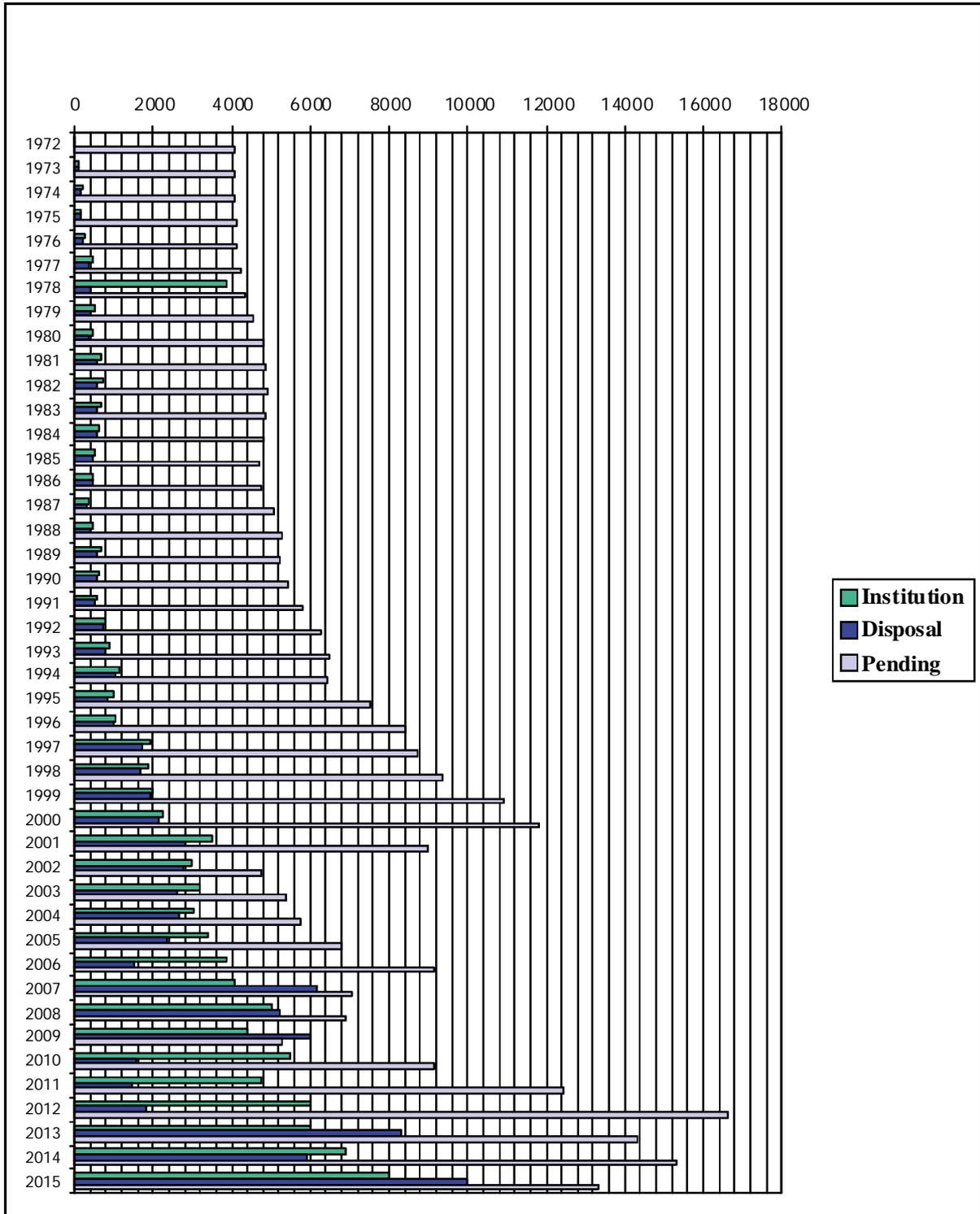


Figure 2: Horizontal Bar Chart of filing of new cases, disposal and pending cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2015.

3.2. Trend of institution of cases from the year 1972 to 2015.

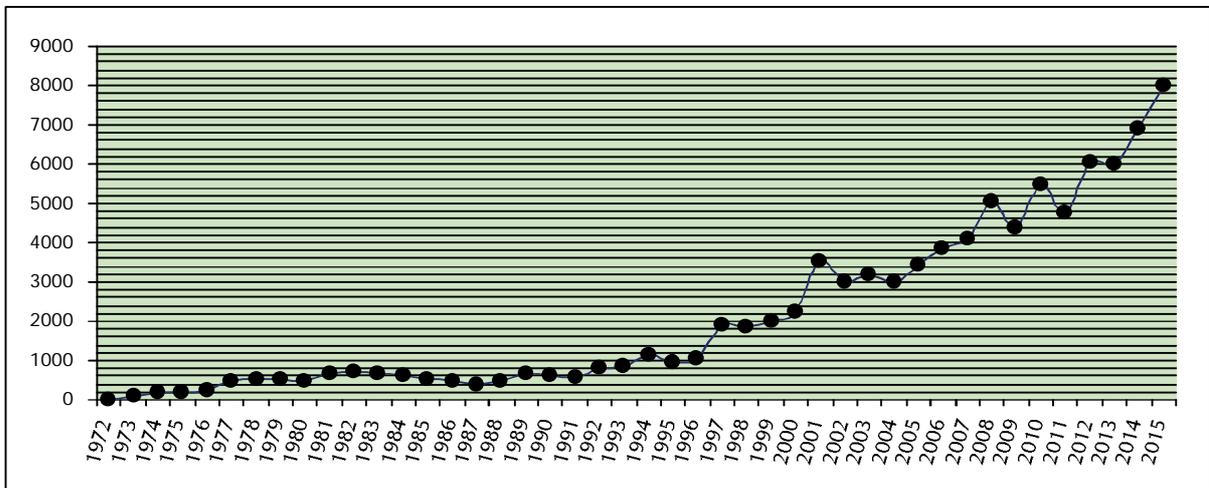


Figure 3: Line graph of filing of new cases from the year 1972 to 2015.

3.3. Trend of disposal of cases from the year 1972 to 2015.

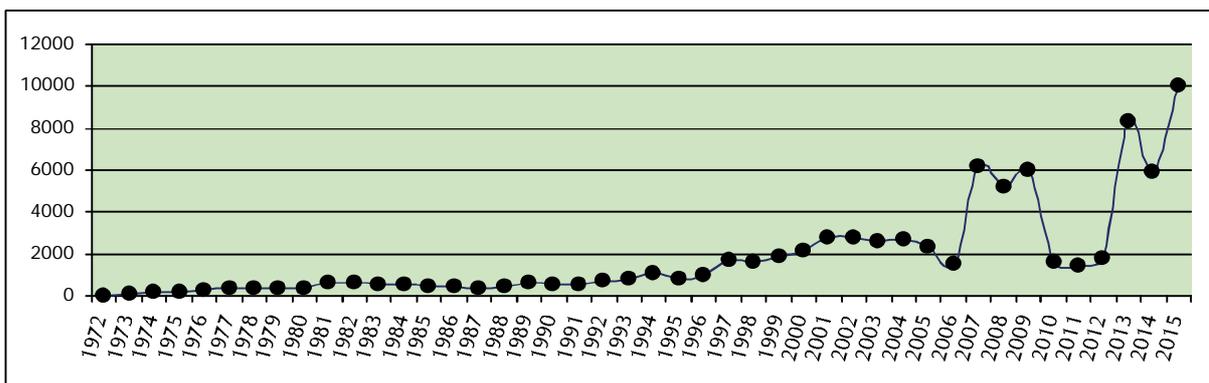


Figure 4: Line graph of disposal of cases from the year 1972 to 2015.



3.4. Trend of pending cases from the year 1972 to 2015.

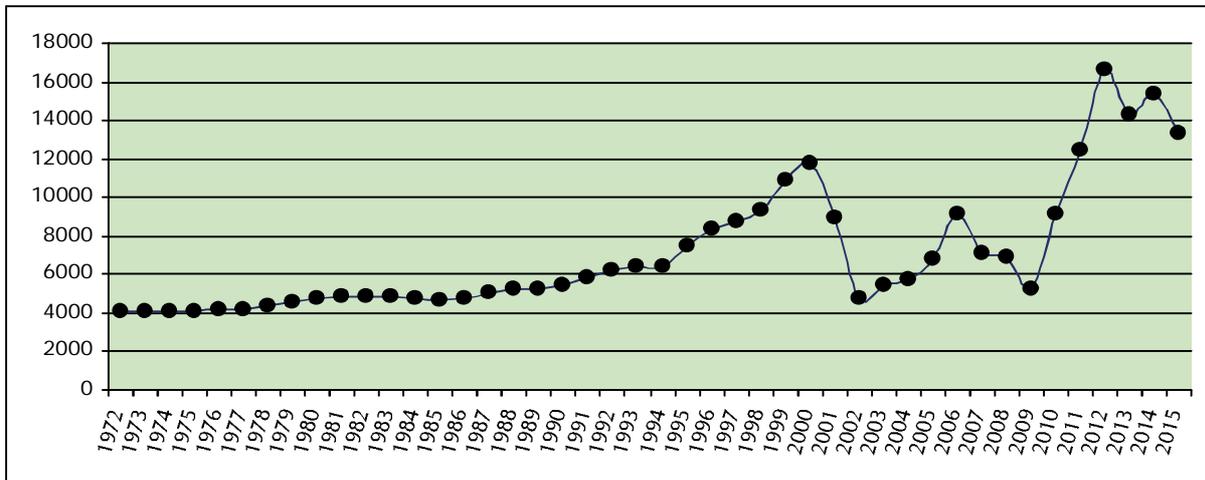


Figure 5: Line graph of pending cases from the year 1972 to 2015.

3.5. Comparative Chart of filing of new cases, disposal and pending cases from the year 1972 to 2015.

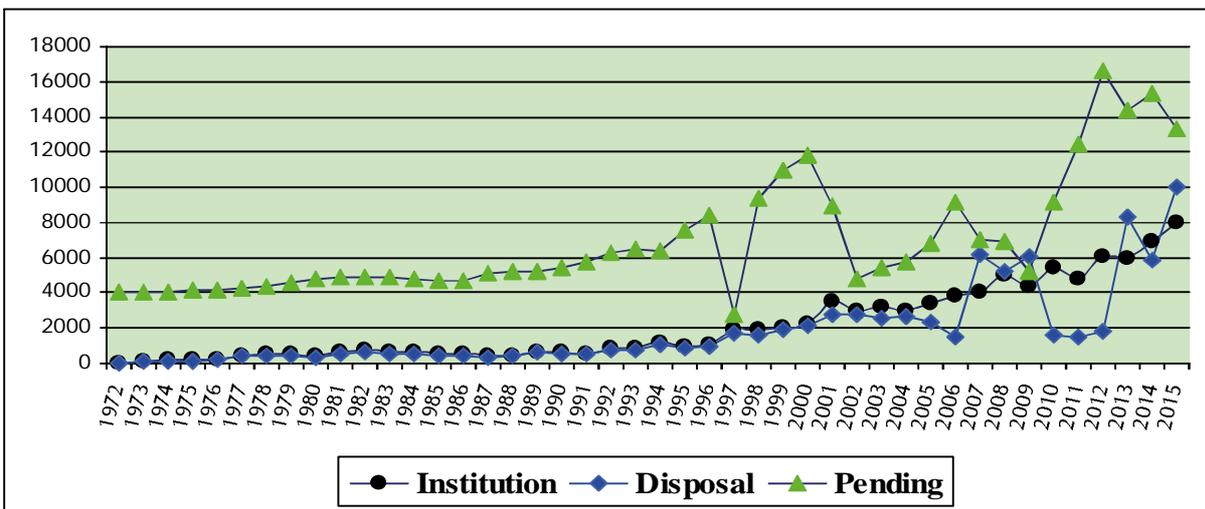


Figure 6: Line graph of pending, disposed off & instituted cases from the year 1972 to 2015.

4. Analysis of the pending balance for the Appellate Division in 2015.

To understand the balance of pending cases, the following tables may be examined. The pending balance for all cases for the year 2015 is 13361, while the pending balance for Petition is 8638, that for Misc. Petition is 2379 and Appeals is 2344.

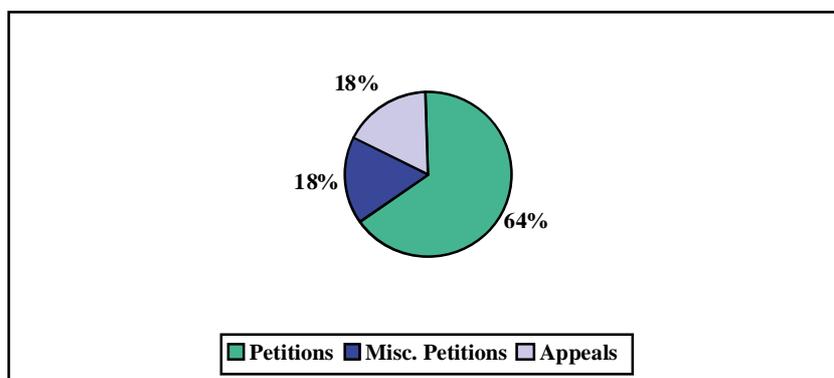


Figure 7: Pie Chart of all pending cases in the Appellate Division of Supreme Court of Bangladesh in the year 2015.

There are 64% Petition, 18% Misc. petition and 18% Appeals of all the pending cases.

4.1. Pending Petitions.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
9675	4964	14639	6001	8638

4.2. Pending Miscellaneous Petitions.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
3340	2406	5746	3367	2379

4.3. Pending Appeals.

Opening Balance	Institution	Total	Disposal	Pending for Disposal
2331	637	2968	624	2344



5. Filing of new cases, disposal and pendency of cases in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2015.

5.1. Petitions.

Year	Pending at the beginning of the year	Filing of new cases	Total	Disposal	Pending at the end of the year
1972	2284	0	2284	0	2284
1973	2284	88	2372	72	2300
1974	2300	106	2406	98	2308
1975	2308	141	2449	135	2314
1976	2314	214	2528	195	2333
1977	2333	329	2662	297	2365
1978	2365	360	2725	325	2400
1979	2400	348	2748	315	2433
1980	2518	310	2828	289	2539
1981	2711	433	3144	410	2734
1982	2741	482	3223	420	2803
1983	2768	440	3208	425	2783
1984	2696	447	3143	427	2716
1985	2624	353	2977	325	2652
1986	2570	355	2925	335	2590
1987	2560	271	2831	253	2578
1988	2783	325	3108	306	2802
1989	2865	476	3341	443	2898
1990	2794	388	3182	365	2817
1991	2983	372	3355	352	3003
1992	3187	554	3741	515	3226
1993	3498	556	4054	495	3559
1994	3672	826	4498	793	3705
1995	3601	671	4272	598	3674
1996	4225	720	4945	689	4256
1997	4819	1222	6041	1102	4939
1998	5096	1283	6379	1147	5232
1999	5288	1279	6567	1265	5302
2000	6235	1339	7574	1296	6278
2001	6872	2212	9084	1583	7501
2002	5289	1933	7222	1833	5389
2003	2704	2098	4802	1778	3024
2004	3024	2154	5178	1741	3437
2005	3437	2345	5782	1651	4131
2006	4131	2435	6566	1070	5496
2007	5496	2743	8239	2982	5257
2008	5257	3324	8581	4786	3795
2009	3795	3085	6880	4736	2144
2010	2144	3586	5730	1300	4430
2011	4430	3072	7502	820	6682
2012	6682	4155	10837	1122	9715
2013	9715	3907	13622	4333	9289
2014	9289	4355	13644	3969	9675
2015	9675	4964	14639	6001	8638

5.2. Misc. Petitions.

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



5.3. Appeals.

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



6. Maximum number of Judges at a time during the year in the Appellate Division of the Supreme Court of Bangladesh from 1972 to 2015.

Period	Number of Judges including Chief Justice
1972	3
1973	4
1974	5
1975	5
1976	5
1977	5
1978	4
1979	5
1980	5
1981	5
1982	5
1983	5
1984	5
1985	4
1986	5
1987	5
1988	5
1989	5
1990	5
1991	5
1992	5
1993	5
1994	5
1995	4
1996	5
1997	5
1998	5
1999	6
2000	5
2001	5
2002	5
2003	7
2004	8
2005	7
2006	7
2007	6
2008	7
2009	11
2010	8
2011	10
2012	7
2013	10
2014	9
2015	8



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

1. Statement showing institution, disposal & pendency of cases (from 01.01.2015 to 31.12.2015).

1.1. Statement for all cases from 01.01.2015 to 31.12.2015 in the High Court Division of Supreme Court of Bangladesh

Cases	Opening Balance	Institution	Restored	Total	Disposal	Current Pendency	Remarks
Civil	84416	6969	119	91504	4194	87310	Increased by 2894
Criminal	209551	47859	11	257421	19457	237964	Increased by 28413
Writ	61267	14284	63	75614	13457	62157	Increased by 890
Original	5804	1635	00	7439	645	6794	Increased by 990
Grand Total	361038	70747	193	431978	37753	394225	Increased by 33187

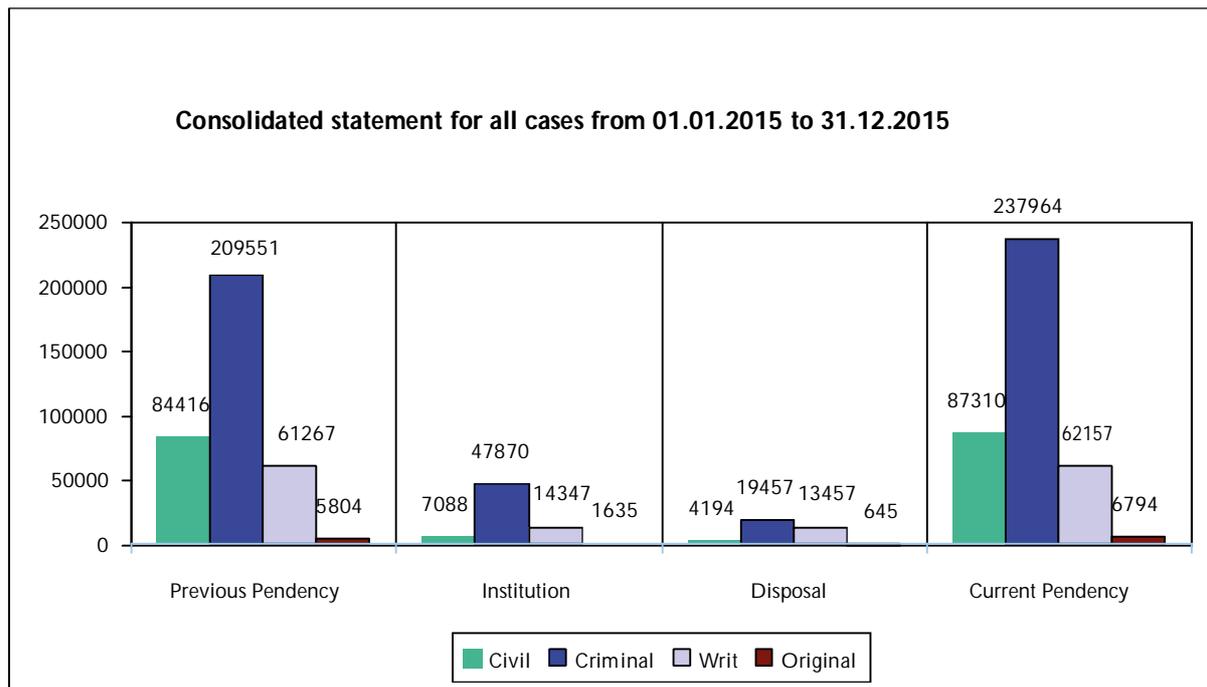


Figure 1: Vertical Bar Chart of pendency, institution and disposal of all cases in the year 2015 in the High Court Division of the Supreme Court of Bangladesh.

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

2. 1. Year wise institution, disposal and pendency of all cases from 1972 to 2015

Years	Institution	Disposal	Pending
1972	2461	3873	20567
1973	5654	3657	24063
1974	8844	6402	28186
1975	4896	5190	29545
1976	4515	7241	28287
1977	5656	8195	26676
1978	5765	7309	26620
1979	5145	7597	24716
1980	4026	7032	22779
1981	5054	6950	21652
1982	919	3615	21061
1983	1550	5456	19115
1984	1891	3556	21159
1985	2960	3529	22460
1986	3558	3360	24468
1987	5187	3272	28810
1988	8220	3564	33289
1989	11381	6099	37739
1990	11583	9789	39261
1991	12809	5565	45681
1992	14098	6543	51764
1993	13775	7799	57749
1994	15061	8401	64281
1995	17326	10844	70990
1996	21045	11526	79457
1997	23838	12337	88388
1998	23909	13744	97574
1999	24143	11863	108323
2000	27931	11049	122178
2001	32328	16014	135879
2002	45627	22048	154168
2003	37734	20331	168447
2004	34217	15581	184811
2005	42900	16894	208389
2006	48056	13839	240483
2007	47555	16578	262345
2008	53220	21664	293901
2009	53155	21485	325571
2010	57470	69306	313735
2011	45084	68912	279436
2012	56375	38437	297731
2013	50010	24295	323446
2014	60069	22477	361038
2015	70940	37753	394225



2.2. Some visible Trends.

2.2.1. Trend of institution, disposal and pendency (1972 to 2015)

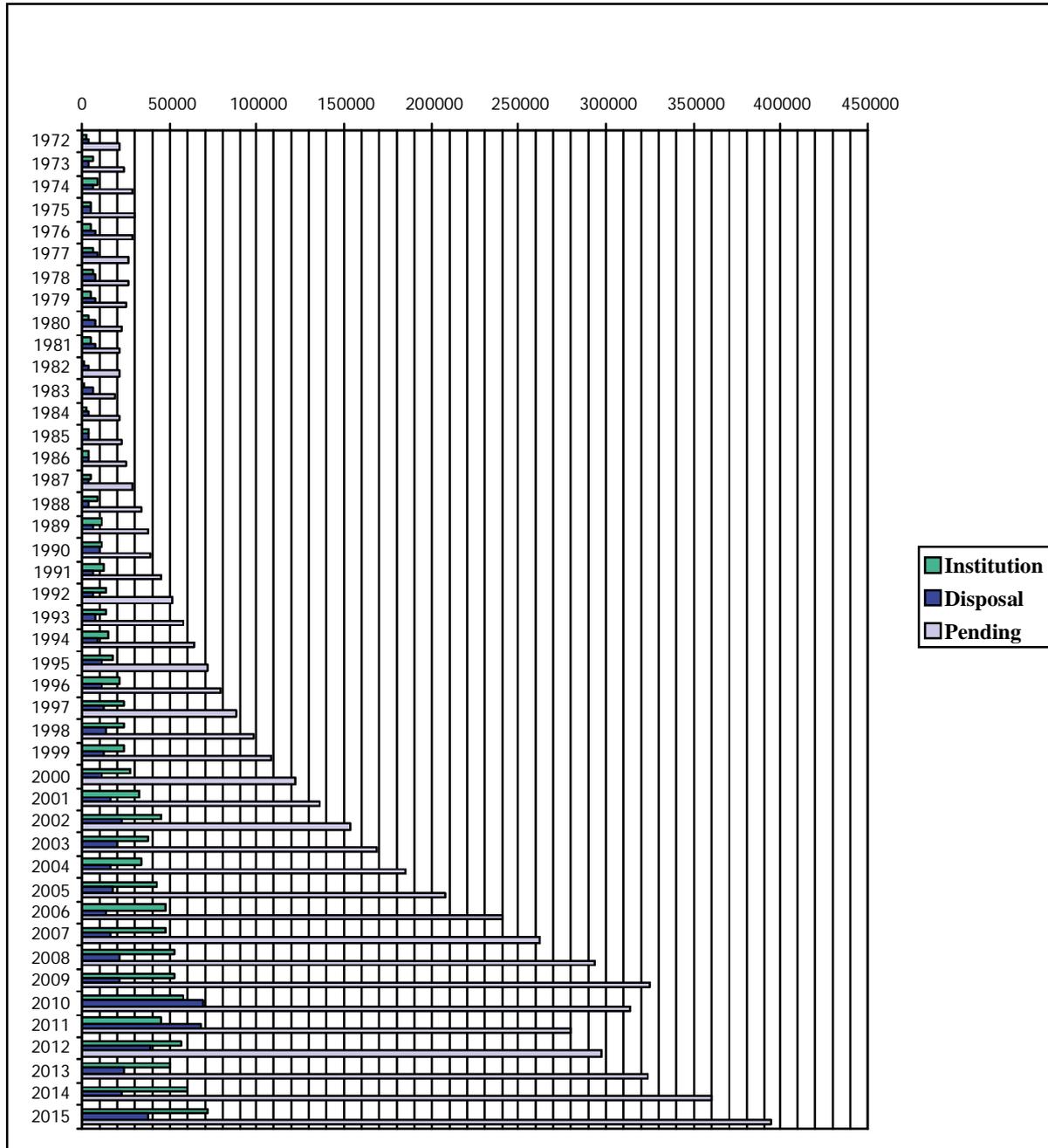


Figure 2: Horizontal Bar Chart of institution, disposal and pending cases in the High Court Division of the Supreme Court of Bangladesh from the year 1972 to 2015.



2.2.2. Trend of institution of cases from the year 1972 to 2015

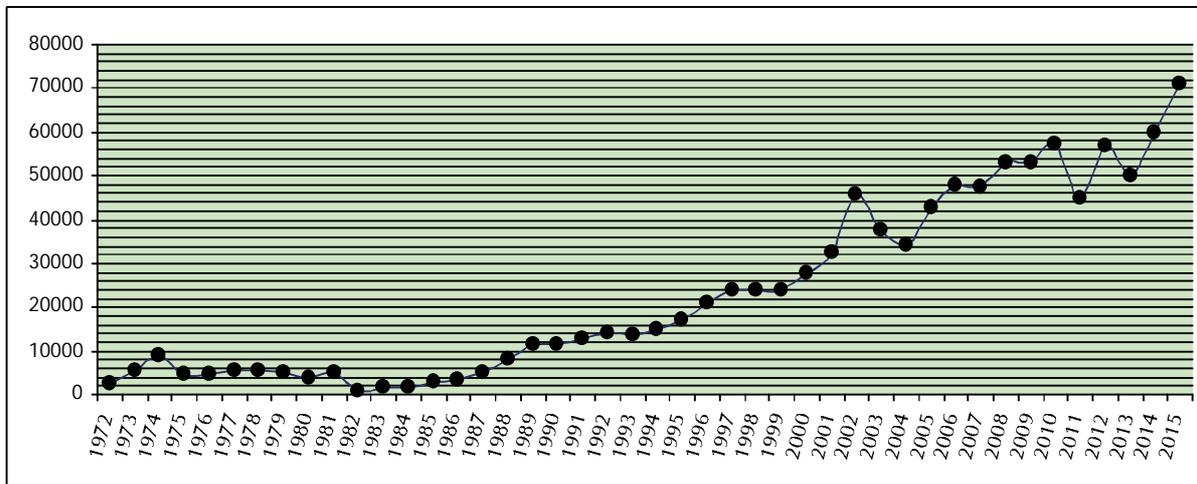


Figure 3: Line graph of institution of cases from the year 1972 to 2015

2.2.3. Trend of disposal of cases from the year 1972 to 2015

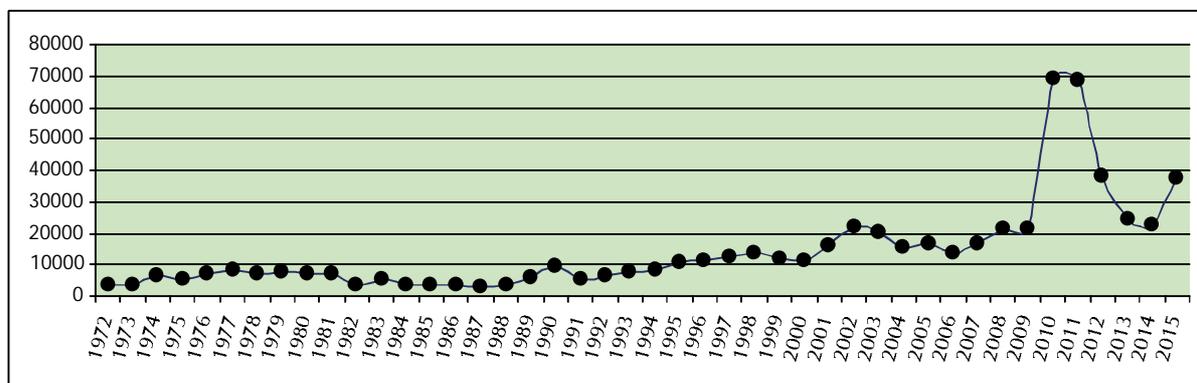


Figure 4: Line graph of disposal of cases from the year 1972 to 2015



2.2.4. Trend of pending cases from the year 1972 to 2015

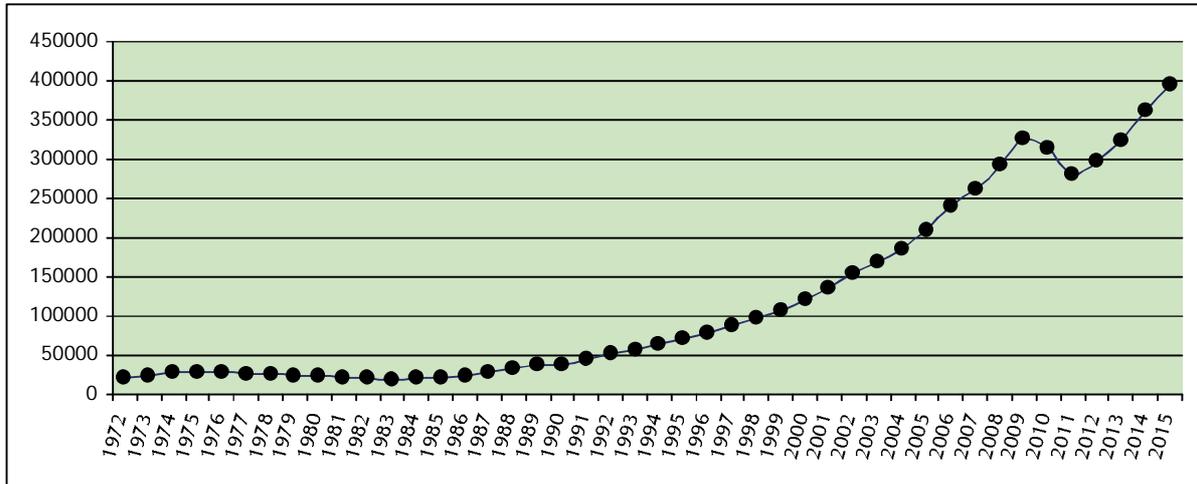


Figure 5: Line graph of pending cases from the year 1972 to 2015

2.2.5. Comparative Chart of institution, disposal and pending cases from the year 1972 to 2015

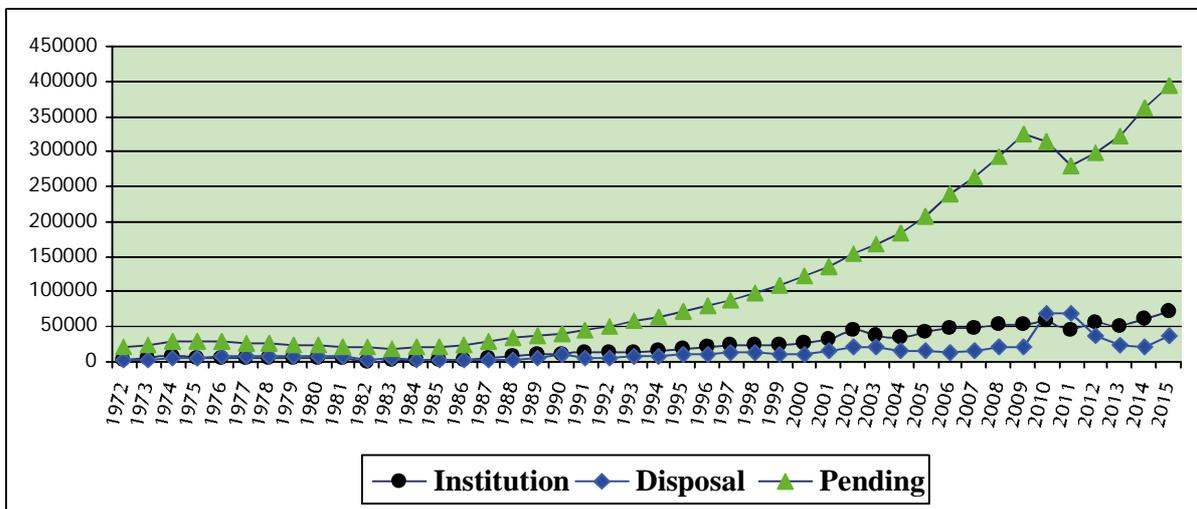


Figure 6: Line graph of pending, disposal & institution of cases from the year 1972 to 2015



3. Analysis of the pending balance for the High Court Division in 2015

To understand the balance of pending case, the following tables may be examined. The pending balance for all cases for the year 2015 is 394225, while the pending balance for Civil Cases is 87310, that for Criminal Cases is 237964, for Writ is 62157 and for Original Cases is 6794.

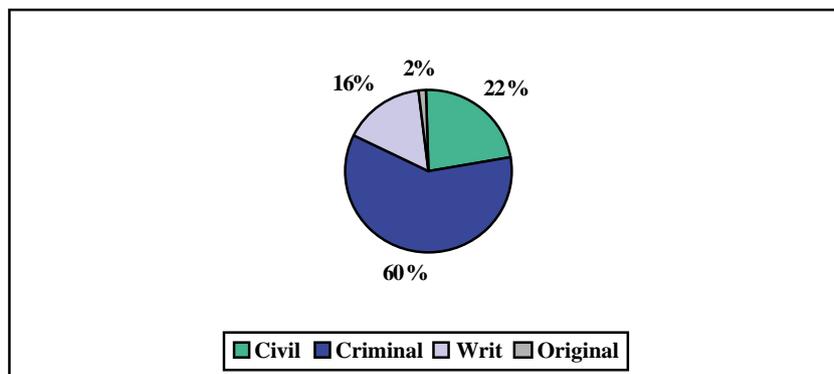


Figure 7: Pie Chart of all pending cases in the High Court Division in the year 2015.

There are 60% Criminal cases, 22% Civil cases, 16% Writ and 2% Original cases of all the pending cases.

3.1. Pending Civil Cases

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
84416	7088	91504	4194	87310

3.2. Pending Criminal Cases

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
209551	47870	257421	19457	237964

3.3. Writ

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
61267	14347	75614	13457	62157

3.4. Original

Opening Balance	Institution and Restoration	Total	Disposal	Pending for Disposal
5804	1635	7439	645	6794



4. Institution, disposal and pendency of cases in the High Court Division from 1972 to 2015

4.1. Civil Cases.

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

4.2. Criminal Cases.

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



4.3. Writ.

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

4.4. Original Cases.

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



5. Maximum number of Judges at a time during the year in the High Court Division of the Supreme Court of Bangladesh from 1972 to 2015

Period	Number of Judges
1972	10
1973	8
1974	12
1975	12
1976	13
1977	18
1978	17
1979	16
1980	19
1981	18
1982	18
1983	18
1984	24
1985	24
1986	21
1987	25
1988	29
1989	29
1990	29
1991	28
1992	25
1993	31
1994	38
1995	35
1996	30
1997	36
1998	36
1999	39
2000	43
2001	48
2002	55
2003	48
2004	54
2005	72
2006	71
2007	68
2008	67
2009	78
2010	94
2011	98
2012	101
2013	95
2014	90
2015	97



Judicial education in promoting the rule of law

A glimpse from Bangladesh perspective

Justice Surendra Kumar Sinha
Chief Justice of Bangladesh

Democracy

Democracy is one of the universal core values and principles of the United Nations. In democracy, the use of arbitrary power is considered as an anathema to the rule of law. Fundamentally, constitutional limits on power, a key feature of democracy, requires adherence to the rule of law. In short, democracy is the institutionalization of freedom. For this reason, it is possible to identify the time-tested fundamentals of any constitutional government, human rights and equality before the law that any society must possess to be properly called democratic.

One of the great mysteries of the twentieth century is why, for its first forty years, there was virtual silence of Universal Human Rights from European intellectuals, politicians and public figures. Even as Jews in Germany were forced out of jobs and professions into labor camps, even at kulaks, then old Bolsheviks and later millions of innocent citizens were exterminated in the Soviet gulag, still the notion of protecting human rights was not raised either at the League of Nations or in academic journals or the popular press. The Universal Declaration of Human Rights was drafted by the UN Human Rights Commission after receiving a detailed report on the prosecution evidence at the Nuremberg trials. The killing of 'useless eaters', the Einsatzgruppen orders to kill indiscriminately, the gas chambers, Mengele experiments, 'night and fog' decrees and the extermination projects after Kristallnacht were at the forefront of their minds and provided the examples to which they addressed their drafts.¹ Thus the first draft of Article 3 was "Everyone has a right to life, liberty and security of person" (originally went on 'except in cases prescribed by law') until it was realized how many had been put to death under perfectly valid laws passed by the Nazis. Democracy cannot be isolated from the rule of law. It has nexus with the rule of law. Unless democracy is established in all strata of the society, the rule of law cannot be put in place. There must be democracy exercised by all organs of the state. In order to enjoy the fruits of the rule of law by the citizens, the foremost task is all organs of the state should be institutionalized.

Human Rights

The ordinary meaning of the word 'Right' in the sense we are discussing, concerns that which a person has just claim to, or that which belongs to a person by law, privilege, tradition or nature. When we talk of human rights, we are talking of a concept that draws substantially from what we traditionally refer to as natural rights. The concept of traditional natural rights is larger in scope, one of which is the subject of human rights and indeed a part thereof. Natural rights are necessarily those rights that have been bestowed upon human beings by nature. The very fact that 'A' being created by nature vests in that being certain rights. The most basic of these natural rights are the right to life and the right of liberty.

Since humans are social beings, they establish for themselves organizations known as society or, politically speaking, the state. It naturally requires a balance to be created between individual's rights and public interest. Human Rights thus came to be evolved as those of the natural rights which are fundamental to the very existence and growth of a human being and which every civilized society would like to ensure into them, albeit its own larger interest. The concept of human rights has to be of universal application. There cannot be a different set of human rights for one part of the humanity and another for a different part of the humanity. Prof. Louis Henkin of Columbia University in an article describes this trait in the following words:

'They do not differ with geography or history, culture or ideology, political or economic system or stage of development. They do not depend on gender or race, class or 'status'. To call them 'rights'

¹ Johannes Morsink, 'World War Two and the Universal Declaration', HRQ 15 (1993) P.357



implies that they are claims 'as of right' not merely appeals to grace, or charity or brotherhood or love; they need to be earned or deserved. They are more than aspirations or assertions of 'the good' but claims of entitlement and corresponding obligation in some political order under applicable law, if only in a moral order under a moral law.'

However, the advent of human rights has brought a significant change in the concept of the rule of law, introducing substantial ingredients that differentiate it from formal and instrumental concepts. Rule of law is a dynamic concept for the expansion and fulfillment of which jurists are primarily responsible and which should be employed not only to safeguard and advance the civil and political rights of the individual in a free society, but also establish social, economic, educational and cultural conditions under which his legitimate aspirations and dignity may be realized.²

Rule of law

The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law. If the judiciary is to perform its duties and function effectively and remain true to the spirit of the rule of law, in that case it is to be respected and protected at all costs. Today, Dicey's theory of rule of law cannot be accepted in its totality. Rather Davis³ gives seven principal meanings of the term 'rule of law': 1) Law and order; 2) Fixed rules; 3) Elimination of discretion; 4) Due process of law or fairness; 5) Natural law or observance of the principles of natural justice; 6) Preference for judges or ordinary courts of law to execute authorities and Administrative Tribunals; 7) Judicial review of administrative actions. It also has been said that no contemporary analysis of the rule of law can ignore the vast expansion of government functions which has occurred as a result of both the growing complexity to modern life and minimum postulate of social justice, which are now part of the established public philosophy in all civilized countries. Lucian G. Weeramantry summed up the concept of the rule of law in three elements:

Firstly, that the individual is possessed of certain rights and freedoms and that he is entitled to protection of these rights and freedoms by the State; secondly, that there is an absolute need for an independent judiciary and bar as well as an effective machinery for the protection of the fundamental rights and freedoms; and thirdly, that the establishment of social, economic and cultural conditions would permit men to live in dignity and to fulfill their legitimate aspirations⁴. Thus the enrichment of the formal and instrumental conception of the rule of law with the normative principles of human rights and freedoms has opened up avenues for improved justice to all human beings.

Over recent years, recognition of the importance of the rule of law and the significance of the independence of the judiciary has increased remarkably. The prime responsibility of the judiciary is to uphold the rule of law and it is the rule of law which prevents the ruler from abusing his power. By the same token we should keep in mind that the judiciary alone does not possess a magic wand to establish the rule of law in a country. Rule of law means all organs of a state shall maintain the rule of law, that is to say, in all spheres of the executive and administrative branches, the government, its officers including law enforcing agencies, as well as legislative, have to protect, preserve and maintain the rule of law. If there is any aberration of one branch of the government, it will impact upon the judiciary as well. To discharge its onerous responsibility of protecting and enforcing the rights of the citizens of a country, the judiciary has to be and seen to be impartial and independent. Unless the public accepts that the judiciary is an independent entity, they would have no confidence even in an unerring decision rendered by a court exercising its jurisdiction fairly.

Each and every individual within the society has the right to fully enjoy his or her economic, social, cultural, civil and political rights. In the scheme of the rule of law, there is no scope to include the things like the whims of those in power and the conscious or unconscious violations of law committed by its

²International Commission of Jurists, New Delhi, India, 5-10 January, 1959.

³Administrative Law (1959), p. 24-27.

⁴Lucian G. Weeramantry, International Commission of Jurists: The Pioneering Years, Kluwer Law International, (2000), p. 53.



keepers. To check the aberrant violations of law, there exists a system of courts, which is entrusted with the responsibility to entertain the complaints and to provide redress in accordance with law. Rule of law is not a magical sound that its chanting will bring a total change in the society. We can best secure the rule of law in its spirit and letter by rooting efforts at all levels of our social and political culture. Just by making and applying some laws, we cannot ensure all the right things in the society.

We have no such shortcut way or device to teach a person to be compassionate, caring and respectful to other people's rights and dignity. So, it would hardly be possible to promote the principles of the rule of law in a society where those qualities are weak or absent. For example, oppression and atrocities on the poor and weak people of the society cannot fully be stopped only by the rule of law or legal methods alone. Because social maladies call for social remedies. Historically there has never been a state that has not practiced repression. However, till the advent of the "modern state" and the concept of the "rule of law", the rulers ruled and repressed the people and the law was secondary. In Bangladesh, the scenario has gradually been changing. In order to protect human rights and ensure equality, dignity and other conditions of human life, the Supreme Court of Bangladesh has already extended its constitutional jurisdiction taking the aid of articles 7, 27, 31 and 32 of the Constitution of Bangladesh.

Dispensation of Justice

Unless the rule of law is established, the citizens of a country will be deprived of the fruits of justice. Although law is often defined as the administration of justice, it may very well be the case that law entails consequences that many might conclude as unjust. Definitions of justice include the concepts of fairness, equality, impartiality and appropriate rewards or punishments. According to Lucas, 'justice differs from benevolence, generosity, gratitude, friendship and companion.'⁵ Justice originates in the Greek word 'dike', which is associated with the concept of everything staying in its assigned place or natural rule. According to Plato, justice consists of maintaining the societal status quo. Aristotle believed that justice exists in the law and that the law is 'the unwritten custom of all or the majority of men which draws a distinction between what is honorable and what is base'⁶

The striking feature of Bangladesh Constitution is that all citizens are equal before law and equally entitled to enjoy the protection of law⁷. Sometimes the executive organ fails to address the burning issues of the nation. At that juncture, being the apex court of the country, the Appellate Division of the Supreme Court plays a pivotal role and gives directions to follow the rule of law. The Supreme Court of Bangladesh, over a period of forty-one years, is growing into an institution wielding enormous power in every sphere of human activity. After an initial resistance, the Executive and Legislature yielded to the will of the apex court of the country, which gradually attained a position of pre-eminence among the three organs of the Republic. The noticeable aspect of the progress of the Supreme Court is that it shed along the way of limitation inherent in the exercise of judicial power. It, consequently, became a powerhouse of judicial activism. The awesome power exercised by the Supreme Court could be seen by its pronouncements encompassing every sphere of the nation's activity – political, economic, social, and environmental. There was no grievance too insignificant to attract its palliative and curative jurisdiction. Striking down laws and executive action was part of its prerogative.

Independence of Judiciary

In all democratic constitutions, or even those societies which are not necessarily democratic or not governed by any Constitution, the need for competent, independent and impartial judiciary as an institution has been recognized and accepted. It will not be an exaggeration to say that in modern times the availability of such judiciary is synonymous with the existence of civilized society. There are constitutional rights, statutory rights, human rights and natural rights which need to be protected and implemented. Such

⁵ Lucas, 1980:3

⁶ Feibleman, 1985: 174.

⁷ Article 27 of the Constitution of the People's Republic of Bangladesh



protection and implementation depends on the proper administration of justice which in its turn depends on the existence and availability of an independent judiciary. An independent judiciary is the backbone of good judicial governance. Rule of law and judicial review are the basic features of our Constitution and independence of judiciary is an essential attribute of the rule of law. Administration of justice requires judiciary committed to the Constitution and law of the land. Judiciary must, therefore, be free from pressures or influence from any quarter.

A state with an independent and vigilant judiciary is always considered as a state where the rule of law prevails. A free and independent judiciary always constitutes the corner stone of the edifice of democracy and such a judiciary can alone contain the arbitrary attitude of any government in power and help the same to lead the nation to its destiny. Judicial impartiality is used to describe the judicial character and state of mind. Judicial independence means freedom from improper pressure in the decision-making process from any quarter. The concept of judicial independence determines the role and responsibility of the judiciary, the executive and the other organ of the state.

Our ultimate goal should be aiming for an impartial, fair and ethical judiciary. Our judges and courts exercise the judicial power of the Republic; but they are not representative bodies. Essential qualities of the judges are impartiality, morality and professional skill and ability. An 'excellent' judge is impartial and fearless. He is independent of the executive and the legislature, but equally important; he is independent of his own predilections and prejudices. He is patient and courteous and realizes that he is a manager of the court's time. He pays full attention to the arguments advanced before him, but is duty-bound to curb irrelevant or frivolous arguments. He realizes that the respect of the community is not to be taken for granted, and is conscious that his conduct inside and outside the court must be exemplary. He practices restraint in what he speaks in court or outside. He maintains dignity both inside and outside his court room. His social relationships and personal lifestyle are correct and appropriate, conscious as he is that respect has to be earned by "deserving and then desiring" and not by forcing or dictating.

Excellence in performance is ensured by relentless hard work, constant up-gradation of knowledge, punctuality, courtesy and conscientiousness. Proper rest, relaxation and recreation help in judicial performance; but a hectic social life and other distractions detract him from the discharge of judicial duties. A judge need not be an ascetic, but a certain degree of aloofness has to be observed by him to see that impartiality and objectivity are not only maintained but also seemingly observed.

Judicial Training

Importance of Judicial Training and Training Institutions:

The subject of judicial training based in several international documents concerning the status and independence of judges. For example, Basic Principles on the Independence of the Judiciary stipulates that: "Persons selected for judicial offices shall be individuals of integrity and ability with appropriate training or qualifications in law."⁸ Similarly, the European Charter on the Statute for Judges⁹ stipulates, inter alia, that "The statute ensures by means of appropriate training at the expense of the state, the preparation of the chosen candidates for the effective exercise of judicial duties"¹⁰ and that "an authority independent of the executive and legislative powers within which at least one half of those who sit are judges elected by their peers following methods guaranteeing the widest representation of the judiciary ensure the appropriateness of training programmes and of the organisation which implements them, in the light of the requirements of open-mindedness, competence and impartiality which are bound up with the exercise of judicial duties"¹¹.

Recommendations of the committee of Ministers of the Council of Europe regarding Judges: Independence, efficiency and responsibilities also stipulates that "Judges should be provided with theoretical and practical

⁸ See Article 10 of the Basic Principles on the Independence of the Judiciary endorsed by General Assembly resolution no.40/32 and 40/146 of 1985

⁹ approved by the Council of Europe in 1998

¹⁰ See principle 2.3 of the European Charter on the Statute for Judges, 1998

¹¹ ibid principle 1.3 & 2.3

initial and in service training, entirely funded by the state. This should include economic, social and cultural issues related to the exercise of judicial functions. The intensity and duration of such training should be determined in the light of previous professional experience".¹² In addition to this "an independent authority shall ensure, in full compliance with educational autonomy, that initial and in service training programs meet the requirements of openness, competence and impartiality inherent in judicial office"¹³. European Bank for reconstruction and development developed core principles for effective judicial capacity and regarding judicial training it stipulates that the judiciary must receive appropriate training. New judges should receive comprehensive initial training. Appropriate ongoing training should be strongly encouraged, mandatory in appropriate cases, and a factor in judicial promotion. The training curriculum should be shaped by superior courts or independent supervisory bodies. It should cover all relevant substantive areas and vocational subjects such as decision-writing and ethics. Court management staff should receive managerial and financial training"¹⁴.

Needs for Judicial training:

The need for institutional training of judges had long been felt in Bangladesh because litigants from confronting inordinate delays, exorbitant costs, and uncertainty in the disposal of court proceedings, and to facilitate easy access to justice. This feeling accelerated with the passage of time as the judicial system came to be seen as an instrument for strengthening democracy and establishing the rule of law. Moreover, to keep pace with socioeconomic developments in the national and international spheres, the judiciary needed to be dynamic, sound, and capable of meeting the requirements of the time. In order to achieve these objectives, it was necessary to train judges and others involved in the administration of justice, an activity that was given topmost priority in the reform initiatives.

It is clear that judges have many qualities- most obviously independence- which make them attractive chairs of prominent inquiries, a separate and perhaps more important- question is whether they have the appropriate skills. It is true that judges possess special expertise in analyzing evidence, assessing the credibility of witnesses, and resolving complex questions of fact. However, this skill is largely confined to the context of a particular set of circumstances, namely, those which surround the issues of guilt and liability. Did 'A' kill 'B'? Was 'X' liable for damage to 'Y'? These "yes-no" or "either-or" questions are grist to the judicial mill. And they are determined not in a vacuum, but with the guidance of principle derived from similar previous cases¹⁵. This sort of typical question-solving adjudication is eroding the judges' intellectual aptitude. Therefore there is a need of diversified judicial education.

Regular training and orientation sharpens the adjudicating skills of judicial officers. Although both the case management and mediation have been universally effective for courts worldwide, their applications differ from country to country depending on local legal cultures. Each country has its own local customs and expectations with regard to its judiciary. The training needs to include court administration and case management besides methods to improve their skills in hearing cases, taking decisions, writing judgments. It is also necessary to train them in the new legislations and the expanding fields of trade, commerce, technology so as to keep them up-to-date and enable them to handle contemporary and complicated legal issues in an efficient manner. Still we are crawling to obsolete systems compared to the developments made by the developing countries, not to speak of developed countries. Most of our procedural laws were promulgated in the eighteenth and nineteenth centuries. We have made some amendments, but those amendments are not commensurate with the need of the day. With the advancement of science and

¹² See recommendation no.56, Chapter-VI of the Recommendation CM/Rec (2010)12 adopted by the Committee of Ministers of the Council of Europe on 17th November, 2010

¹³ *ibid* recommendation no.57

¹⁴ See principle 5 of the Core Principles for effective judicial capacity, developed by the European Bank for reconstruction and development.

¹⁵ Beatson, Matthews, and Elliotts, *Administrative Law- Text and Materials*, Fourth Edition (October, 2010), Oxford University Press, p. 671-672.



technology, this is the right time to come forward to promulgate laws on Information Technology and to amend the obsolete laws providing use of digital evidence. The modern scientific techniques of investigation and advancement in information technology have brought about sea changes in this field. It requires re-examination and revision of a number of fundamental doctrines. The old doctrines are no longer fundamental to the subject. The new techniques for transmission of information remain interwoven to the improvements in information technology. We cannot use software for reconstructing the images of suspects and aiding investigation with the result that many offenders of sensational cases are yet to be detected. The traditional concept of a document has been transformed by computer records and tapes which can be retrieved on the screen or paper. The rigid rule of hearsay evidence has had to make concession in more important consideration than the earlier rigid doctrines. Countries like Australia, New Zealand, Malaysia, India, Hong Kong, England, European countries, Canada, Nigeria and South Africa have made corresponding amendments in the law of evidence.

I am extracting two paragraphs of Gregory N. Mandel which run as follows:

“The first approach is to evaluate how technological developments are transforming the functioning of the legal system. The most prominent aspect in this regard is to impact which information and communication technologies are having on the administration of courts, changes in procedure, approaches to research and in the functioning of lawyers’ offices, law firms as well as the legal education.

The second approach is to examine how laws try to keep pace with technological changes. With the emergence of newer technologies, uncertainties arise with regard to the application of existing laws and occasionally there is a need to create new laws to regulate their use. The need for regulating new technologies is usually prompted by social and cultural perceptions about the advantages of a particular technology or alternatively the scope for its misuse. Such regulation could be in the form of encouragement, restrictions or even prohibition on particular technologies. On the one hand, laws and policies can be structured to encourage innovation in particular fields of technology, through means such as government subsidies, tax concessions, protection of intellectual property rights and provision of funds and research facilities among others. On the other hand, the growth and use of certain technologies can be curtailed in different ways through means like safety and health regulations, criminal sanctions for misuse, higher taxation rates or even outright prohibitions. It is evident that decision-making institutions such as legislatures, courts and regulatory agencies are required to examine the constant interaction between the forces of technological change and social attitudes¹⁶.”

David H Kaye, David E. Bernstein & Jennifer L. Mnookin (edn.) in ‘The New Wigmore: A Treatise on Evidence-Expert Evidence’, it was noted that the dramatic impact of technology is also unfolding in the domain of procedure, for instance, investigating agencies have increasingly come to rely on forensic techniques such as analysis of finger prints, voice, handwriting, blood samples, DNA and other bodily substances for evidence gathering. Software is also used for re-constructing the images of suspects and aiding investigation. As newer technologies are introduced to assist investigating agencies, it is important not to be blindly enthusiastic about their reality. The use of scientific techniques holds immense promise in criminal justice system; but before accepting such techniques we must examine the same critically in the light of the constitutional rights guaranteed to the citizens and the requisite evidentiary standards.

Judicial Training Institutions

Earlier view regarding judicial training was that training of the judges is unnecessary. However, that view is now changed. In the United States, judicial training began in 1950s. In England, formal training of judges began in 1979, for which purpose a Judicial Studies Board was established. In many other countries in Europe, judicial schools have been providing training for several decades.

¹⁶ Gregory N. Mandel, ‘History Lessons for a General Theory of Law and Technology’ *Minnesota Journal of Law, Science and Technology* (2007), p. 551-570

Judicial Training in Bangladesh

The Bangladeshi system of judicial training was long unequipped to meet the challenges faced by the country.¹⁷ For example, apart from attending a limited number of ad hoc external and donor sponsored internal seminars, the judges of the Supreme Court had never had an opportunity to participate in any form of formal, collegial education program. As for District Court judges, they underwent training program when first appointed Assistant Judges, but this program varied in length and content, depending on available resources. Although the program was part of a two year probationary period during which judges were supposed to learn their jobs, it was greatly curtailed in practice due to work pressure.¹⁸

Establishment of Judicial Administration Training Institute (JATI)

This training situation prevailed until about 1985, when a five-year pilot project sponsored by the Asia Foundation was initiated by the Bangladesh Institute of Law and International Affairs. Under that pilot project, a number of judges attended a series of short term-training courses aimed at developing competency in substantive and procedural law, as well as imparting some knowledge of management and general administration. It was soon realized, however, that a more permanent arrangement was needed. Accordingly, in 1989, a proposal was prepared, again with help from the Asia Foundation, for a judicial education institute. The idea remained in abeyance, however, until 1995, when a Judicial Administration Training Institute (JATI) was finally established as a statutory public authority.¹⁹ The Institute commenced operations in 1996.

Management, Operation, and Governance of JATI

In accordance with Section 11 of the JATI Act, a person who is qualified to be a judge of the Supreme Court can be its Director General. The Director General is its full-time Chief Executive Officer and responsible for implementing the decisions of a Management Board, which is headed by the Chief Justice of Bangladesh. The Director General is also required to discharge other functions of JATI, as per the instructions of the Management Board.³⁹ JATI's main objective is to arrange for training of judicial service appointees, lawyers, and other professionals associated with the judicial system in order to enhance their professional efficiency.

Functions of JATI

JATI is generally responsible for a number of functions, which include:

- (a) providing training to judicial service appointees, law officers entrusted with government cases, advocates enlisted with the Bangladesh Bar Council, and officers and staff of all courts and tribunals subordinate to the High Court Division of the Supreme Court;
- (b) arranging and providing training in legislative drafting and drafting of other legal documents to nationals, as well as trainees from abroad, in cooperation with international donor agencies;
- (c) conducting and publishing research on court management;
- (d) arranging and conducting national and international conferences, workshops, and symposia to improve the judicial system and the quality of judicial work;
- (e) publishing periodicals, reports, etc., on the judicial system and court management;
- (f) advising the government on any matter relating to the judicial system and court management;
- (g) determining the subjects of study, curriculum, and all other matters relating to training programs under the JATI Act;

¹⁷ For a brief discussion, see Sheikh Hafizur Rahman Karzon and Md. Zahurul Haq, "Legal Education System in Bangladesh," Daily Star (Bangladesh), August 22, 2004.

¹⁸ See World Bank, 2004, "Legal and Judicial Capacity Building, Bangladesh."

¹⁹ Act No. XV of 1995 (July 8, 1995). See "Extraordinary Issue Published by the Authority," Bangladesh Gazette (Bangladesh Parliament, Dhaka), July 9, 1995. Also see the JATI website, www.minlaw.gov.bd/jati.



- (h) awarding certificates to those trained by JATI;
- (i) establishing and managing the libraries and reading rooms;
- (j) carrying out any work, as determined by rules, to activate the judicial administration system; and
- (k) taking all necessary actions for fulfilling the above responsibilities.

Training Programs conducted by JATI:

Different types of training are given according to the needs of various groups of trainees, such as judicial officers of different tiers, Public Prosecutors, Government Pleaders and supporting staff of the courts. In view of the decision taken by the Government for separation of the judiciary from the executive in the light of the judgment of the Appellate Division of the Supreme Court in Civil Appeal no. 189 of 2000, Secretary, Ministry of Finance and others - appellants vs. Mr. Md. Masdar Hossain and others - Respondents, Special Training Programs were taken for training of the Assistant and Senior Assistant Judges in trying criminal cases as Judicial Magistrates.

a) Basic Training for newly appointed Assistant Judges (Judicial Education General)

Duration of such training normally is for four weeks and sometimes for a longer period. Such program covers all basic substantive and procedural laws for the Assistant Judges. Since the inception of Judicial Administration Training Institute, Nine Basic Training Courses were held for the Newly Appointed Assistant Judges.

b) Continuing Education Programs for judges of all tiers already in service

This is the mainstream training program for Judges of all tiers run by this Institute. There are several types of training program under the head of Continuing Education Program. Some Courses are short in terms of allocation of time and some are refreshing in nature. This training program is also meant for the Judges who get promotion in new tiers.

c) Special Training Courses for Judicial Magistrates

There are Special Training Courses often to meet up the immediate special needs. Recently, special training programs have been organized for judicial magistrates of all tiers after the creation of judicial magistracy.

d) Training Programs for Judges/ Lawyers on Alternative Dispute Resolution (ADR) and Recent Acts and Amendments

These types of courses are designed when there is a new law or an important amendment of a law. Such training programs for judges were held after the enactment of Artha Rin Adalat Ain and amendment of the Code of Civil Procedure 1908.

e) Training Courses and In-Service Training Programs for Government Pleaders/ Public Prosecutors and for Court Support Staffs respectively

Besides training program for judges, there are other training programs for Government Pleaders/ Public Prosecutors and for Court Support Staffs. These courses are specially designed upon assessing their respective needs. 315 Government Pleaders and Public Prosecutors have been given training by this time. On the other hand, 511 Court Support Staffs including Bench Assistants, Sheresta Assistants, Record Keepers, Stenographers, Sheristadars and Nazirs have taken training in the In-service Training Programs.

f) Seminar/ Workshops/ Orientation Programs

A handsome number of Judicial Officers and Judicial Magistrates have attended in seminars, workshops and orientation programs held at different times. Sometimes workshop, seminars are held and study tours are taken during a training program on environmental laws, gender issues or Juvenile Justice.

g) Development of Judicial Skill (To improve efficiency and skill)

There are several sessions on judicial skill in the general training curriculum with a view to improve the quality of judgments. Trainee judges are required to bring photo copies of their judgments and orders.

These judgments are taken up for scrutiny and discussion by judges of the Supreme Court where defects, if any, are pointed out and suggestions are given to improve the quality of the judgments.

Training Methodology applied by JATI:

The training institute has adopted all the standard techniques for imparting training to the trainees. All the training courses are need based and result oriented. The language of instruction in the training classes is mainly English.

a) Class room lecture

Class room lectures are delivered by the resource persons such as, Hon'ble (present and former) Judges of both the Division of the Supreme Court, Director General and officers of this institute, eminent lawyers, academicians and persons having expertise in the particular subjects. The class room lectures are interactive in nature.

b) Case study (To improve competency and efficiency)

A practical problem based case (both civil and criminal) is given to the trainee Judges. Sometimes mock trial is held and after hearing of arguments, judgments are written by the trainee judges. The judgments are evaluated by the Director General being assisted by the officers of the Institute. The loopholes in the judgment are pointed to each trainee and guide line is given to write judgment correctly in accordance with law.

c) Oral presentation on specific problem (To improve competence and efficiency)

Problems are selected from the cases reported in various law journals and are given to the trainees for solution according to their Roll numbers but all the trainees are required to participate in discussion for solving the problems. The Director General plays the vital role in solving the problems covering factual and all legal aspects connected with the problems. This kind of training method is designed to equip the trainees to find out answers to critical and complicated legal problems.

d) Group discussion (To enhance knowledge)

The trainees are given a problem selected from the law journals involving various issues/ points for determination, for open discussion by making 3/4 groups amongst them. Each group discuss the issue/ point for determination assigned upon them. The Director General summarizes the discussion session giving correct decision of the problem. This sort of discussion is designed for the trainees so that they themselves may do the exercise and in this way they may enhance their skill and knowledge.

e) Ethics and impartiality

In each course a discussion class is included where the Hon'ble Chief Justice of Bangladesh enlightens the trainees on the ethical standard which a judge is expected to maintain. Emphasis is also given as to the impartial role of a judge so that he can discharge his duties without fear and favour.

f) Exercise on Specific Problems and Open Discussion (To enhance knowledge of law)

The Trainees are given specific problems selected from the subjects of law involving common but important matters to be decided in adjudicating cases/ suits for exercise and open discussion making 3/4 groups amongst them. Two members of each group shall make open discussion on the specific problem. Any member of any other group may ask any question on any of the problems for clear understanding. The Director General summarizes the discussion session giving correct decision on the specific problems. This sort of exercise on specific problems and open discussion enhance the knowledge of law of the trainees in proper adjudicating the cases/ suits.

g) Mock Trial

Mock trial is held on civil and criminal cases for newly appointed trainee Assistant Judges and Judicial Magistrates. The trainee Judges are required to record depositions and hear arguments in presence of the Director General. Judgments are written by the trainee Judges and in discussion sessions the judgments are evaluated by the Director General being assisted by the officers of the Institute and if any defects are found,



the trainees are instructed to correct those defects in future. This method of Mock trial enables the newly appointed Assistant Judges and Judicial Magistrates to be acquainted with the correct procedure of holding trial of both civil and criminal cases which may help them to perform their duties of trying case more efficiently.

h) Exercise on writing of orders and operative portion of the judgments

The trainee Assistant Judges and Judicial Magistrates are taught how to write various orders and operative portion of the judgments both in civil and criminal cases in accordance with law.

The statute of the Judicial Administration Training Institute (JATI) has vested the power of management and administration of the institute upon a Management Board headed by the Chief Justice of Bangladesh. Except a few administrative matters most of the important functions like preparation of academic calendar, selection of subjects and topics, training methodology and nomination of the mentors are done by the Directorate General of the institution, who is an ex-officio member of the Management Board. It may be noted that none of the Board members has fulltime involvement with the process of fixing judicial training programs. That is why they do not get time to contribute and participate in the policy decisions for preparing the training curriculum and other related activities of JATI.

It seems to me proper to make necessary rules under section 18 of the original statute for establishment of an expert committee or academic council having judicial background and sufficient experiences on pedagogical skill and ability. This type of council or technical body may be given the responsibility of selecting training modules and methods for the judicial officers and other related stakes in the judiciary. The age-old method of classroom lecture and some stereotyped case study programmes have failed to create much interest in the young judges of the service. The very process of adult learning is a technical matter. So, to carry out intensive research and develop suitable methodology to impart training to the persons, who have spent a considerable period as a judge, are now the paramount importance for the JATI. It is thus clear like anything that the JATI should take immediate steps including making of rules for establishment of a permanent body or council assigning the above functions and that may be headed by the Director General of the institution comprising of some experienced people from both judiciary and academicians of related fields. Such reform in the institute will certainly improve the quality and effectivity of the training programs. The proposed council may also be given the duty of conducting pre-training survey or needs assessment of the judges intending to participate before selecting the topic for their training. Similarly, a post-training performance evaluation of the judges in the courts after that training is to be conducted. Establishment of such a technical body or council and introduction of a system of making need assessment and taking of feedback would certainly build the capacity of the JATI in preparing a more pragmatic and effective training modules for the trainee judges, lawyers and support staff. A grey area of judicial education in Bangladesh is that the absence of any arrangement and facility for the judges of the Supreme Court. Unlike other jurisdiction, we do not have any institutional or infrastructural facilities for the Supreme Court judges who may participate in some orientation courses and training programs to renew their legal knowledge and wisdom, share their experience with the legends of the judiciary of home and abroad. In India, as it is observed, an institute National Judicial College in Bhupal has mandate to facilitate training programs or orientation courses even for the judges of the High Court under the supervision of a high power academic committee headed by the Chief Justice of that country. So, the concerned authority may ponder over the matter and take steps for introducing such training facilities for the Supreme Court judges of Bangladesh.

The courses and training modules designed by the Judicial Administrative Training Institute (JATI) in Bangladesh have not won appreciation from the participants. There is an urgent need to equip this institute with dedicated faculty members and necessary tools including study materials and technologies required for imparting training on forensic science and other advanced technologies and so on and so forth. A criminal case before the trial court with the presence of the opinion of forensic expert could be essential for the judge to determine the truth of an allegation made. If the training institute does not have the forensic lab, then trained judges cannot be blamed for fallible verdicts. Formal education for judicial officers is

essential for the judicial system to perform and uphold public trust and confidence in the judicial system. Each individual in the judiciary bears professional responsibility to attain, maintain and advance competency. For justice to be restored, international assistance should support judicial training whose curriculum includes transnational criminal law; international and regional human-rights law; international humanitarian law and international refugee law; international criminal law; political arrangements and agreements; transitional justice mechanisms; and the constitutional relationship between international and domestic law.

In Bangladesh, the judicial education programs conducted by the Judicial Administration Training Institute need to be modernized and more diversified incorporating the following facilities -

- a) Judiciary-based research and policy development centre.
- b) Introduction of modern teaching methodology and use of ICT based teaching technology and tools.
- c) An evaluation system for the trainee judges so that a judge who secured outstanding result in the training programs may get proper reward and appreciation in his career.
- d) Introduction of a system of taking feedbacks including utility of the knowledge acquired by the judges during the training programs.
- e) Dissemination and management of judicially relevant information.
- f) Capacity building including both infrastructure and human resource development is very much essential for the Judicial Administration Training Institute; otherwise it will not be possible for the institute to conduct long-term training programs including basic courses for the probationary judges and magistrates.
- g) A centre of excellence in judicial education and administration.

The project should also include:

- a) Attendance of the employees of the courts recording system.
- b) Bar coding-based file tracking system in all sections and court rooms.
- c) Video conferencing facility.
- d) Electronic self-operative facility providing easy access to the litigant public.
- e) Digitally signed certified copies-parallel to the signing of the daily orders on hard copies.

To bring excellence in the judiciary, we may declare and continue the efforts upholding the following values-

- (i) Initiative-we shall have to do something more than what we usually do in our duties- better than our predecessors;
- (ii) Intelligence-none of us shall feel satisfied by just being average;
- (iii) Industry- each one of us shall exert to put in his competence and capability to their maximum utilization;
- (iv) Integrity – under any circumstances, we must have zero tolerance against the allegations of corruption made against anyone including the court support staff;
- (v) Personality, modesty and humility-what is just the basic requirement of the personality of a judge and
- (vi) Judicial governance- access to justice, alternative dispute resolution, incorporation of international norms, legal aid and accountability of judges.

In Bangladesh, as it appears, change of conventional mindset and pessimistic attitude of judges and



magistrates is an important pre-condition for building strong judiciary having the ability to function upholding the rule of law. In many parts of the world, the key-actors of the judiciary particularly judges and lawyers are being shaped through various judicial education programs. It is high time for the JATI to take immediate steps, both legislative and administrative, to reform the existing training methodologies and modules so that the judges after being trained become more confident and committed to the rule of law. A society having the culture of rule of law demands that its members remain aware of their rights and its government acts in a legal and transparent way.

Besides making the judges and legal professionals educated, we must try to foster a more robust rule of law culture, where every citizen will be aware of his rights and obligations under both domestic and international laws. In that way, a society may continue its empowerment system for its all members, where the rights of every citizen will be respected and, if necessary, duly enforced and protected, only then it would ensure a serene environment for the citizens having sense of the rule of law.



Honorable Justice Kashefa Hussain is being sworn in as Judge of the High Court Division by the Honorable Chief Justice.



BUSINESS: WOMEN'S AND CHILDREN'S RIGHTS

Justice M Imman Ali
Appellate Division
Supreme Court of Bangladesh

General: Rights of Humans

Let us start with some basics. All human beings are born free and equal in dignity and rights.¹ All are equal before the law and are entitled without any discrimination to equal protection of the law.² The Constitution of the People's Republic of Bangladesh provides that all citizens are equal before law and are entitled to equal protection of law.³ This is a fundamental right, as is the next article of the Constitution which provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.⁴ Then we have specific fundamental rights, which provide that women shall have equal rights with men in all spheres of the State and of public life;⁵ all forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.⁶ This is a reflection of Article 4 of The Universal Declaration of Human Rights (UDHR), which provides that no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. This provision also finds place in Article 8 of the International Covenants on Civil and Political Rights (ICCPR)

Right to life

Everyone has the right to life, liberty and security of person.⁷ No person shall be deprived of life or personal liberty save in accordance with law.⁸ The inherent right to life is guaranteed under ICCPR.⁹ The right to life naturally imports also the right to healthy life, free from disease, pollution and malnutrition. Article 18 (1) of the Constitution provides for raising the level of nutrition and the improvement of public health, this being among the State's primary duties.

Rights of Children

The Constitution of Bangladesh does not specifically provide that there shall not be discrimination on the grounds of age, either in the case of children or senior citizens. Nevertheless, all citizens are equal before the law and entitled to equal protection, and that would include children and senior citizens. The UDHR provides that everyone has the right to recognition everywhere as a person before the law.¹⁰ The UN Convention on the Rights of the Child, 1989 (CRC) provides numerous beneficial provisions geared towards a proper and healthy upbringing for every child in every community. It lays down duties upon signatory States to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the Convention.¹¹ The overall theme of the Convention is to ensure the best interests of the child¹² and includes right to education,¹³ health,¹⁴ social security,¹⁵ rest, leisure and recreation,¹⁶ protection from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical,

¹ Article 1, Universal Declaration of Human Rights, 1948

² Article 7, UDHR, See also Article 26 of ICCPR

³ Article 27, The Constitution of the People's Republic of Bangladesh

⁴ Article 28 (1) of the Constitution

⁵ Article 28 (2) of the Constitution

⁶ Article 34 (1) of the Constitution

⁷ Article 3, UDHR

⁸ Article 32 of the Constitution

⁹ Article 6, ICCPR

¹⁰ Article 6, UDHR

¹¹ Article 4, CRC

¹² Article 3, CRC

¹³ Article 28, CRC

¹⁴ Article 24, CRC

¹⁵ Article 26, CRC

¹⁶ Article 31, CRC



mental, spiritual, moral or social developments.¹⁷ Signatory States are enjoined to take legislative, administrative, social and educational measures to ensure the implementation of the article, in particular, to provide for a minimum age or minimum ages for admission to employment and for appropriate regulation of the hours and conditions of the funds and also to provide for appropriate penalties or other sanctions to ensure the effective enforcement of the article. In addition there are provisions in the ILO Convention beneficial to the working children.¹⁸

Vulnerable Citizens

Women, children and any backward section of citizens are given a privileged position by the Constitution inasmuch as the State is empowered to make special provision in favour of these groups of citizens.¹⁹ In addition, there are a number of provisions within the Constitution under "Fundamental Principles of State Policy" which provide for guarantee of the dignity and worth of the human person; responsibility of the State to emancipate the toiling masses – the peasants and workers – and backward sections of the people from all forms of exploitation; provision of the basic necessities of life, including food, clothing, shelter, education and medical care; the right to work, that is the right to guaranteed employment at a reasonable wage²⁰; the right to reasonable rest, recreation and leisure²¹; the right to social security – public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows orphans or in old age, or in other such cases²²; free and compulsory education to all children of such states as may be determined by law²³; raising the level of nutrition and the improvement of public health; prevention of prostitution and gambling; providing equality of opportunity to all citizens; to adopt effective measures to remove social and economic inequality between man and man and to ensure the equitable distribution of wealth among citizens; and to ensure that everyone shall be paid for his work on the basis of the principle "from each according to his abilities, to each according to his work".²⁴ There are provisions in the International Covenant on Economic, Social and Cultural Rights (ICESCR) which also protect and provide beneficial provisions which are meant to safeguard the vulnerable sections of society within the State parties.

Domestic Laws concerning Business/Industry

There is a plethora of legislation aimed at protecting the rights of citizens and their environment:

The Labour Act provides for various facilities for workers within the factories and business establishments. The question always remains whether effective mechanism is in place to ensure proper implementation of the legal provisions. It also gives the various ages at which children can be employed. Again there is lack of proper monitoring to ensure implementation of the law. The situation is made worse by the absence of universal birth registration. The Environment Protection Act provides for proper disposal of pollutants in order to ensure the health of all citizens and to maintain a pollution free environment. Provisions exist in this legislation to ensure that licenses are obtained after due scrutiny of the authority concerned in order to ensure that all adequate precautions have been taken. The Special Powers Act makes it a criminal offence to supply adulterated food and drugs,²⁵ Smoke Nuisances Act etc. enacted to reduce air pollution, are but a few examples of laws which mandate businesses and industry to provide adequate measures for a safe workplace for workers; to ensure education for children of school-going age; laws exist in the books to ensure free, compulsory education for children up to middle school level; legal provisions are there to ensure consumption of food which will not be detrimental to health, and to prevent pollution of the environment causing health hazards. Provisions exist to enable expectant mothers to get benefit from the employers during their pregnancy and early maturity periods.

¹⁷ Article 32, CRC

¹⁸ ILO Convention No. 138 and No. 182

¹⁹ Article 28 (4) of the Constitution

²⁰ Also in Article 23 of UDHR

²¹ Cf Article 24 of UDHR

²² Cf Article 25 of UDHR

²³ Cf Article 26 of UDHR

²⁴ Articles 11, 14, 15, 17, 18, 19 and 20

²⁵ Section 25C, Special Powers Act, 1974

What is the reality?

The reality is that in spite of all the international instruments and domestic laws, the safety and security of the population at large, in particular the vulnerable sections of the community, are not considered by the business/industrialist community. Only minimal steps are taken, if any at all, to ensure that the rights accruing to the particular sections of the community are protected. Often it is seen that the vulnerability or handicap of the citizen is used as an excuse to exclude him or her from rightful benefits, e.g. pregnant women are not engaged or sacked at the opportune moment to avoid keeping a less productive worker and also to avoid the payment of benefits due under the law.

The Garments Industry

In the ready-made garments industry thousands of female workers are employed. In the nascent stage of the industry young girls and boys were employed, particularly since they commanded a very low wage and would not resort to agitation to enforce their rights. The manufacturers took advantage of the situation. The young boys and girls discovered an opportunity to help the family bourse and could least afford to haggle a proper wage. When the importers realised that the manufacturers were engaging underage children, objections were raised and even laws passed in the USA²⁶ to stop the import of garments from manufacturers who engaged underage children in their production line. Thus the manufacturers were compelled to do away with engaging underage children. However, facilities provided for the existing workers, in particular the female workers are minimal to non-existent.

Bidi Manufacturing

The rolling of cigarettes involves thousands of women and children. It is a most hazardous occupation, particularly for children who, as a result of inhaling tobacco dust develop serious illnesses which plague them for the rest of their lives. Astute employers then resorted to sending work to the houses of the workers, thus causing serious health risks to babies and toddlers who are least prepared to inhale tobacco dust. In this way the employers were able to claim that they were not engaging any children in their premises. Elaborate discussions about children affected by the tobacco industry and child labour generally, including facilities to be provided by employers, were made in a decision by the High Court Division.²⁷ The impact of child labour on education and the poverty cycle was also discussed. The detrimental effects on the health of working children have also been highlighted. Several recommendations were made in the judgement, copies of which were directed to be communicated to the relevant ministries as well as international organisations, including the ILO.

Fishing, fish processing and packing

It was observed in the case mentioned in the preceding paragraph that children were being handed over to certain employers on payment of a sum of money for which the children were expected to work until that money was considered repaid. This system is commonly known as "dadon" (cꞑce), which may be translated as "bonded labour". In the recommendation, the High Court Division observed as follows:

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

Women and children are engaged in the fish processing and packing industry without there being any amenities facilities required for the special needs of female workers. The chemicals used cause skin diseases. It is no secret that women and children are engaged in this type of work because they do not demand high wages and are less likely to resort to open agitation.

²⁶ Child Labour Deterrence Act, 1993

²⁷ Ain-o-Salish Kendro 63 DLR 95



Shipbreaking, Textile Dyeing and similar industry

Although these industries do not necessarily employ significant numbers of women and children, they have a phenomenal impact on the human rights of all citizens of the country, which includes women and children. All these industries give out a huge quantity of polluting effluents which permeate through to the water table or are let out directly into the rivers, canals and seashores of our country. The water in the rivers has become as black as tar and gives out intolerable odour. What's left of the fish population is poison to the humans and we are all exposed to such dangers. Most importantly, the chemical effluents are carcinogenic and cause cancer as well as many other fatal diseases. Children being less resistant physiologically are more susceptible to diseases. Expectant and nursing mothers are also more vulnerable and often pass on the detrimental effect of the pollutants to their offspring. The shipbreaking effluents are let loose into the atmosphere as well as the sea. The poisonous effects of these effluents are brought to the humans through the food chain. The detrimental aspects of the shipbreaking industry were elaborately discussed in Writ Petition No. 7260 of 2008, decided by the High Court Division.²⁸

Construction industry: buildings, roads and highways, irrigation canals and embankments

Women, including those with suckling babies in their laps, are a common sight where there is building or road construction going on. Due to their abject poverty, the women are oblivious to the dangers which they and their children face, and their employers simply do not care. There are no laws, rules or regulations concerning the safety and security of these workers. Nor is there any provision for other young children whom the mothers have to leave behind in the house. There is no on-site care facility for the toddlers. We sometimes see newspaper reports where women resort to chaining toddlers to posts for their perceived safety while they go out to work. Children are often engaged as workers on building sites without there being any provision for their safety and security, not to mention their deprivation from education and a childhood.

Women and children working in the construction of irrigation canals and embankments face similar hazards.

Small metal industries and Mechanical Workshops

Women and girls are often engaged in dangerous work in the small metal industries and young boys work on lathe and welding machines. Boys are working with dangerous tools as mechanical repairers without any protective gear. No safety and security measures are in place. Boys are made to work with acid in making batteries. They handle acid with their bare hands not fully appreciating the dangers. They are not provided with protective clothes or implements.

Carpet manufacturing and weaving industry

Young boys are made to work in hazardous conditions, inhaling dust which causes then serious lung diseases.

Cottage Industry

Many women, particularly young girls are engaged in the handicrafts and other cottage industry. Are their rights guaranteed by the Constitution, laws of the land and international instruments ensured by the business enterprises which employ them? Although the end products are often exported at much higher price in the foreign markets, the employees are deprived of fair wages commensurate to the work done by them.

Food Suppliers

The new hazard that is facing the whole nation is chemical additives in foodstuffs for long term preservation and chemicals used to rid insects. The suppliers are using harmful chemicals for the sake of their business profit caring little about the health hazards and consequences on the people at large and children in particular who are more vulnerable.

²⁸ Bangladesh Environment Lawyers Association vs. Bangladesh etc., reported in (2010) 7 Law Guardian 118

What is necessary?

What is necessary most of all is the awareness of the business community that women, children and the public generally enjoy particular rights which are guaranteed by the Constitution and protected by both national legislation and international instruments giving guidelines, suggestions and recommendations as to what standards are required of signatory States for the well-being of its citizens.

The Domestic laws are lacking in many respects and not adequate to protect the rights of the citizens, in particular those of women and children.

Business and industry tend to take advantage of the poor bargaining position of women and children and invariably engage them in employment at much lower wages than they would pay for similar work to adult males. Also they do not provide the necessary security measures and other amenities and facilities which are essential for these categories of citizens.

Business concerns must be aware or be made aware that employing children is detrimental to their health and hampers their physical development and education. They should be made to abide by the Policies of the Government in respect of Elimination of Child Labour, Education Policies etc.

It cannot be denied that depriving children of education makes them handicapped in society, so much so that they only feed the poverty cycle. Illiterate parents do not appreciate the benefits of education and as a result their children also remain uneducated. It is a vicious cycle which is exacerbated by business and industry that prey on children as easy target for cheap labour.

Expectant and suckling mothers need extra attention and facilities, which are seldom provided by employers. On the contrary, employers turn away and dismiss employees suffering these natural conditions.

At a certain time in each month women and adolescent girls need especial care and hygiene facilities, which are not provided by the employers.

Children who are injured are thrown out of jobs as they become less productive and more of a liability. There is no provision of social security for the women and children who thus become much more vulnerable. Once they become dependent on a regular income, meagre though it might be, the loss of that income leads to sure destitution.

Laws exist to protect the citizens from the devastating effects of food adulteration and pollution causing serious health hazards. But these are least effective if the perpetrators will not heed the law and the authorities concerned will either turn a blind eye or themselves become ineffective in safeguarding the lives and health of the citizens.

Conclusion

Laws, rules and regulations are necessary to regulate behaviour in society and make all citizens conform to legal and societal norms.

International instruments provide beneficial provisions and are required to be implemented by signatory States as an international contract.

However, no quantum of laws, rules and regulations will be adequate for the realisation of the rights of citizens if the actors involved in implementing these are not aware or not inclined to give effect to them.

The State as the guardian of the rights of the people, which are enshrined in the Constitution, must take effective steps to ensure implementation of legal provisions and enactment of other necessary provisions in order to protect the human rights of its citizens, particularly the most vulnerable, i.e. women and children. This is even more relevant in the wake of the worldwide economic recession and the consequent impact on vulnerable sections of society. The historical gender imbalance in power, opportunity and involvement in economic life represents an enormous challenge – regardless of geo-political considerations. The interplay of a range of gender-based factors exacerbates the negative economic situation for women.



Public Interest Litigation Origin and application in Subcontinent, particularly in Bangladesh

Justice Mustafa Zaman Islam

High Court Division
Supreme Court of Bangladesh

The concept of public interest litigation:

1. In recent time, public interest litigation (PIL) has grown as a new concept of legal system through the constitutional device as judicial review. It is generally known to our people as PIL which is a legal tool to ensure justice to the large number of people who are distressed and deprived. PIL is not defined in any statute or in any act. It has been interpreted by judges to consider the intent of public at large. PIL has enlarged and enriched the traditional doctrine of locus-standi and had opened new remedies and procedures. The idea of PIL is very unique in its nature and remedies within the legal arena. The evolution of PIL emanated from realization of constitutional obligation by the judiciary towards the vast section of the society. i.e in the larger interest of the people. The judiciary realized that because of extreme poverty, a large number of sections of society cannot approach the court. The fundamental rights have no meaning for the large number of sections of the society and in order to preserve and protect the fundamental rights of the vulnerable sections of the society by judicial innovation, the courts by judicial process started giving necessary directions and passing orders in the PIL. Public interest litigation is intended to promote and vindicate public interest which demands that violations of constitutional or legal rights of a large number of people who are under privileged, ignorant or in a socially or economically disadvantaged position should not go unnoticed and unredressed. PIL is a challenge and an opportunity of vulnerable section of the community to ensure their social and economic justice. The judicial role in relation to socio-economic legislation was initially marked by regression. A conspicuous feature of judicial process in India is the emergence of public interest litigation or as some prefer to term it the social action litigation. In the leading case of "S.P. Gupta Vs.- Union of India"¹ which is popularly known as the Judges Transfer case. The supreme court entertained petitions by lawyers wherein it was held:-

"Where a legal wrong or a legal injury is caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right or any burden is imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or illegal burden is threatened and such person or determinate class of persons is by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the Court for relief any member of the public can maintain an application....."

Similarly, in "People's Union for democratic rights vs. Union of India"² which is popularly called as Asiad workers case, a petition by public-spirited organization on behalf of persons belonging to socially and economically weaker section employed in the construction work of various projects sought redress on their behalf before the Court. In "Babu Ram Verma vs. State of Uttar Pradesh"³ also, the Court stated the expression public interest in common parlance means an act beneficial to the general public; an action taken in public interest means an action taken for public purpose.

Historical Background:

1. Context of the United states of America (USA)

In 1876 legal aid movements were started by interested persons to assist recently arrived German immigrants. It become Institutionalised and became concern of community financed by third parties. At the turn of the 20th century, the movement developed to check evils of unregulated business. Institutions developed to defend collective rights and new legislations were being passed. Another root directly is ACLU (American civil liberties Union) and its off-shoot NAACP/LDF (National Association

for advancement of colored people/legal Defence and Education Fund). After 1939 NAACP became free from parent organ and initiated move for right of the colored. In 1954 the landmark case "Brown-Versus-Board of Education"- was fought and won against racial segregation in education, employment and housing. In the result, federal commission on civil rights was formed in 1958 and civil rights Act, 1964 was passed. In 1963 the case of "NAACP-Versus-Button" was fought which removed legal obstacles to public interest litigation. Main focus of action was on social reform. It may be mentioned here that modes of finance is vital in respect of PIL and financing was done by charitable organizations (sierra club; legal defence fund, Ford foundation).

2. Context of the U.K

At first, legal aid activities entranced in England, since 1949. In 1957 in the "Thames Magistrates case" court of England enabled a newspaper seller to be a person aggrieved in respect of a dispute over a pitch on the street market. This was followed in R-versus-poddington and developed in Blackburn's case in 1960s⁴. In 1970s legal Aid and Advice scheme was formulated and it was entrusted to the association of solicitors by the legal Aid and Assistance Act 1972 and the legal Aid Act 1974. Afterwards, social action groups like child poverty action group, joint council for welfare of immigrants, Shelter etc started taking issues to courts of England and Europe. By the way, there was rise of institution like parliamentary commission for administration about complaint against Central Government, Health Service, Local Authorities and Police, Voluntary small claims courts for consumers, office of fair trading for consumers to regulate trade and protect consumers. The use of PIL in England has been comparably limited. Lord Denning, respected English judge, gave it a court approach in 1977-81 on locus standi Rule & PIL was retained with its glory.

3. Context of India:

After emergency period of 1975-77, the concept of Public Interest litigation was initiated by Justice Krishna Iyer in "Mumbai Kamgar Sabha-vs-Abdul bhai"⁵ Iyer, J stated, "Test litigation, representative actions, pro-bono publico and like broadened forms of legal proceedings are in keeping with the current accent on justice to common man and a necessary disincentive to those who wish to bypass the real issues on merits by suspect reliance on peripheral procedural shortcomings..... Public Interest is promoted by a spacious construction of locus standi in our socio-economic circumstances". It is a first case in India as PIL. The question of PIL was elaborately discussed in the case of "Sunil Batra -vs-Delhi Administration" which relates to a prisoners letter describing torture upon another prisoner. In the case, Iyer J stated that "It was said that continuously keeping a prisoner in fetters day and night reduces the prisoner from a human being to an animal, and that this treatment is so cruel and unusual that the use of bar fetters is anatheme to the spirit of the constitution." Thereafter, in several other cases the concept of Justice Iyer with regard to PIL was carried through in their subsequent judgment by different Judges such as, on confining for more than the period of sentence in "Hossneara Khatun -vs-Home Secretary, Bihar"⁶. In Municipality council, Ratlam-vs-wardichard"⁷, the Supreme Court issued, certain directions to the Municipal Council to construct Public latrines, drains etc. In this case, beyond doubt the Supreme Court deserves praise for nurturing the PIL overcoming the barrier of locus-standi, and in enabling the social activists to intervene on behalf of the poor and downtrodden and to argue cases in person on their behalf. In "Fertilizer corporation, Kamgar Union-vs- Union of India"⁸, the Supreme Court also approved the locus-standi and allowed the workers union and two Individual workers of the factory to challenge the action of the government in selling the factory. In "Bondhu Mukti Morcha-vs-Union of India"⁹ a petition was filed by a Public spirited organization on their behalf and the Supreme Court promoted and approved the locus-standi of the said organization. It was held that a registered society consisting of Public spirited citizens who was entitled to move the court for release of bonafide laborers working in stone quarries. Like wise, in "D.S. Nakara-vs-Union of India"¹⁰, a guardian of a student of a Medical College complained to the court about ragging of junior students by senior students of the college. In the case of "state of H.P. -vs- Parent of a student of Medical College"¹¹, locus-standi was maintained. In all the aforesaid cases, the very concept of Public interest litigation was promoted, preserved and rather further flourished.



3.1 Recent trend in India:

In the case of “TK Rangarayan and others vs. state of Tamil Nadu and others” it was held that, there is no question of having any fundamental legal or equitable rights for workers to go on strike and the employee’s have to adopt other alternative method of redressal. In “State of Karnataka and other-Vs. Umaa Devi”¹² the court held that workers even after being employed for years together are not entitled to regularization. In “M.C Mehta Vs. State of Tamil Nadu”¹³, a petition under Article 32 of the constitution was brought before the supreme court by way of public interest litigation and it was connected with employment of children in match factories of sivakasi in Tamil Nadu state. The Court observed that “employment of children within the match factories directly connected with manufacturing process upto final production should not at all be permitted, where the Court entertained petitions by M.C. Mahta. Most of the cases brought before the Court by way of PIL, the Courts of India have been pursuing a liberal attitude towards the pro-bono publico litigations and thereby for enforcement of fundamental rights or legal right of that vulnerable sections can approach the Court for their grievance.

4. Context of Pakistan:

PIL has reached to its principle in Pakistan and its developed in late 1980s. In the case of “Ms Benagir Bhutto Vs. Federation of Pakistan”¹⁴ of is regarded as the first land mark judgment in respect of PIL initiatives in that country wherein the supreme Court held that as the Article 184 (3) of the Pakistan constitution is open ended, the proceedings could be maintained by an individual whose fundamental rights are infringed or by a person bonafide alleging intransaction of fundamental rights, of a class or a group of persons, as there is no rigid incorporation of the notice of aggrieved party in article 184 (3). In “Darshan Masih Vs. State”¹⁵, where the supreme of Pakistan, on the basis of a telegraph, arrogated to itself the jurisdiction to enforce the fundamental rights bonded labours in brick kiln industries. In a particular case of the petitioner, standing was maintained

05. Context of Bangladesh:

The Supreme Court of Bangladesh has done a commendable job by protecting the rights of a large number of people who are poor and downtrodden by using PIL as an effective tool. The Court has innovated new methods and device new strategies for the purpose of providing access to justice to large number of people who are denied their fundamental rights guaranteed under the constitution. The very first case in which the question of locus standi was addressed and examined by the supreme court of Bangladesh was the famous case of “Kazi Moklesur Rahman -vs-Bangladesh and another”¹⁶, popularly known as Berubari case. In that case, an agreement entered into Bangladesh and India on 16.05.1974 which was challenged by the petitioner. Sayeem C.J allowed locus standi and observed in this regard that the petitioner raised a question affecting a constitutional issue of grave importance posing a threat to his fundamental rights that pervade and extended to the entire territory of Bangladesh. This Creative interpretation of our apex court, the question of locus-standi preceded even the earliest PIL case in the sub-continent and held out the potentialities for Bangladesh to be pioneering in this legal concept. Afzal, C.J hailed it in FAP20 case in 17 BLD (AD)¹⁷, having followed Blackburn case in England and Gupta case in India. Similar views were also taken in “A.K Mujibar Rahman-Versus-Returning Officer and other”¹⁸, candidature of Gen. Zia as President was challenged. Shahbuddin J. dismissed it on merit without disputing locus-standi. 8th amendment of constitution was challenged in Anwar Hossain Chowdhury-vs.-Bangladesh”.¹⁹ The amended article 100 of the constitution was challenged as ultra-vires. The Court, by a majority judgment declared that the basic structure of the constitution cannot be altered and as such the amendment was void. This case is sometimes described as a forerunner of PIL case. In “Ayasa Khatun and another-versus-Mayor Sabbir Ahmed and others”.²⁰ Anwarul Haque chowdhury J. gave locus-standi to mother for custody of child. In “ABM Nurul Islam -vs- -Govt. of Bangladesh”²¹ prayed to declare kadianies as non-muslims. Locus-Standi allowed but held govt. had no authority. In “Rokeya Khatun-vs-Sub divisional Engineers and others”²² against eviction of slum dwellers of Mirpur Bosti. Court maintained long status quo giving time to vacate. In “Anower Hossain Khan-vs-speaker of Bangladesh Sangshad”²³ about boycoting MPs, Kazi Shafiuddin, J ordered MPs to go to sangshad. But Appellate Division stayed the same. MPS

resigned on 28-12-94 and the appeal became infructuous. In “Md. Idrisur Rahman –vs-Md. Shahabuddin Ahmed and others”²⁴ appointment of CMM without consultation with supreme Court was challenged. Locus-standi was allowed. In “Dr. M Farroque –vs-Bangladesh”²⁵ (Dr. strike case) Rule was issued, therefore, Govt. negotiated and strike withdrawn-rule became infructuous. “The state – vs – Md. Zillur Rahman”²⁶ on hartal, decision to observe hartal when compel other is unlawful. Dismissed the petition. Re-appointed of justice Md. Abdur Rouf in Appellate Division of the supreme Court was challenged in “Shamsul Huq Chowdhury vs. Justice Md. Abdur Rouf and others”²⁷, Habibur Rahman Khan J. held, holding of the office of the Chief Election Commissioner by a judge does not stand as a bar against his appointment as a judge of the Appellate Division of the Supreme Court of Bangladesh. “Ashaduzzaman Ripon vs Bangladesh”²⁸, challenged functioning of some govt. officers wherein the Court observed that in the mean time there has been held more than two elections and in view of the same the rule has become infructuous. Appointment of J. Shahabuddin as president was challenged in “A B. Siddique –vs- justice Shahabuddin”²⁹. Standing allowed but lost on merit. Import of radio-active milk was challenged in “Dr. Farooque-versus-Bangladesh”³⁰, rule issued and made absolute in part. Trafficking of children as camel jockeys was challenged in Master Issa Farooque-vs-Bangladesh”³¹. Measures taken by the govt. to ensure the safety and protection of the children of Bangladesh and the rule has become infructuous. It would be mentioned here that the question of locus-standi has finally been settled by the Appellate Division in the Flood Action plan case in short FAP-20³² brought by Dr. Mohiuddin Farooque, founder secretary of Bangladesh Environmental lawyers Association (BELA). Mustafa Kamal J. liberally allowed standing with elaboration of theme. It is necessary to say that the appellate Division, in his judgment unequivocally observed. “the expression “any person aggrieved is not confined to individually affected persons only, but it extends to the people in general, as a collective and consolidated personality. If an applicant bona-fide espouses as public cause in the public interest, he acquires the competency to claim a hearing from the court. In this judgment, the question of traditional doctrine of locus-standi was resolved once again and forever. Extradition of Anup Chetia was challenged, Petitioners failed in “Saiful Islam Dilder- Versus- Bangladesh”³³. Destruction of lake and greenery of gulshan Model town was successfully challenged in “parvin Akhtar-versus-Chairman RAJUK”³⁴. Eviction of Shum dwellers was challenged in “ASK-vs-GoB”³⁵. Continued bar fetters of Dandabbari was challenged in “Ain-o-Salish Kendra (ASK) vs. Govt. of Bangladesh”³⁶ wherein Nozrul Islam Chowdhury J. observed that “to direct respondent to take steps not to impose bar fetters upon any of the prisoners except with strict adherence to the mandate of law and the rules framed there under. In “NBR vs. Advocate Julhas Uddin Ahmed and others”³⁷, PIL was filed by HRPB challenging the VAT collection from the patient in hospital and rule was made absolute. Against which the NBR preferred appeal before appellate division and the same was dismissed. In “HRPB and others Vs. Govt. of Bangladesh and others”³⁸ against the failure to take fruitful steps to stop application of chemical substance to ripe fruits which was made absolute. In professor Dr. AFM Masud and another vs. Bangladesh”³⁹ for a direction to maintain and protect the residential character of Dhanmondi residential area and rule was disposed of with observation. In “Dr. M.A Salam vs. Bangladesh”⁴⁰, challenging the distortion of history in the documents of the independence war was brought before the Court by way of PIL, ABM Khairul Hoq J, delivered the judgment that Bhanghabondhu Sheikh Mojibur Rahman had Proclaimed the Nation’s Independence on March 26, 1971. In “HRPB vs. Bangladesh and others”⁴¹, PIL was filed before High Court Division for a direction upon the respondents to take appropriate steps under the provision of pure food ordinance for food safety and quality control in order to save the life/health of the citizen of Bangladesh. In “HRPB vs. Bangladesh”⁴² a petition was filed as PIL before High Court Division for a direction to take steps to maintain sanctity, dignity, honor of the Central Shahid Miner at Dhaka in a befitting manner to build a standard museum there, so that the visitors can get knowledge about the language movement. In “Major General K.M. Shafiullah and another vs. Bangladesh and others”⁴³ a public interest litigation was filed before High Court Division for a direction upon the respondents to form a committee to identify the historic important places at Shuhrawrdi uddyan (the then rececourse maidan) at Dhaka where the Pakistan Army surrendered before the joint command force of Mukti Bahini and India Army on 16, December, 1971, and Bangabundhu delivered the historical speech on 7, March 1971. The rule is made absolute with directions. Harrassment of women in work place, in “BNWLA vs. Govt. of Bangladesh”⁴⁴ was filed before High Court



Division as PIL, with some directions, the petition is disposed of.

Environment is one of the major issue at present context. One of the historical case was filed by HRPB for protection of Burigonga, Shitalakkha, Balu and Turag river around Dhaka popularly known as 4 rivers case⁴⁵. ABM Khairul Hoque, J delivered judgment with some direction and one of them was to conduct a survey through special team to identify the territory of the above mentioned rivers and to set up pillars on the bank of the rivers.

On the other hand, locus standi was denied in several cases. Such as, appointment of vice-president was challenged in “Saiyid Munirul Huda Chowdhury vs. A.K.M. Nurul Islam”⁴⁶, Standing was denied, M.S. Ali, J, held, therefore, the office of the vice-president cannot be held to be included in “the service of the republic” within the Article 152 of the constitution. Similar view was taken in “M.G. Bhuiyan vs. Bangladesh”⁴⁷, an advocate of the supreme Court, filed an application under Article 102 of the constitution by way of PIL seeking a declaration that General notification dated 25.04.1979 which gave effect to the law reforms ordinance, 1978 with effect 01.06.1979 was without lawful authority with ordinance as ultra virus of the constitution. In this case locus-standi was questioned by the High Court Division and affirmed by the Appellate Division. Moreover, similar view had been taken in “M. Saleemullah vs. justice Md. Abdul Quddus Chowdhury”⁴⁸, appointment of justice as joint secretary was challenged, “Bangladesh Sangbad patra parishad-vs-Govt. of Bangladesh”⁴⁹ constitution of wage Board was challenged. Standing was denied. Mustafa Kamal, CJ held Association was not disabled or disadvantaged and hence left the door open for the disadvantaged. Appellate Division’s observation in Sangbadpatra case was relied upon as tantamount to a verdict against maintainability of PIL under the scheme of constitution of Bangladesh, in “Syed Mahabub Ali-Versus-Bangladesh”⁵⁰ lawyers challenged promotion of judges of subordinate Courts without consultation with the Supreme Court, Held, no standing of the advocates. In “Dr. Ahmed Hussain-vs-Bangladesh and others”⁵¹ reservation of seats for women in the parliament was challenged, locus standing was denied and eviction of sex-workers was challenged in “Sultana Nahar-vs Bangladesh”⁵² Failed standing on merit.

At present, it is noticeable that a group of lawyers have developed a tendency of filing PIL petitions on behalf of persons or organizations challenging the propriety of the government in taking decision relating to policy matter, its development works, orders of promotion and therefore of public servants, imposition of tax’s and fixation of tariff value by the authority for achieving dubious goal for generating publicity for themselves or to create public sensation. Though, in respect of PIL, the principles settled by our Apex Court in landmark judgments i.e. Mohiuddin Farooque case, professor Mozaffer Ahmed and Ms. Syeda Rizwana Hasan case⁵³. It is also noticeable that after seeking an order from the High Court Division by filing a PIL, the lawyers are appearing before the electronic and print medias propagating that the Court has made such and such directions, which suggest that those petitions had not made for the case of the needy or under privileged or less opportunity people, who could not seek redress for a wrong done by the government or a local authority, rather it were moved for achieving dubious goal for generating personal publicity. With the view to regulate the abuse of PIL, the apex Court it has framed certain guidelines. Our apex Court declared specific parameters within which the High Court Division should extend its discretionary jurisdiction in entertaining a public interest litigation. In that view, the Appellate Division in “NBR vs. Abu Saeed Khan and others” 18 BLC (AD) 117, S.K Sinha J. allowed locus-standi but some categories of cases which will be entertained. The following some categories of cases are:-

- a) For protection of the neglected children.
- b) Non-payment of minimum wages to workers and exploitation of casual workers and complaints of violation of labour laws (except in individual case).
- c) Petitions complaining death in jail or police custody, or caused by law; enforcing agencies.
- d) Petition against law enforcing agencies for refusing to register a case despite there are existing allegations of commission of cognizable offences.
- e) Petitions against atrocities on women such as, bride burning, rape, murder for dowry, kidnapping.
- f) Petitions complaining harassment or torture of citizens by police or other law forcing agencies.

- g) Petitions pertaining to environmental pollution, disturbance of ecological balance, drugs, food adulteration, maintenance of heritage and culture, antiques, forest and wild life.
- h) Petitions from riot victims.

Conclusions: This scenario of PIL gradually changed by the judicial pronouncement by our apex Court through judicial review. It is the bounded duty and obligation of the courts to encourage genuine bonafide PIL Petitions. The court must be careful to see that the petitioner who approaches it is acting bonafide and not for personal gain, private profit or for political or other oblique consideration. The Court must also take care to see that it does not overstep the limits of its judicial function and trespass into areas which are reserved for the executive by the constitution.

End Note :

1. AIR 1982 SC 149,
- 2) AIR 1982 1473,
- 3) (1971) 2 Serv. LR 674 P 659,
- 4) Blackburn vs. AH.Gen, (1971)2 All E.R.1380,
- 5) AIR 1976 (SC) 1455,
- 6) 1980 (Scc) 115,
- 7)AIR 1980 (SC) 1622,
- 8) AIR 1981 (SC) 344,
- 9) AIR 1984 (SC) 802,
- 10) AIR 1983 (SC) 130,
- 11) AIR 1985 (SC) 910,
- 12) (2006) 4 SCC,
- 13) (1991) 1 SCC 283,
- 14) PLD 1988 (SC) 416,
- 15) PLD 1990 (SC) 513,
- 16) 26 DLR (AD) 44,
- 17) 17 BLD (AD) 1,
- 18) 31 DLR 156,
- 19) BLD (SPL) 1,
- 20) 46 DLR 399,
- 21) W.P No.298 of 1993,
- 22) W.P No.1789 of 1993,
- 23) 47 DLR 42,
- 24) 19 BLD 291,
- 25) W.P No.1783 of 1994,
- 26) 19 BLD 303,
- 27) 49 DLR 176,
- 28) W.P No.1635 of 1996,
- 29) 1 BLC 483,
- 30) 48 DLR 438,
- 31) W.P No.278/1996,
- 32) IBID,
- 33) 50 DLR 318,
- 34) 18 BLD 117,
- 35) 19 BLD 489,
- 36) 15 BLT 448,
- 37) W.P No.1190 of 2009,
- 38) W.P No.4496 of 2009,
- 39) W.P No.1058 of 2011,
- 40) W.P. No. 2577 of 2009,
- 41) W.P No.324 of 2009,
- 42) W.P No.1079 of 2010,
- 43) W.P No.4313 of 2009,
- 44) W.P No.5916 of 2008,
- 45) W.P No.3503 of 2009,
- 46) 1 BLC 437,
- 47) 1981 BCR (AD) 80,
- 48) 46 DLR 691,
- 49) 43 DLR 424,
- 50) 44 DLR (AD) 109,
- 51) 44 DLR 14,
- 52) 18 BLD 363,
- 53) 18 BLC (AD) 117,
- 54) Mustafa Kamal J, with Mr. Azmalul Hossain QC and Dr. Naim Ahmed, the concept, Development of scope of PIL published in an anatomy of BILIA judicial training with Difference,
- 55) Islam, Mahmudul, Constitutional law of Bangladesh, Second edition, DLR,
- 56) Takwani, C.K, Administrative law, fourth Edition, 57) B.Siva Ramayya, PIL and Bonded labour: "Quo Vadis? Published in Law, judiciary and justice in India, 1993, New Delli.



A LANDMARK JUDGEMENT OF THE APPELLATE DIVISION

PRESENT:

Mr. Justice Surendra Kumar Sinha, Chief Justice
Mrs. Justice Nazmun Ara Sultana
Mr. Justice Syed Mahmud Hossain
Mr. Justice Hasan Foez Siddique

CIVIL APPEAL NO.116 OF 2010.

(From the judgment and order dated 2.3.2010 passed by the High Court Division in Writ Petition No.8283 of 2005.)

WITH

CRIMINAL PETITION FOR LEAVE TO APPEAL NO.374 OF 2011.

(From the judgment and order dated 25.5.2011 passed by the High Court Division in Death Reference No.13 of 2006 with Criminal Appeal No.453 of 2006 with Jail Appeal No.131 of 2006.)

AND

JAIL PETITION NOS.18 OF 2008, 03 OF 2009, 01 OF 2010, 08 OF 2010, 16 OF 2010, 2-3 OF 2011, 05 OF 2012 & 7-8 OF 2012.

Bangladesh Legal Aid and Services Trust (BLAST) and others:	Appellants. (In C.A. No.116 of 2010)
Shafiqul Islam:	Petitioner. (In CrI. P. No.374 of 2011)
Masuk Miah:	Petitioner. (In Jail P. No.18 of 2008)
Md. Nazrul Islam:	Petitioner. (In Jail P. No.3 of 2009)
Abdur Rashid @ Raisha @ Haji Shab:	Petitioner. (In Jail P. No.1 of 2010)
Raju Ahmed @ Raja Miah:	Petitioner. (In Jail P. No.8 of 2010).

Md. Babul Miah:	Petitioner. (In Jail P. No.3 of 2011).
Idris Sheikh:	Petitioner. (In Jail P. No.5 of 2012).
Idris Sheikh:	Petitioner (In Jail P. No.7 of 2012).
Shahjahan @ Haider @ Kutti:	Petitioner In Jail P.No.8 of 2012.

= Versus =

Bangladesh, represented by the Secretary, Ministry of Home Affairs, Dhaka and others:	Respondents. (In C.A. No.116 of 2010)
The State:	Respondent. (In all the petitions)
For the Appellants: (In C.A. No.116 of 2010)	Mr. M. I. Farooqui, Senior Advocate (with Mr. A.B.M. Bayezid, Advocate), instructed by Mr. Syed Mahbubur Rahman, Advocate-on-Record.
For the Petitioner: (In CrI. P. No.374 of 2011)	Mrs. Sufia Khatun, Advocate-on-Record.
For the Petitioner: (In Jail P. Nos.18 of 2008, 3 of 2009, 8 of 2010, 2-3 of 2011, 5 of 2012, 7 of 2012 and 8 of 2012)	Mr. A.B.M. Bayezid, Advocate.
For the Petitioner: (In jail P. Nos.1 of 2010 and 16 of 2010)	Mr. Helaluddin Mollah, Advocate.

* This case has been reported in the first issue of the Supreme Court Online Bulletin (SCOB), a web based monthly law report of the Supreme Court of Bangladesh. Citation is 1 SCOB [2015] AD1

Abdul Kader:	Petitioner. (In Jail P. No.16 of 2010).	For the Respondent: Mr. Mahbubey Alam, (In C.A. No.116 of 2010) Attorney General, (with Mr. Momtazuddin Fakir, Additional Attorney General).
Akidul Islam @ Akidul Sheikh:	Petitioner. (In Jail P. No.2 of 2011).	
For the Respondent: (In CrI. P. No.374 of 2011)	Mr. Mahbubey Alam, Attorney General, instructed by Mrs. Mahmuda Begum, Advocate-on-Record.	Date of hearing: 18 th February, 2015, 3 rd March, 2015 and 5 th May, 2015. Date of Judgment: 5 th May, 2015.
For the Respondent: (In all the Jail Petitions)	Mr. Mahbubey Alam, Attorney General.	

We would like to point out here that whenever the High Court Division grants certificate it ought to have formulated the points on which the certificate is granted containing inter alia that the case involves a question of law as to the interpretation of the Constitution or that the question is a substantial one.

...(Para 3)

Abolition of Death Penalty is not possible:

Our social conditions, social and cultural values are completely different from those of western countries. Our criminal law and jurisprudence have developed highlighting the social conditions and cultural values. The European Union has abolished death penalty in the context of their social conditions and values, but we cannot totally abolish a sentence of death in our country because the killing of women for dowry, abduction of women for prostitution, the abduction of children for trafficking are so rampant which are totally foreign to those developed countries.

...(Para 5)

Rule of law is the basic rule of governance of any civilized society. The scheme of our Constitution is based upon the concept of rule of law. To achieve the rule of law the Constitution has assigned an onerous task upon the judiciary and it is through the courts, the rule of law unfolds its contents. One of the important concept of the rule of law is legal certainty. Judicial review of administrative action is an essential part of rule of law and so is the independence of judiciary.

...(Para 10)

Only provision in which the court cannot exercise the discretionary power in awarding the sentence is section 303, which provides that "whoever, being under sentence of imprisonment for life commits murder shall be punished with death". I find no rational justification for making a distinction in the matter of punishment between two classes of offenders, one is, under the sentence of life imprisonment, who commits murder whilst another, not under the sentence of life imprisonment.

...(Para 15)

In sub-section (3) of section 6 of the Ain of 1995, if similar offence is committed by more than one person all of them will be sentenced to death. Suppose 5 persons are involved in the commission of the crime of them two directly participated in the commission of rape and other three persons abetted the offence. If these three persons are sentenced to death with other two, it will be contrary to norms and the sentencing principles being followed over a century.

.... (Para 46)

A law which is not consistent with notions of fairness and provides an irreversible penalty of death is repugnant to the concepts of human rights and values, and safety and security.

... (Para 46)

A provision of law which deprives the court to use of its beneficent discretion in a matter of life and death, without regard to the circumstances in which the offence was committed and, therefore without regard to the gravity of the offence cannot but be regarded as harsh, unfair and oppressive. The legislature cannot make relevant circumstances irrelevant, deprive the court of its legitimate jurisdiction to exercise its



discretion not to impose death sentence in appropriate cases. Determination of appropriate measures of punishment is judicial and not executive functions. The court will enunciate the relevant facts to be considered and weight to be given to them having regard to the situation of the case. Therefore we have no hesitation in holding the view that these provisions are against the fundamental tenets of our Constitution, and therefore, ultra vires the Constitution and accordingly they are declared void.

...(Para 50)

In section 11(Ka) of the Ain of 2000, it is provided that if death is caused by husband or husband's, parents, guardians, relations or other persons to a woman for dowry, only one sentence of death has been provided leaving no discretionary power for the tribunal to award a lesser sentence on extraneous consideration. This provision is to the same extent ultra vires the Constitution.

...(Para 51)

Since we hold that Sub-Sections (2) and (4) of Section 6 of the Ain, 1995 and Sub-sections (2) and (3) of Section 34 of the Ain of 2000 are ultra vires the Constitution, despite repeal of the Ain of 1995, all cases pending and the appeals pending under the repealed Ain shall be regulated under the said law, but on the question of imposing sentence, the sentences prescribed in respect of those offences shall hold the field until new legislation is promulgated. I hold that there was total absence of proper application of the legislative mind in promulgating those Ains, which may be rectified by amendments. In respect of section 303 of the Penal Code, the punishment shall be made in accordance with section 302 of the Penal Code. It is hereby declared that despite repeal of Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995, the pending cases including appeal may be held under the repealed Ain, while dealing with the question of sentence, the alternative sentences provided in the corresponding offences prescribed in the Nari-O-Shishu Nirjatan Daman Ain, 2000 shall be followed.

...(Para 52)

JUDGMENT

Surendra Kumar Sinha, CJ:

1. The constitutionality of section 6(2) of the Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995, (Ain XVIII of 1995) and section 34 of the Nari-O-Shishu Nirjatan Daman Ain, 2000 (Ain VIII of 2000) has been called in question by the appellant Md. Sukur Ali, a death row convict, who has been convicted by the Nari-O-Shishu Nirjatan Daman Bishesh Adalat, Manikgonj for sexually assaulting to death of Sumi Akhter, a minor girl aged at about 7 years. The Bishesh Adalat sentenced him to death and the High Court Division also confirmed the death sentence and this Division also affirmed the sentence. A review petition was also filed before this Division. This review petition was also dismissed. Thereafter the appellant along with another moved the High Court Division challenging the mandatory death penalty provided in section 6(2) of the Ain as ultra vires the Constitution.

2. The High Court Division upon hearing the parties though declared section 6(2) of the Ain, 1995 ultravires the Constitution, refrained from declaring section 34 of the Ain of 2000 unconstitutional and also did not declare the sentence of the condemned prisoner to be unlawful. It was observed that the provision of mandatory death penalty is ultra-vires the Constitution, inasmuch as, when the legislature prescribes any punishment as mandatory, the hands of the court become a simple rubberstamp of the legislature and that this certainly discriminates and prejudices the court's ability to adjudicate properly taking into account all facts and circumstances of the case. The High Court Division granted a certificate under Article 103(2)(a) of the Constitution without, however, formulating any point observing that "in the light of the decision of this court and since the constitutional right of the convict petitioner is still in question". It was further observed that 'the punishment prescribes in section 6(2) of the Ain is such that if the Bishesh Adalat finds the accused guilty it can do no more than to impose the mandatory punishment of death'.

3. We would like to point out here that whenever the High Court Division grants certificate it ought to have formulated the points on which the certificate is granted containing inter alia that the case involves a question of law as to the interpretation of the Constitution or that the question is a substantial one. In arriving at the conclusion it has considered an unreported case of the Judicial Committee of the Privy Council in *Patrick Reyes V. The Queen* in Privy Council Appeal No.64 of 2001 and *Bachan Singh V. State*

of Punjab, (1980) 2 SCC 375, Matadeen V. Pointu (1999) 1 AC 98 and some other cases. It has been held that where the offender is not a habitual criminal or a man of violence “then it would be the duty of the court to take into accounts his character and antecedents in order to come to a just and proper decision”. It held that the court must have always discretion to determine what punishment a transgressor deserves and to fix the appropriate sentence for the crime he is alleged to have committed. The court, it is observed, “may not be degraded to the position of simply rubberstamping the only punishment which the legislature prescribed”. The substance of the opinion of the High Court Division is that the legislature cannot prescribe only one mandatory period of sentence leaving no discretion of the court to award a lesser sentence in the facts and circumstances of the case. The High Court Division was of the view that any provision of law which provides a mandatory death penalty cannot be in accordance with the Constitution as it curtails the court’s jurisdiction to adjudicate on all issues brought before it including the imposition of an alternative sentence upon the accused if he is found guilty of such offence. A pertinent question of public importance as to the constitutionality of two sections of the Ains of 1995 and 2000 has surfaced which requires to be addressed in the context of our constitutional dispensation.

4. Before we consider the question, it is to be noted that over the violence of women, the first legislation introduced on this soil is Cruelty to Women (Deterrent Punishment) Ordinance, 1983. Under this law the offences of kidnapping and abducting women for unlawful purposes, trafficking of women, causing death of women for dowry, causing rape to death of women, attempts to causing death or causing grievous hurt in committing rape to women and abetment of those offences are included as schedule offence under the Special Powers Act, 1974. This piece of legislation is followed by another legislation namely, Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995. In this piece of legislation, ‘children’ within the meaning of the Children Act, 1974 is included as the victims with women and the horizon of offences is also widened, that is to say, offences relating to death with corrosive substances, causing grievous hurt with corrosive substances; rape; causing death by sexual assault or causing injury by sexual assault or attempt to commit rape, women trafficking; abduction of women for immoral purposes, causing death for dowry or attempts to commit offence for dowry; causing grievous injury for dowry; child trafficking; abduction of child for the purpose of ransom and instigation to commit any of the offences were included in the said Ain. The Cruelty to Woman (Deterrent Punishment) Ordinance was repealed by this Ain. Another piece of legislation on the same subject matter has surfaced namely; Nari-O-Shishu Nirjatan Daman Ain, 2000. In this Ain also the horizon of offences has been expanded and alternative sentences in respect of almost all offences except one has been provided. However, in section 34, it was provided that the cases instituted or pending for trial under the repealed Ain including the appeals pending against any order, judgment or sentence shall continue as if the Ain of 1995 has not been repealed. Although the Ain of 1995 was repealed, by this saving clause the pending cases initiated under the Ain of 1995 have been kept alive and the trials and the punishment have to be guided under the repealed Ain.

5. Our social conditions, social and cultural values are completely different from those of western countries. Our criminal law and jurisprudence have developed highlighting the social conditions and cultural values. The European Union has abolished death penalty in the context of their social conditions and values, but we cannot totally abolish a sentence of death in our country because the killing of women for dowry, abduction of women for prostitution, the abduction of children for trafficking are so rampant which are totally foreign to those developed countries. In some cases we notice the killing of women or minor girls by pouring corrosive substances over petty matters, which could not be imagined of to be perpetrated in the western countries. We would not incorporate principles foreign to our Constitution or be proceeding upon the slippery ground of apparent similarity of expressions or concepts in an alien jurisprudence developed by a society whose approach to similar problems on account of historical or other reasons differ from ours. We cannot altogether abolish the sentence of death taking the philosophy of European Union.

6. It was argued that the irrevocability of the death sentence should be looked at a moral approach, that is to say, the severity of capital punishment and the strong feelings shown by certain sections of public opinion in stretching deeper questions of human value. On the advancement of technology which reached



the doors of remote areas of the country, poor and uneducated people cannot control their temptation of riding a motorbike or passing leisure time enjoying television programmes with a coloured television, and the offenders resort to such inhuman acts when their demand for dowry of a motorbike or a coloured television is not met by the victims. Sometimes they demand cash for going abroad. They torture them to death as a tool to justify their claim. This apart, having regard to the variety of the social upbringing of the citizens, to the disparity in the level of education in the country, to the disparity of the economic conditions, it is my considered view that this country cannot risk the experiment of abolition of capital punishment. To protect the illiterate girls, women and children from the onslaught of greedy people deterrent punishment should be retained. Therefore, it is difficult to lip chorus with the activists regarding the opinion of abolition of death sentence.

7. Even in awarding a death sentence, it cannot be said that such sentence is awarded without safeguarding the offender. There are procedural safeguards in our prevailing laws. If an offender commits an offence which is punishable to death, who is unable to engage a defence lawyer, he is provided with a defence counsel at the cost of the State. He is also provided with all documents free of cost which are relevant for taking his defence before commencement of the trial. Even if he is sentenced to death, the sentence shall not be executed unless such sentence is confirmed by the High Court Division. As soon as a sentence of death is given to a prisoner, he is provided with a copy of the judgment free of cost so that he can prefer a jail appeal. In every Central Jail where the condemned prisoners are kept, the jail authorities provide them sufficient facilities to prefer jail appeals. Besides, in course of hearing of a death reference and the jail appeal, if there be any, if the High Court Division finds that the convict has not engaged a lawyer, it directs the State to appoint a State defence lawyer on his behalf free of cost. Similar facilities are available in this Division. Even after confirmation of death sentence, the condemned prisoner can prefer an appeal as of right in the Appellate Division. Therefore, there are sufficient safeguards provided to an offender who is facing trial of an offence punishable to death or is sentenced to death.

8. Now the question is whether section 6(2) of the Ain, 1995 and section 34 of Ain of 2000 are ultra vires the Constitution. In this connection Mr. M. I. Faruqui, learned counsel appearing for the appellant argues that every citizen is guaranteed to enjoy the protection of law and to be treated in accordance with law, but in this case the condemned prisoner has not been treated in accordance with law because to safeguard his right guaranteed under the Constitution to be treated in accordance with law by the court, the court cannot exercise its discretionary power other than the one imposed by the legislature. He further submits that the Executive, the Judiciary and the Legislature being the creation of the Constitution, any transgression by any of the organs of the Republic can be assailed on the ground that such transgression is protected by Article 44 and in this case, the power of the judiciary has been transgressed by the executive by legislating a provision which is inconsistent with Articles 31 and 35(5) of the Constitution. It is finally contended that no action detrimental to the life, liberty, body and reputation of a citizen can be taken away except in accordance with law.

9. From the trend of the arguments it appears to me that the respondent is seeking quashment of his sentence as being inconsistent with the fundamental tenets enshrined in certain clauses in Part III of the Constitution which are as under:

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

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

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

‘35(1)

(2)

(3)



(4)

(5) No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment."

10. The first safeguard is equal protection of law and no citizen should be deprived of enjoying the protection of law. The second protection is that the State or its machinery cannot take any action against a citizen detrimental to his life otherwise than in accordance with law. The third safeguard is that no citizen shall be deprived of life or personal liberty except in accordance with law and finally, no citizen shall be subjected to cruel or inhuman treatment. Rule of law is the basic rule of governance of any civilized society. The scheme of our Constitution is based upon the concept of rule of law. To achieve the rule of law the Constitution has assigned an onerous task upon the judiciary and it is through the courts, the rule of law unfolds its contents. One of the important concept of the rule of law is legal certainty. Judicial review of administrative action is an essential part of rule of law and so is the independence of judiciary. The principle of equal protection is almost in resemblance with the equal protection clause of the Fourteenth Amendment of the United States Constitution which declares that 'no State shall deny to any person within its jurisdiction the equal protection of the laws'. Professor Wills dealing with this clause sums up the law as prevailing in the United States that 'It forbids class legislation, but does not forbid classification which rests upon reasonable grounds of distinction. It does not prohibit legislation, which is limited either in the objects to which it is directed or by the territory within which it is to operate. It only requires that all persons subjected to such legislation shall be treated alike under like circumstances and conditions both in the privileges conferred and in the liabilities imposed'.

11. The second clause of Article 27 is also in resemblance with the last clause of section 1 of the Fourteenth Amendment of the Constitution of the United States of America. Hughes, CJ. in *West Coast Hotel Co. V. Parrish* (1936) 300 US 379 in dealing with the content of the guarantee of equal protection of laws observed:

"This court has frequently held that the legislative authority, acting within its proper field, is not bound to extend its regulation to all cases which it might possibly reach. The legislature 'is free to recognize degree of harm and it may confine its restrictions to those classes of cases where the need is deemed to be clearest'. If the law presumably hits the evil where it is most felt, it is not to be overturned because there are other instances to which it might have been applied'. There is no 'doctrinaire requirement' that the legislation should be couched in all embracing terms."

12. *Mc. Kenna, J. in Heath and Milligan Mfg. Co, V. Worst* (1907) 207 US 338 observed:

"Classification must have relation to the purpose of the legislature. But logical appropriateness of the inclusion or exclusion of objects or persons is not required. A classification may not be merely arbitrary, but necessarily there must be great freedom of discretion, even though it result in 'ill-advised, unequal, and oppressive legislation Exact wisdom and nice adaptation of remedies are not required by the 14th Amendment, nor the crudeness nor the impolicy nor even the injustice of state laws redressed by it."

13. According to the learned counsel, though deprivation of life is constitutionally permissible, a sentence of death must be given according to the procedure established by law. Under this principle it is argued that the provision of sentence contained in sub-sections (2) and (4) of section 6 is draconian under severity, inasmuch as, it takes away courts legitimate jurisdiction to exercise their jurisdiction not to impose the death sentence in appropriate cases and compel them to shut its eyes to mitigating circumstances. Therefore, the provision is unconstitutional being violative to Articles 31 and 35(5).

14. If we look at the penal provisions contain in the Penal Code, except an offence punishable under section 303, in respect of other offences, though maximum sentences are provided, by the same time wide discretion has been given to the court in awarding the minimum sentences, for example, an offence of sedition is punishable under section 124A of the Penal Code - the maximum punishment prescribes for the offence is imprisonment for life and no minimum sentence is provided for. So, the court has ample power



to exercise its discretion to award a sentence to the offender. In respect of offence of waging war against any government of Asiatic Power in alliance with Bangladesh, the maximum sentence is imprisonment for life and no minimum sentence is provided. Even in case of murder, there is provision for maximum and minimum sentence. In respect of causing grievous hurt without provocation if an injury is caused with any instrument which is punishable under section 325, the maximum sentence is seven years and no minimum sentence is prescribed, and if the grievous hurt is caused with any instrument of shooting or any sharp cutting weapon or by means of any poison or corrosive substance or explosive substance, the maximum sentence is imprisonment for life and no minimum sentence is provided. In respect of criminal breach of trust by a public servant, the maximum sentence is imprisonment for life and the minimum sentence is left with the discretion of the court so also in respect of an offence of forgery of valuable security. So it depends upon the facts and circumstances of each case.

15. We find wide discretion is given to a court in awarding sentence which attract aforesaid offences. The object of giving such discretionary power to the courts is obvious, say, if a grievous hurt is caused with a sharp cutting weapon which caused fracture of a finger, though the offence is grievous in nature and punishable under section 326, the court will not give the same sentence if the eyes of a victim is gauged by using similar instrument. In the earlier case the court can exercise its discretion in awarding a lesser sentence but in the latter case the court's discretion would be to award the maximum sentence prescribed in the section. Only provision in which the court cannot exercise the discretionary power in awarding the sentence is section 303, which provides that "whoever, being under sentence of imprisonment for life commits murder shall be punished with death". I find no rational justification for making a distinction in the matter of punishment between two classes of offenders, one is, under the sentence of life imprisonment, who commits murder whilst another, not under the sentence of life imprisonment.

16. The framers of the Penal Code while enacting section 303 had ignored several aspects of cases which attract the application of section 303 and of questions which are bound to arise under it. In those days jail officials were Englishmen and with a view to preventing assaults by the indigenous breed upon the white officers, they had in their mind one kind of case. That is why the Indian 42nd Law Commission Report observed that 'the primary object of making the death sentence mandatory for an offence under this section seems to be to give protection to the prison staff.' I have had no reason of doubt that the procedure by which the offence authorises the deprivation of life is unfair and unjust. The purpose and object of promulgating a provision of law has to be fair, just, not fanciful or arbitrary. More so, section 303 prescribes the sentence to be passed to an offender convicted of murder while undergoing sentence of imprisonment for life. Section 300 fastens the special requirements of murder upon the definition of culpable homicide. Culpable homicide sans special characteristics of murder is culpable homicide not amounting to murder. If any of the five exceptions attracts a case it will be culpable homicide not amounting to murder. For the purpose of fixing punishment proportionate to the gravity of the offence the Penal Code prescribes three degrees of culpable homicide. If we maintain the mandatory sentence, the exceptions provided in section 300 have to be ignored which will be illogical. So the courts must have the options to decide whether or not offence of a given case is culpable homicide amounting to murder.

17. Chandrachud, C.J. in *Mithu V. State of Punjab* (1983) 2 SCC 277 observed that murders can be motiveless in the sense that in a given case, the motive which operates on the mind of the offender is not known or is difficult to discover. But by and large, murders are committed for any one or more of a variety of motives which operate on the mind of the offender, whether he is under a sentence of life imprisonment or not. Such motives are too numerous and varied to enumerate but hate, lust, sex, jealous, gain, revenge and a host of weaknesses to which human flesh is subject are common for the generality of murders. I fully endorse to the above views. Suppose, an offender was sentenced to imprisonment for life for any of the offences mentioned above was released from the custody either on bail or on parole and on reaching home he noticed that his wife was involved with immoral acts with her paramour. On seeing the incident he lost his self control and committed murder of that person. Would his act attract an offence of culpable homicide amounting to murder? The answer is in negative. His case covers the Exception-1 of section 300 and his act attracts an offence of culpable homicide not amounting to murder.



18. The authors of the Penal Code had, in many cases not fixed a minimum as well as maximum sentence. The Select Committee, however, questioned the propriety of the minimum sentence in all cases and was of the opinion that the prescribed minimum would be a matter of hardship and even injustice in view of the definition of the offences in general terms and of the presence of mitigating circumstances. Accordingly they had so altered the Code as to leave the minimum sentence for all offences, except those of the gravest nature, to the discretion of the court. But in respect of some heinous offences i.e. offences against State, murder, attempt to commit murder and the like, they had thought it right to fix a minimum sentence. (See proceedings of the Legislative Council of the Governor-General of India, Ed. 1856 P.718). The authors of the Penal Code had in mind, where there is a statutory maximum sentence, it should be reserved for the worst type of offence falling within the definition of the offence. The Code prescribes the minimum of seven years imprisonment for offences under section 397 and 398. In all other offences, there is no minimum. The maximum sentence even after commutation by the government fixed for a single offence is 20 years in section 55 while the lowest term for one offence is 24 hours in section 510.

19. Sentencing an offender is an important branch of the law. The International Union of Criminal Law of French group in 1905 recommended that 'there should be organised in the faculties of law special teaching theoretical and practical for the whole range of penal studies (and) the certificate in penal studies awarded should be taken into consideration for nomination to and advancement in the Magistracy'. (Radzinowicz, L. In search of Criminology, Ex. 1961 P.70). Subsequently the Ninth International Prison Congress in 1925 resolved at its London meeting that 'judicial studies should be supplemented by criminological ones. The study of criminal psychology and penology should be obligatory for all who wish to judge in criminal cases. Such Judges should have a full knowledge of prisons and similar institutions and should visit them frequently.' But they are wanting in our country as in many other countries.

20. The Supreme Court of India in *B.G. Goswami V. Delhi administration*, (1974) 3 SCC 85 has struck a balance between deterrence and reformation by following the golden means: 'The main purpose of the sentence broadly stated is that the accused must realise that he has committed an act which is not only harmful to the society of which he forms an integral part but is also harmful to his own future, both as an individual and as a member of the society. Punishment is designated to protect society by deterring potential offenders as also by preventing the guilty party from repeating the offence; it is also designed to reform the offender and reclaim him as a law-abiding citizen for the good of the society as a whole. Reformatory, deterrent and punitive aspects of punishment thus play their due part in judicial thinking while determining the question of sentence. In modern civilized societies, however, reformatory aspect is being given somewhat greater importance. Too lenient as well as too harsh sentence both lose their efficaciousness. One does not deter and the other may frustrate thereby making the offender a hardened criminal'. The courts have always had in mind the need to protect society from the persistent offenders but by the same time, they are not oblivious to the system prevailing in the country for, it has not gone for in cutting out the risk of conviction of innocent persons because of the peculiar character of the people and of the law-enforcing agencies.

21. The Supreme Court of India struck-down section 303 as violative of Articles 14 and 21 of the Constitution on the philosophy that no person shall be deprived of his life or personal liberty except in accordance with the procedure established by law in *Mithu V. State of Punjab*, (1983) 2SCC 277. In *Dilip Kumar Sharma V. State of M.P.*, (1976) 1 SCC 560, though the court was not concerned with the question of the vires of section 303, Sarkaria, J. observed that section 303 is "Draconian in severity, relentless and inexorable in operation". While considering the contours of section 303 Y.V. Chandrachud, C.J. in *Dilip Kumar Sharma* while dealing with sentencing process observed that if the legislature deprives the courts of their legitimate jurisdiction to exercise discretion not to impose the death sentence in appropriate cases and compels them to shut their eyes the mitigating circumstances is unconstitutional. He observed that the other class of cases in which, the offence of murder is committed by a life convict while he is on parole or on bail may now be taken up for consideration. A life convict who is released on parole or on bail may discover that taking undue advantage of his absence, a neighbour has established illicit intimacy with his wife. If he finds them in an amorous position and shoots the seducer on the spot, he may stand a fair chance of escaping from the charge of murder, since the provocation is both grave and sudden. But if, on seeing



his wife in the act of adultery, he leaves the house, goes to a shop, procures a weapon and returns to kill her paramour, there would be evidence of what is called mens rea, the intention to kill. And since, he was not acting on the spur of the moment and went away to fetch a weapon with murder in his mind, he would be guilty of murder. It was further observed: 'It is a travesty of justice not only to sentence such a person to death but to tell him that he shall not be heard why he should not be sentenced to death. And, in these circumstances, now does the fact that the accused was under a sentence of life imprisonment when he committed the murder, justify the law that he must be sentenced to death? In ordinary life, we will not say it about law. It is not reasonable to add insult to injury. But, apart from that, a provision of law which deprives the Court of the use of its wise and beneficent discretion in a matter of life and death, without regard to the circumstances in which the offence was committed and, therefore without regard to the gravity of the offence, cannot but be regarded as harsh, unjust and unfair. It has to be remembered that the measure of punishment for an offence is not afforded by the label which that offence bears, as for example 'theft', 'breach of trust' or 'murder'.

22. The gravity of the offence furnishes the guideline for punishment and one cannot determine how grave the offence is without having regard to the circumstances in which it was committed, its motivation and its repercussions. He concluded his argument as under: "The legislature cannot make relevant circumstances irrelevant, deprive the courts of their legitimate jurisdiction to exercise their discretion not to impose the death sentence in appropriate cases, compel them to shut their eyes to mitigating circumstances and inflict upon them the dubious and unconscionable duty of imposing a preordained sentence of death. Equity and good conscience are the hallmarks of justice. The mandatory sentence of death prescribed by Section 303, with no discretion left to the court to have regard to the circumstances which led to the commission of the crime, is a relic of ancient history. For us, law ceases to have respect and relevance when it compels the dispensers of justice to deliver blind verdicts by decreeing that no matter what the circumstances of the crime, the criminal shall be hanged by the neck until he is dead."

23. In *Jagmohan Singh V. State of UP*, (1973) 1SCC 20, one Shivraj Singh, father of Jagbir Singh and cousin of Jagmohan Singh was murdered and one Chhotey Singh was charged for that murder but eventually he was acquitted by the High Court. The ill-feeling between Chhotey Singh and Jagbir Singh, father of Shivraj Singh continued. Both of them were minors at the time of the murder of Shivraj Singh. Jagmohan Singh armed with a pistol and Jagbir Singh armed with a lathi concealed themselves in a bajra field emerged there from as Chhotey passed by to go to his field for fetching fodder. Jagmohan Singh asked Chhotey Singh to stop so that the matter between them could be settled once for all. Chhotey Singh being frightened tried to run away but he was chased by Jagmohan Singh and shot in the back who died on the spot. Jagmohan Singh was sentenced to death. The High Court found no extenuating circumstances and confirmed the death sentence. Under the sentencing principle provided in section 367(5) of the Code of Criminal Procedure as stood in India by amendment by Act XXVI of 1955, to award a sentence of death was the normal and a life sentence for reasons to be recorded in writing. This provision was done away by the new Code of 1973, the corresponding provision is section 354(3) and it is left to the discretion of the court whether the death sentence or lesser sentence should be imposed. The judgment shall state the reasons for the sentence to be awarded and in case of sentence of death, the special reasons for such sentence is to be given. It was observed that in India this onerous duty is cast upon Judges and for more than a century the Judges are carrying out this duty under the Indian Penal Code. The impossibility of laying down standards is at the very core of the criminal law as administered in India which invests the Judges with a very wide discretion in the matter of fixing the degree of punishment. That discretion in the matter of sentence as already pointed out, liable to be corrected by superior courts. Laying down of standards to the limited extent possible as was done in the Model Judicial Code would not serve the purpose. The exercise of judicial discretion on well-recognised principles is, in the final analysis, the safest possible safeguard for the accused.

24. It was held:

"If the law has given to the Judge a wide discretion in the matter of sentence to be exercised by him after balancing all the aggravating and mitigating circumstances of the crime, it will be



impossible to say that there would be at all any discrimination, since facts and circumstances of one case can hardly be the same as the facts and circumstances of another. The judicial decision must of necessity depend on the facts and circumstances of each particular case and what may superficially appear to be an unequal application of the law may not necessarily amount to a denial of equal protection unless there is shown to be present in it an element of intentional and purposeful discrimination Further, the discretion of judicial officers is not arbitrary and the law provides for revision by superior courts of orders passed by the Subordinate courts. In such circumstances, there is hardly any ground for apprehending any capricious discrimination by judicial tribunals. Crime as crime may appear to be superficially the same but the facts and circumstances of a crime are widely different and since a decision of the court as regards punishment is depended upon a consideration of all the facts and circumstances, there is hardly any ground for challenge under Article 14.”

25. The preponderance of the judicial opinion is that the structure of prevailing criminal law underlines the policy that when the legislature has defined an offence with sufficient clarity and prescribed the maximum punishment therefor, a wide discretion in the matter of fixing degree of punishment should be allowed to the court. The policy of the law in giving a very wide discretion in the matter of punishment to the court has its origin in the impossibility of laying down standards. In *Jagmohan Singh*, an example was given such as, in respect of an offence of criminal breach of trust punishable under section 409, the maximum sentence prescribed is imprisonment for life and the minimum could be as low as one day’s imprisonment and fine. It was observed from the above that, if any standard is to be laid down with regard to several kinds of breaches of trust by the persons referred in that section, that would be an impossible task. All that could be reasonably done by the legislature is to tell the court that between the maximum and the minimum prescribed for an offence, it should, on balancing the aggravating and mitigating circumstances as disclosed in the case, judicially decide what would be the appropriate sentence.

26. The judicial decision must of necessity depend on the facts and circumstances of each particular case and what may superficially appear to be an unequal application of the law may not necessarily amount to a denial of equal protection unless there is shown to be present in it an element of intentional and purposeful discrimination. The discretion reposed on a judicial officer is not arbitrary and the law provides for revision by superior courts. In such circumstances, there is hardly any ground for apprehending factious discrimination by a judicial tribunal. In *Jagmohan*, the Supreme Court declined to declare death sentence unconstitutional on the reasonings that the court is primarily concerned with all the facts and circumstances in so far as they are relevant to the crime and how it was committed and since at the end of the trial, the offender is liable to be sentenced, all the facts and circumstances bearing upon the crime are legitimately brought to the notice of the court.

27. In *Maneka Gandhi V. Union of India*, AIR 1978 SC 597, a seven member constitutional Bench of Supreme Court held that a statute which merely prescribes some kind of procedure for depriving a person of his life or personal liberty cannot ever meet the requirements of Article 21. Article 21 of the Indian Constitution provides no person shall be deprived of his life or personal liberty except according to procedure established by law. Article 32 of our Constitution is couched with similar language.

28. The High Court Division has stressed upon the case of *Bachan Singh V. State of Panjab*, (1980) 2 SCC 684. The ratio in the above case is not applicable for, the question involved in that case was with regard to the constitutional validity of death penalty for murder provided in section 302 and the sentencing procedure embodied in sub-section (3) of Section 354 of the Code of Criminal procedure corresponding to sub-section (5) of section 367 of our Code with the difference that in the Indian provision, in case of awarding death sentence ‘the special reasons for such sentence’ must be assigned. *Bachan Singh* was sentenced to death for the murder of three persons. His sentence was confirmed by the High Court. In course of hearing of the leave petition a constitutional point was raised as to the validity of death penalty provided in section 302. A constitutional Bench by majority held that death sentence provided in section 302 of the Penal Code is reasonable and ‘in the general public interest, do not offend Article 19, or its ‘ithos’; nor do they in any manner violate Article 21 and 14’. It was observed that ‘In several countries



which have retained death penalty, pre-planned murder for monetary gain, or by an assassin hired for monetary reward is, also, considered a capital offence of the first-degree which, in the absence of ameliorating circumstances, is punishable with death. Such rigid categorization would dangerously overlap the domain of legislative policy. It may necessitate, as it were, a redefinition of murder or its further classification'. Then, it is observed, in some decisions, murder by fire-arm, or an automatic projectile or bomb, or like weapon, the use of which creates a high simultaneous risk of death or injury to more than one person, has also been treated as an aggravated type of offence. No exhaustive enumeration of aggravating circumstances is possible. But this much can be said that in order to qualify for inclusion in the category of aggravating circumstances which may form the basis of special reasons in section 354(3), circumstance found on the facts of a particular case, must evidence aggravation of an abnormal or special degree.

29. The position in England as stated in the Halsbury's Laws of England, 4th Edition, Vol.11 page 287 Para 481 as follows:

"A very wide discretion in fixing the degree of punishment is allowed to the trial judge except for the offence of murder, for which the court must pass a sentence of imprisonment for life, and for a limited number of offences in respect of which the penalty is fixed by law including those of offences for which the sentence of death must be pronounced.

As regards most offences, the policy of the law is to fix a maximum penalty, which is intended only for the worst cases, and to leave to the discretion of the judge the determination of the extent to which in a particular case the punishment awarded should approach to or recede from the maximum limit. The exercise of this discretion is a matter of prudence and not of law, but an appeal lies by the leave of the Court of Appeal against any sentence not fixed by law, and, if leave is given, the sentence can be altered by the court. Minimum penalties have in some instances been prescribed by the enactment creating the offence."

30. In awarding the maximum sentence in respect of an offence the position of law prevailing in our country is a bit different. It is provided in our Code of Criminal Procedure that if the prosecution wants to award the maximum/enhanced sentence of the offence charged with against an offender, it shall be stated in the charge the fact of his previous conviction of any offence or the punishment of a different kind for a subsequent offence, the date and place of previous conviction. However a statement of previous conviction in the charge is not necessary where such conviction is to be taken into consideration, not for the purpose of awarding enhanced sentence under section 75 of the Penal Code but merely for the purpose of the punishment to be awarded within the maximum fixed for the offence charged. This however does not deter the court or tribunal to award maximum sentence if the act of the offender is intentional and brutal one.

31. In 1974 the North Carolina State, USA, the general assembly modified to statute making death the mandatory sentence for all persons convicted of first degree murder. In James Tyone Woodson and Luby Waxton V. State of North Carolina, 428 US 280, the offenders were convicted of the first degree murder in view of their participation in an armed robbery of a food store. In the course of committing the crime a cashier was killed and a customer was severely wounded. The offenders were found guilty of the charges and sentenced to death. The Supreme Court of North Carolina affirmed the same. The U.S. Supreme Court granted leave to examine the question of whether imposition of death penalty in that case constituted a violation of the Eighth and Fourteenth Amendments of the U.S. Constitution. Stewart, J. speaking for the court held that the said mandatory death sentence was unconstitutional and violated the Eighth Amendment observing that:

"A process that accords no significance to relevant facets of the character and record of the individual offender or the circumstances of the particular offense excludes from consideration in fixing the ultimate punishment of death the possibility of compassionate or mitigating frailties of humankind. It treats all persons convicted of a designate offence not as uniquely individual human beings, but as members of a faceless, undifferentiated mass to be subjected to the blind infliction



of the penalty of death. While the prevailing practice of individualizing sentencing determinations generally reflects simply enlightened policy rather than a constitutional imperative, we believe that in capital cases the fundamental respect for humanity underlying the Eight Amendment, see *Trop V. Dulles*, 356 US, at 100, 2 I.Ed.2d 630, 78 S Ct 590 (plurality opinion), requires consideration of the character and record of the individual offender and the circumstances of the particular offense as a constitutionally indispensable part of the process of inflicting the penalty of death This conclusion rests squarely on the predicate that the penalty of death is qualitatively different from a sentence of imprisonment, however long. Death, in its finality, differs more from life imprisonment than a 100-year prison term differs from one of only a year or two. Because of that qualitative difference, there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment in a specific case.”

32. In *Ong Aha Chuan V. Public Prosecutor*, (1981) AC 648, for trafficking heroin in Singapore, the accused persons were sentenced to death and there was mandatory death sentence for trafficking drug in schedule II of section 29. The conviction was challenged on the ground that section 29 of schedule II providing mandatory death sentence for possession of such quantity of drug was unconstitutional. The Privy Council was of the view that there was nothing unconstitutional in the provision for a mandatory death penalty for trafficking in significant quantity of heroin holding that the quantity that attracts death penalty is so high as to rule out the notion that it is the kind of crime that might be committed by a good hearted Samaritan out of the kindness of his heart as was suggested in the course of argument. It was on the basis of Singapore’s Constitution that does not have a comparable provision like the Eighth Amendment of the American Constitution relating to cruel and unusual punishment. It was observed that:

“Whenever a criminal law provides for a mandatory sentence for an offence there is a possibility that there may be considerable variation in moral blameworthiness, despite the similarity in legal guilt offenders upon whom the same mandatory sentence must be passed. In the case of murder, a crime that is often committed in the heat of passion, the likelihood of this is very real; it is perhaps more theoretical than real in the case of large scale trafficking in drugs, a crime of which the motive is cold calculated with equal punitive treatment for similar legal guilt.”

33. So the Privy Council distinguished the case and was of the view that the accused deserved death sentence as they carried drug intentionally and that the social object of the Drug Act is to prevent the growth of drug addiction in Singapore by stamping out the illegal drug trade, in particular, the trade of those most dangerously addictive drugs, heroin and morphine.

34. The High Court Division heavily relied upon the opinions expressed by the Judicial Committee of the Privy Council in *Patrick Reyes*. Patrick Reyes shot death of Wayne Garbutt and his wife Evekyn. He was tried on two counts of murder and sentenced to death on each count as required by the law of Belize. His appeal was dismissed and petition for special leave was also dismissed by the Judicial Committee, but it granted leave to raise constitutional points namely; the constitutionality of the mandatory death penalty, which is said to infringe both the protection against subjection to inhuman or degrading punishment or other treatment under section 7 of the Constitution of Belize and the right to life is protected by sections 3 and 4. Section 102 of the Criminal Code provided ‘Every person who commits murder shall suffer death’. By section 114 of the Code proof of murder requires proof of an intention to kill and in succeeding sections defences of diminished responsibility and provocation are provided. A proviso was added to section 102 of the Code in 1994 as under:

“Provided that in the case of a class B murder (but not in the case of a class A murder), the court may, where there are special extenuating circumstances which shall be recorded in writing, and after taking into consideration any recommendations or plea for mercy which the jury hearing the case may wish to make in that behalf, refrain from imposing a death sentence and in lieu thereof shall sentence the convicted person to imprisonment for life.”



35. This section was further amended by adding two subsections:

(2) The proviso to sub-section (1) above shall have effect notwithstanding the rule of law or practice which may prohibit a jury from making recommendations as to the sentence to be awarded to a convicted person.

(3) For the purpose of this section-

‘Class A murder means:-

(a).....

(b) any murder committed by shooting or by causing an explosion;

(c).....

(d).....

(e).....

(f).....

36. The Judicial Committee of the Privy Council observed that the provision requiring sentence of death to be passed on the defendant on his conviction of murder by shooting subjected him to inhuman or degrading punishment or other treatment incompatible with his right under section 7 of the Constitution in that it required sentence of death to be passed and precluded any judicial consideration of the humanity of condemning him to death. The use of firearms by dangerous and aggressive criminals is an undoubted social evil and, so long as the death penalty is retained, there may well be murders by shooting which justify the ultimate penalty. But there will also be murders of quite a different character (for instance, murders arising from sudden quarrels within a family, or between neighbours, involving the use of a firearm legitimately owned for no criminal or aggressive purpose) in which the death penalty would be plainly excessive and disproportionate. In a crime of this kind there may well be matters relating both to the offence and the offender which ought properly to be considered before sentence is passed. To deny the offender the opportunity, before sentence is passed, to seek to persuade the court that in all the circumstances to condemn him to death would be disproportionate and inappropriate is to treat him as no harm being should be treated and thus to deny his basic humanity, the core of the right which section 7 exists to protect.

37. It was further observed that Mercy, in its first meaning given by the Oxford English Dictionary, means forbearance and compassion shown by one person to another who is in his power and who has no claim to receive kindness. Both in language and literature mercy and justice are contrasted. The administration of justice involves the determination of what punishment a transgressor deserves, the fixing of the appropriate sentence for the crime. The grant of mercy involves the determination that a transgressor need not suffer the punishment he deserves, that the appropriate sentence may for some reason be remitted, the former is a judicial, the latter an executive, responsibility It has been repeatedly held that not only determination of guilt but also determination of the appropriate measures of punishment are judicial not executive functions. The Judicial Committee held as under:

“It follows that the decision as to the appropriate penalty to impose in the case of murder should be taken by the judge after hearing submissions and, where appropriate, evidence on the matter. In reaching and articulating such decisions, the judges will enunciate the relevant factors to be considered and the weight to be given to them, having regard to the situation in Saint Lucia. The burden thus laid on the shoulders of the judiciary is undoubtedly heavy but it is one that has been carried by judges in other systems. Their Lordships are confident that the judges of Saint Lucia will discharge this new responsibility with all due care and skill.”

38. This question again was agitated before the Privy Council in *Fox V. The Queen*, 2002(2) AC 284. Fox was convicted by the High Court of Saint Christopher and Nevis on two counts of murder and he was sentenced to death on each count pursuant to section 2 of the offences against the Prison Act, 1873, which



prescribed a mandatory death sentence for murder. His appeal against conviction and sentence was dismissed by the Eastern Caribbean Court of Appeal (Saint Christopher and Nevis). His appeal before the Judicial Committee was also dismissed, but on the question of sentence the Privy Council held that section 2 of the offences against the Prison Act, was inconsistent with section 7 of the Constitution and accordingly his sentence was quashed and the matter was remitted to the High Court to determine the appropriate sentence having regard to all the circumstances of the case. The Privy Council followed the dictum in *Rayes*.

39. This point was again came for consideration before the Privy Council in *Bowe V. The Queen* (2006) 1 WR 1623. Two persons were convicted for murder and sentenced to death in terms of section 312 of the Penal Code of The Bahamas. This provision was challenged to the extent that the provisions that persons other than pregnant women charged for murder under section 312 of the Code must be punished to death was unconstitutional. In allowing the appeal, the Privy Council formulated the principles which are relevant for consideration in a case of mandatory death sentence as under:

(I) It is a fundamental principle of just sentencing that the punishment imposed on a convicted defendant should be proportionate to the gravity of the crime of which he has been convicted.

(II) The criminal culpability of those convicted for murder varies very widely.

(III) Not all those convicted of murder deserve to die.

(IV) Principles (I),(II) and (III) are recognized in the law or practice of all, or almost all states which impose the capital penalty for murder.

(V) Under an entrenched and codified Constitution of the Westminster model, consistently with the rule of law, any discretionary judgment on the measure of punishment which a convicted defendant should suffer must be made by the judiciary and not by the executive."

40. The Conclusion of the Privy Council's opinion is as under:

"The Board will accordingly advise Her Majesty that section 312 should be construed as imposing a discretionary and not a mandatory sentence of death. So construed, it was continued under the 1973 Constitution. These appeals should be allowed, the death sentences quashed and the cases remitted to the Supreme Court for consideration of the appropriate sentences. Should the Supreme Court, on remission, consider sentence of death to be merited in either case, questions will arise on the lawfulness of implementing such a sentence, but they are not questions for the Board on these appeals."

41. In an unreported case in *Barnard V. The Attorney General*, Criminal Appeal No.10 of 2006, the above views have been approved by the Privy Council. In that case, the facts are that in Grenada, a revolutionary outfit was split into two factions, one of which was led by the accused Bernard Coard. In a violent accident Maurice Bishop, then Prime Minister of Grenada and others were executed by Coard's supporters. Over that incident, the accused persons were mandatorily sentenced to death for murder. The Privy Council allowed the appeal on the ground that the mandatory death sentence was unconstitutional and laid down the following principle:

"Fifthly, and perhaps most important, is the highly unusual circumstances that, for obvious reason, the question of the appellants' fate is so politically charged that it is hardly reasonable to expect any Government of Grenada, even 23 years after the tragic events of October 1983, to take an objective view of the matter. In their Lordships opinion that makes it all the more important that the determination of the appropriate sentence for the appellants, taking into account such progress as they have made in prison, should be the subject of a judicial determination".

42. The Supreme Court of Uganda in *Attorney General V. Susan Kigula*, Constitutional Appeal No.3 of 2006, one of the questions was that the laws of Uganda, which provide mandatory death sentence for certain offences was unconstitutional. The court held:



“Furthermore, the Constitution provides for the separation of powers between the Executive, the Legislature and the Judiciary. Any law passed by Parliament which has the effect of tying the hands of the judiciary in executing its function to administer justice is inconsistent with the Constitution. We also agree with Professor Sempebwa, for the respondents, that the power given to the court under article 22(1) does not stop at confirmation of conviction. The Court has power to confirm both conviction and sentence. This implies a power not to confirm, implying that court has been given discretion in the matter. Any law that fetters that discretion is inconsistent with this clear provision of the Constitution.”

43. The Kenyan Court of Appeal in *Godfrey Ngotho Mutiso V. Republic*, (Criminal Appeal No.17 of 2008) expressed the similar view as under:

“The imposition of the mandatory death penalty for particular offences is neither authorized nor prohibited in the Constitution. As the Constitution is silent, it is for the courts to give a valid constitutional interpretation on the mandatory nature of sentence.

Mandatory death sentence is antithetical to fundamental human rights and there is no constitutional justification for it. A convicted person ought to be given an opportunity to show why the death sentence should not be passed against him.

The imposition of a mandatory death sentence is arbitrary because the offence of murder covers a broad spectrum. Making the sentence mandatory would therefore be an affront to the human rights of the accused.

Section 204 of the Penal Code is unconstitutional and ought to be declared a nullity. Alternatively the word ‘shall’ ought to be construed as ‘may’.”

44. In the above conspectus the question is whether sub-sections (2) and (4) of section 6 of Ain, 1995 passed the test of reasonableness on the question of sentence. It is on record that within a space of 12 years, the legislature promulgated this law prescribing a hard sentence leaving nothing for the courts to exercise its discretionary power on the question of awarding sentence. In the Ordinance of 1983 similar nature of offence was prescribed in section 7 providing for alternative sentence of death or imprisonment for life. What prompted the legislature to make a u turn in seizing the discretionary power of the tribunal in the matter of awarding the sentence is not clear? In the preamble nothing was mentioned to infer the intention of the legislature which prompted to promulgate such draconian law. It was simply stated that “নারী ও শিশু সম্পর্কিত কতিপয় ষণ্য অপরাধের জন্য বিশেষ বিধান প্রণয়ন করা সমীচীন” The legislature abruptly took away the alternative sentence. Sub-section (2) of section 6 provides “যদি কোন ব্যক্তি ধর্ষণ করিয়া কোন নারী বা শিশুর মৃত্যু ঘটায় বা ধর্ষণ করার পর কোন নারী বা শিশুর মৃত্যু ঘটে তাহলে উক্ত দণ্ডে দণ্ডিত হইবে।” There are two parts in this sub-section - the first part carries a meaning that if someone causes the death of a child or woman in committing rape is discernable. The second part is that after the commission of rape, if the victim dies then also the offender will be sentenced to death. The legislature is totally silent under which eventuality if the death is ensured the offender will be convicted for the offence. If secondary causes intervened the death, the offender certainly cannot be held responsible for causing death by rape. There is totally lack of reasonableness in the provision that even if the offender is a minor or an old person the court will be left with no discretionary power in the matter of awarding alternative sentence on extraneous consideration, which is a core sentencing principle i.e. giving a sentence proportionate to the offender’s culpability.

45. The rules for assessment of punishment are contained in sections 71 and 72 of the Penal Code and section 35 of the Code of Criminal Procedure. The Penal Code provides the substantive law regulating the measure of punishment and does not affect the question of conviction, which relates to the province of procedure. The court is given the discretion to pass sentences varying with the character of the offender and the circumstances aggravating or mitigating under which the offence is committed. And the responsibility for determining the permissible range of sentences in each case remains with the court.

46. In sub-section (3) of section 6 of the Ain of 1995, if similar offence is committed by more than one person all of them will be sentenced to death. Suppose 5 persons are involved in the commission of the



crime of them two directly participated in the commission of rape and other three persons abetted the offence. If these three persons are sentenced to death with other two, it will be contrary to norms and the sentencing principles being followed over a century. Sub-section (4) also provided that if more than one person sexually assaulted a woman or a child causing death after such rape, they will also be sentenced to death. This provision is so vague and indefinite that the courts cannot have any discretionary power to exercise its discretion particularly in a case where there is no direct evidence for causing rape and the case rests upon circumstantial evidence. However, if the courts find that the circumstances are such that the offenders are responsible for causing the rape to the victim, it will be logical to award the death sentence to all in the absence of direct evidence. In all cases while awarding a sentence of death which is a forfeiture of life of a person, the court always insists upon the direct evidence. In the absence of direct evidence it is very difficult to come to the conclusion that all the accused had sufficient means rea in the act of rape. But since the only sentence is provided for the offence the courts will be left with no option other than to award the death sentence. This is totally inhumane and illogical. A law which is not consistent with notions of fairness and provides an irreversible penalty of death is repugnant to the concepts of human rights and values, and safety and security.

47. It appears from the above provisions to us that there was lack of contrivance in drafting the laws. If an enactment is sloppily drafted so that the text is verbose, confused, contradictory or incomplete, the court cannot insist on applying strict and exact standards of construction. There is need for precision in drafting a provision in an enactment has been recognized by Stephen, J. as noticed by Lord Thring in *Re Castioni* (1891) 1 QB 149 as under:

“I think that my late friend, Mr. John Stuart Mill, made a mistake upon the subject, probably because he was not accustomed to use language with that degree of precision which is essential to anyone who has ever had, as I have on many occasions, to draft Acts of Parliament, which, although; they may be easy to understand, people continually try to misunderstand, and in which, therefore, it is not enough to attain to a degree of precision which a person reading in good faith can understand, but it is necessary to attain, if possible, to a degree of precision which a person reading in bad faith cannot misunderstand. It is all the better if he cannot pretend to understand it.”

48. The court always keeps in mind while construing a statute to prevent no clause, sentence or word be declared superfluous, void or insignificant. It is also the duty of the court to do full justice to each and every word appearing in a statutory enactment. However, the court should not shut its eyes to the facts that the draftmen are sometimes careless and slovenly, and that their draftmanship result in an enactment which is unintelligible, is absurd.

49. True, the concept of due process is not available in our Constitution but if we closely look at Articles 27, 31 and 32 it will not be an exaggeration to come to the conclusion that the expressions “be treated in accordance with law” and ‘No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment’ used in Article 35(5) are cognate nature. In Article 31 it is also stated that no action detrimental to the life, liberty, body of any person shall be taken except in accordance with law. It is not the same that a person’s life has been taken away by a provision of legislation without conclusively determining as to his guilt in the commission of the crime. Again in Article 32 it provides that no person shall be deprived of his life save in accordance with law. These concepts are more or less akin to the concept of the due process law. The provisions of sub-sections (2) and (4) of section 6 deprive a tribunal from discharging its constitutional duties of judicial review whereby it has the power of using discretion in the matter of awarding sentence in the facts and circumstances of a case and thus, there is no gainsaying that Sub-Sections (2) and (4) of Section 6 of the Ain of 1995 as well as section 303 of the Penal Code run contrary to those statutory safe-guards which give a tribunal the discretion in the matter of imposing sentence. Similarly, section 10(1) of the said Ain stands on the same footing.

50. No law which provides for it without involvement of the judicial mind can be said to be constitutional, reasonable, fair and just. Such law must be stigmatized as arbitrary because these provisions deprive the tribunals of the administration of justice independently without interference by the legislature.



These provisions while purporting to impose mandatory death penalty seek to nullify those statutory structure under sub-sections (3) and (5) of section 367 of the Code of Criminal Procedure, though these provisions are contained in general law, in the absence of prohibition, in view of section 5(2) the Code of Criminal Procedure, they hold the field. A provision of law which deprives the court to use of its beneficent discretion in a matter of life and death, without regard to the circumstances in which the offence was committed and, therefore without regard to the gravity of the offence cannot but be regarded as harsh, unfair and oppressive. The legislature cannot make relevant circumstances irrelevant, deprive the court of its legitimate jurisdiction to exercise its discretion not to impose death sentence in appropriate cases. Determination of appropriate measures of punishment is judicial and not executive functions. The court will enunciate the relevant facts to be considered and weight to be given to them having regard to the situation of the case. Therefore we have no hesitation in holding the view that these provisions are against the fundamental tenets of our Constitution, and therefore, ultra vires the Constitution and accordingly they are declared void.

51. While legislating the Ain of 2000 similar provisions have been provided in sub-sections (2) and (3) of section 9 providing alternative sentence. This shift in the attitude of the legislature, on the question of sentence within a space of five years justifies the unreasonableness in the repealed law. However, in section 11(Ka) of the Ain of 2000, it is provided that if death is caused by husband or husband's, parents, guardians, relations or other persons to a woman for dowry, only one sentence of death has been provided leaving no discretionary power for the tribunal to award a lesser sentence on extraneous consideration. This provision is to the same extent ultra vires the Constitution, inasmuch as, there is vagueness and uncertainty in determining the appropriate measure of punishment. It is said "স্বামীর পক্ষে অন্য কোন ব্যক্তির যৌতুকের জন্য উক্ত নারীর মৃত্যু ঘটায়" There is chance of victimizing any person to implicate in the offence and the tribunal will be left with no discretionary power to award an alternative sentence.

52. Since we hold that Sub-Sections (2) and (4) of Section 6 of the Ain, 1995 and Sub-sections (2) and (3) of Section 34 of the Ain of 2000 are ultra vires the Constitution, despite repeal of the Ain of 1995, all cases pending and the appeals pending under the repealed Ain shall be regulated under the said law, but on the question of imposing sentence, the sentences prescribed in respect of those offences shall hold the field until new legislation is promulgated. I hold that there was total absence of proper application of the legislative mind in promulgating those Ains, which may be rectified by amendments. In respect of section 303 of the Penal Code, the punishment shall be made in accordance with section 302 of the Penal Code. It is hereby declared that despite repeal of Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995, the pending cases including appeal may be held under the repealed Ain, while dealing with the question of sentence, the alternative sentences provided in the corresponding offences prescribed in the Nari-O-Shishu Nirjatan Daman Ain, 2000 shall be followed.

53. Let us now consider the merits of the case in Civil Appeal No.116 of 2010. The appellant was sentenced to death by the Bishesh Adalat. On consideration the evidence this Division found that the victim Sumi Akter's whereabouts could not be traced out. Her mother Rahima Begum along with P.W.6 Abdur Rob searched from door to door. The house of the condemned prisoner Sukur Ali was found under lock and key and on entering into the house, the deadbody of the of the victim was found inside the house and it was detected that her wearing ornaments were missing and marks of injuries with emission of reddish liquid from her genital organ were found. The appellant was caught read handed by the people from Tepra and he was brought to the place of occurrence and before the witnesses, he had admitted the incident of rape and killing of the victim. The victim Sumi Akter was only 7 years old. The killing was brutal and diabolical. There was no extenuating ground to commute his sentence and accordingly his sentence was confirmed. We find no ground to review his sentence.

54. The appeal is therefore allowed in part.

Jail Petition No.8 of 2010

55. Condemned prisoner Razu Ahmed was convicted under section 10(1) of Nari-O-Shishu-Nirjatan (Bishesh Bidhan) Ain, 1995 for killing his wife Aklima. P.Ws.4, 6 and 12 proved that accused demanded

dowry to the victim on previous occasions and on the day of occurrence on 9th January, 1997, he came to his father-in-law's house where Aklima was temporarily staying with her parents. The prosecution has been able to prove that the accused and the victim stayed in one room and at 5.30 a.m., her deadbody was recovered from a low lying boro paddy field. Accused took the plea of alibi and claimed that the victim was a patient of epilepsy. The tribunal and the High Court Division disbelieved his plea and on consideration of evidence of P.Ws.1, 2, 4, 6, 10 and 12 and the extra judicial confession of the accused came to a definite finding that the accused killed his wife. We find no cogent ground to infer otherwise. The petition is accordingly dismissed.

Jail Petition No.3 of 2009

56. In this petition the condemned prisoner Nazrul Islam was sentenced to death under section 10(1) of the Ain, 1995 for killing his wife Sufia Begum. Md. Abdul Mazid (P.W.5) and Abdur Razzaq (P.W.6) saw the victim while he was beating the victim at 1 a.m. These witnesses also saw the deadbody of the victim at 4 a.m. The deadbody of the victim was recovered on the ghat of the Pond of the accused. P.Ws.4, 6, 7, 8, 9, 10, 11 and 13 corroborated the prosecution case that the accused killed his wife for dowry. We find no cogent ground to interfere with the conviction and sentence of the petitioner. The petition is accordingly dismissed.

Jail Petition No.18 of 2008

57. In this case, victim Kulsum Begum, a minor girl of 12 years old was raped and killed by her cousin Masuk Mia, a rickshaw puller, on 16th February, 1999, on 8.30 a.m. Accused made an extra-judicial confession. P.Ws.4 and 5 proved the extra-judicial confession that he raped the victim and killed her. He also made a judicial confession and P.W.16 proved the confessional statement. The confessional statement is corroborated by the medical evidence. The Tribunal believed the prosecution case and convicted him under section 6(2) of the Ain of 1995 and awarded him death sentence. The High Court Division has confirmed the death sentence. We find no reason to interfere with the conviction and sentence.

Jail Petition No.16 of 2010

58. In this petition convict Abdul Kader challenged his conviction and sentence under section 11(Ka) of the Nari-O-Shishu Nirjatan Daman Ain, 2000. According to the prosecution case, accused was the husband of the victim Piyara Begum, who killed his wife by setting fire. P.Ws.6, 7, 9, 10 and 11 stated in one voice that the wife was done to death by her husband by arson by way of pouring kerosene oil. On the question of demand of dowry P.Ws.1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 corroborated each other. The High Court Division confirmed the sentence of death. We find no cogent ground to interfere with the conviction and sentence.

Jail Petition No.2 of 2011

59. In this case victim Most. Parvin was done to death by her husband Akidul Islam @ Akidul Sheikh for dowry. In this case P.Ws.1, 2 and 3 stated about the demand of dowry by the accused to the victim but there is no sufficient evidence on record that the victim was done to death for dowry. Though the cause of death was homicidal in nature, in the absence of the proof of demand of dowry for causing death, the conviction of the petitioner under section 11(Ka) of the Nari-O-Shishu Nirjatan-Daman-Ain is not justified. In view of the above, we convert his conviction to one under section 302 of the Penal Code and commute his sentence to imprisonment for life.

Jail Petition No.3 of 2011

60. In this case petitioner Md. Babul Mia along with Md. Salam @ Salam and one Md. Mozibur Rahman were convicted under section 6(4) of the Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995 and sentenced to death. All the accused persons absconded in course of the trial of the case and they were tried in absentia. P.Ws.2, 5, 8 and 9 saw the accused petitioner with the victim and they also saw the deadbody of the victim immediate after of his departure from the room. P.Ws.3 and 4 also saw the petitioner who was talking with co-accused Mozibur beside the bank of the pond of dwelling house, where the victim was



raped and killed. The medical evidence proved that the victim was raped before she was killed. In view of the above, we find no reason to interfere with the conviction and sentence.

Criminal Petition No.374 of 2011

61. In this case victim Asmaul Husna, wife of the petitioner was killed on 16th July, 2004 for dowry. The High Court Division noticed that the accused petitioner did not take the plea of alibi. P.Ws.1, 2, 3, 7 and 8 corroborated the prosecution case. The High Court Division believed them as reliable witnesses. The High Court Division noticed that her marriage with the accused was solemnized on 3rd April, 1994 for a dower of Tk.30,000/- and gradually their relationship deteriorated. She was subjected to physical and mental torture constantly by her husband for dowry of Tk.50,000/-. The High Court Division confirmed his death sentence. We find no cogent ground to interfere with the judgment.

62. The appeal is allowed in part. Sub-sections 2 and 4 of Section 6 of the (Bishesh Bidhan) Ain, 1995 and sub sections (2) and (3) of section 34 of the Nari-O-Shishu Nirjatan Daman Ain, 2000 and section 303 of the Penal Code are declared ultratires the Constitution. However, sentence passed against the respondent Md. Shukur Ali is maintained. The Criminal Petition No.374 of 2011, Jail Petition Nos.18 of 2008, 3 of 2009, 8 of 2010, 16 of 2010, 2-3 of 2011 are disposed of. Jail Petition Nos.1 of 2010, 5 of 2012, 7 of 2012 and 8 of 2012 shall be heard separately. Until new legislation is made the imposition of sentence in respect of offences in sub-section (2) and (4) of section 6 of the Ain of 1995 shall be regulated by the Nari-O-Shishu Nirjatan Daman Ain, 2000.

63. Operative Part:

a) Sub-sections (2) and (4) of section 6 of the Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995, sub-sections (2) and (3) of section 34 of the Nari-O-Shishu Nirjatan Daman Ain, 2000 and section 303 are declared ultravires the Constitution.

b) Despite repeal of the Ain of 1995, the pending cases and pending appeals in respect of those offences shall be tried and heard in accordance with the provisions of the Ain of 1995, but the sentences prescribed in respect of similar nature of offences in the Ain of 2000 shall be applicable.

c) There shall be no mandatory sentence of death in respect of an offence of murder committed by an offender who is under a sentence of life imprisonment.

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*** In Civil Review Petition No. 76 of 2015 the sentence of the convict Md. Shukur Ali has been commuted to imprisonment for life by the Appellate Division.



Leading Decisions of the Supreme Court of Bangladesh in the year 2015

In view of Article 111 of the Constitution of People's Republic of Bangladesh, the law declared by the Appellate Division of the Supreme Court of Bangladesh is binding on all courts within the territory of Bangladesh including the High Court Division of the Supreme Court. Every judgment delivered by the Appellate Division has its own significance. Brief note of some judgments, delivered during the year 2015, is given below:

1. BLAST & Others Vs. Bangladesh & Others, 1 SCOB [2015] AD 1: A provision of law which deprives the court to use of its beneficent discretion in a matter of life and death, without regard to the circumstances in which the offence was committed and, therefore without regard to the gravity of the offence cannot but be regarded as harsh, unfair and oppressive. The legislature cannot make relevant circumstances irrelevant, deprive the court of its legitimate jurisdiction to exercise its discretion not to impose death sentence in appropriate cases. Determination of appropriate measures of punishment is judicial and not executive functions. The court will enunciate the relevant facts to be considered and weight to be given to them having regard to the situation of the case. Therefore we have no hesitation in holding the view that these provisions are against the fundamental tenets of our Constitution, and therefore, ultra vires the Constitution and accordingly they are declared void. (Para...50)

2. BLAST & Others Vs. Bangladesh & Others, 1 SCOB [2015] AD 1: Since we hold that Sub-Sections (2) and (4) of Section 6 of the Ain, 1995 and Sub-sections (2) and (3) of Section 34 of the Ain of 2000 are ultra vires the Constitution, despite repeal of the Ain of 1995, all cases pending and the appeals pending under the repealed Ain shall be regulated under the said law, but on the question of imposing sentence, the sentences prescribed in respect of those offences shall hold the field until new legislation is promulgated. I hold that there was total absence of proper application of the legislative mind in promulgating those Ains, which may be rectified by amendments. In respect of section 303 of the Penal Code, the punishment shall be made in accordance with section 302 of the Penal Code. It is hereby declared that despite repeal of Nari-O-Shishu Nirjatan (Bishesh Bidhan) Ain, 1995, the pending cases including appeal may be held under the repealed Ain, while dealing with the question of sentence, the alternative sentences provided in the corresponding offences prescribed in the Nari-O-Shishu Nirjatan Daman Ain, 2000 shall be followed. (Para...52)

3. Bangladesh Vs. Md. Abdus Satter and others, 1 SCOB [2015] AD 17: There are two parts in clause (5) of Article 102 - the first part contains inclusionary provision and the latter part contains exclusionary persons against whom such rights cannot be claimed. This clause has not debarred the High Court Division in entertaining a writ petition against any decision of a court or tribunal but it has impliedly debarred the High Court Division in entertaining a writ petition against any decision of a court or tribunal established under a law relating to the defence services or any disciplined force or a tribunal established under Article 117 of the Constitution. Such member of a disciplined force can be an aggrieved person and may seek judicial review in the High Court Division subject of the condition attached by Article 45 of the Constitution. The fundamental rights available in Part III of the Constitution cannot be invoked by a member of a disciplined force if any law prescribed a provision limited for the purpose of ensuring the proper discharge of his duty or maintenance of that force. (Para... 6)

4. Bangladesh Vs. Md. Abdus Satter and others, 1 SCOB [2015] AD 17: Writ petitioners did not challenge any disciplinary action taken against them by the Inspector-General of Police. The authority did not give the directions in accordance with the Police Act or the Bengal Police Regulations or the Ordinance of 1969. The writ petitioners also did not challenge the propriety of the imposition of black marks upon them. They have challenged the embargo imposed upon them by the Police Headquarter, which directly affected their right to be considered for promotion to the next higher post. Clause (5) of Article 102 does not stand in their way of making an application under Article 102(1) of the Constitution subject to the provision of Article 45 of the Constitution. (Para... 9)



5. Bangladesh Vs. Shireen Pervin Huq and others, 1 SCOB [2015] AD 22: In view of the clear bar under article 47(3) of the Constitution read with article 102(3) thereof, the High Court Division had no jurisdiction to entertain the writ petition in question and the same not being entertainable, it ought to have summarily rejected the writ petition on the ground of its maintainability. It is true that the High Court Division has not said anything as to the vires of the sections of the Act, 1973 challenged in the writ petition, but it disposed of the same in the manner as quoted hereinbefore after making some observations as stated earlier; there may be a misgiving in the mind of litigant people that a writ petition challenging a provision of the Act, 1973 or any action of the International Crimes Tribunal, is amendable to the writ jurisdiction of the High Court Division under article 102 of the Constitution. Moreso, the learned Judges cannot arrogate to themselves as advisors and it was not an act of discreet on their part to advise the writ-petitioners to redress their grievance by invoking article 104 of the Constitution. (Para...7)

6. Maj. Gen. Abdus Salam (Rtd) Vs. Election Commission & anr, 2 SCOB [2015] AD 5: The most significant thing is that for the purpose of filing an election petition under article 49(1) of the RPO only the phraseology “candidate” has been used. In other words, a proposed “candidate” has been given the locus standi to file an application raising an election dispute. Admittedly the candidature of the election-petitioner was rejected by the Election Commission on the ground of being a defaulter, he is surely a person who was proposed as a candidate for election as a member of the Parliament of the Constituency in question. But the High Court Division failed to comprehend the proper meaning of “candidate” given in section 2(ii) of the RPO vis-à-vis article 49(1) thereof in observing that “the petitioner being a candidate of the 10th National Parliamentary Election did not act rather he was an intending candidate and wanted to become a candidate.” And we hold that the petitioner being a proposed “candidate” for election as a Member of the Parliament for the Constituency in question, he had every locus standi to file the election petitions and those were maintainable in law. (Para 9)

7. Uttara Bank Ltd Vs Credit and Commerce Ins. (Saudi) Ltd & ors, 2 SCOB [2015] AD 8: Before this Appellate Division the defendant-appellant did not raise any question as to the correctness of the above concurrent findings of the courts of facts, rather it has raised a new plea to the effect that the plaintiffs could not prove that the defendant bank sold the said 152 travellers’ cheques. But we are unable to accept this new defence plea at this stage specially in view of the pleadings of the contesting parties and the evidence adduced by them. (Para...10)

8. Orascom Telecom & another. Vs Kalipada Mridha & Others, 2 SCOB [2015] AD 12: There is no gainsaying the fact that each of the leave-petitioners has been charging revenue for playing the national anthem on the mobile phones. On consideration of the Rules, in general, we find that there is no scope for commercial use of the national anthem. Such commercial use of national anthem shows utter disrespect to the national anthem. Each of the petitioners herein should have refrained from commercial use of national anthem. In an open market economy, each of the leave-petitioners can promote its business but it can do so without offending any existing law of the country. (Para 16)

9. TATA Power Company Ltd Vs M/S Dynamic Construction, 2 SCOB [2015] AD 15: The arbitral award is generally not open to review by Courts for any error in finding on facts and applying law for the simple reason that it would defeat the very purpose of the arbitration proceedings. (Para 20)

10. TATA Power Company Ltd Vs M/S Dynamic Construction, 2 SCOB [2015] AD 15: Whenever an award is challenged before any Court, the Court, i.e. either District Court or as in this case the High Court Division, does not sit on appeal over the decision of the learned Arbitrator. Therefore, the scope of considering the merits of the case and factual aspects is again very limited. (Para 23)

11. BADC Vs Md. Abdur Rashid & Others, 2 SCOB [2015] AD 24 : The court would be slow from interfering with the economic decisions as it has been recognized that the economic expediencies lack adjudicative decision and unless the economic decision, based on economic expediencies, is demonstrated to be so violative of constitutional or legal limits. It is the administrators and legislators who are entitled to frame policies and take such administrative decisions as they think necessary in the public interest. The court should not ordinarily interfere with policy decisions, unless clearly illegal. (Para 22)



12. Prof. Dr. Motior Rahman vs. The State & another, 3 SCOB [2015] AD 1: Section 39 of the Penal Code defines the term voluntary, means a wilful omission to attend on the employer. Such willful omission must arise from something more than mere careless or negligence. It must be an omission of which the employee is conscious though he may not advert to the consequence. The legal contract must take shape of service for the helpless master or employer, for example, a curator of a lunatic, or a doctor and a nurse employed in the hospital, who may render himself liable to the penalty under this section if he agreeing to look after the patient, voluntarily deserts the patient or omits to attend the patient. The complainant was not the one who is neither a lunatic nor a bodily incapable person or has been suffering from a disease for which he has entered into a contract with the appellant to take care of him and in that view of the matter, the offence alleged in the complaint does not attract section 491 of the Penal Code. (Para 9 &10)

13. Rasheda Begum & Others vs. Abul Hashem & Others, 3 SCOB [2015] AD 5: The High Court Division was not also factually correct in finding that summons of the suit was not served upon defendant No.3, as report of the process server clearly showed that summons of the suit was served upon defendant No.3 by hanging and he gave report to that effect. Merely because the fact of service of summons upon defendant No.3 was not recorded in the order sheet, it may be through inadvertence which did not make the report of the process server as regards service of summons upon defendant No.3 ineffective or nonest. (Para 13)

14. Abdus Sobhan Munshi vs. Komada Daishya & Others, 3 SCOB [2015] AD 11: It is true that in this kabala dated 02.03.1997 it has been mentioned that for performing the Shradhya ceremonies of her parents Komoda sold this land to the plaintiff. But this recital only in the document is not enough to prove that actually there was legal necessity for transferring this land by Komoda-who, admittedly, had life interest only in the land in question. Evidence is necessary to prove that actually there was legal necessity for transferring this land by Komoda. (Para 15)

15. S. N. Kabir vs. Fatema Begum & Others, 3 SCOB [2015] AD 16: The preamble cannot control the meaning and expression when the meaning of the expression is clear and ambiguous. The aid of the preamble can be taken if the meanings of the words to be interpreted are not clear and ambiguous. (Para 20)

16. S. N. Kabir vs. Fatema Begum & Others, 3 SCOB [2015] AD 16: The words 'immoveable property' occurring in section 5 of the Ordinance include both agricultural and non-agricultural properties. There is no scope for encroaching upon the domain of legislature by importing the words 'rural area' in section 5 and addition of such words will amount to legislation by the judiciary which is not at all permissible. (Para 23)

17. Pubali Bank Limited vs. Abdur Rashid Miah & ors, 3 SCOB [2015] AD 24: The bank concerned being a company under the Companies Act, does not come within the ambit of article 102(5) of the Constitution. So, we are of the view that the Rule in the instant case ought to have been discharged on the same ground, especially when the same Bench had decided earlier that the employees of Pubali Bank Limited are not in the service of the Republic or of any Corporation, National Enterprise or Local Authority. (Para 8)

18. Pubali Bank Limited vs. Abdur Rashid Miah & ors, 3 SCOB [2015] AD 24: The subsequent amendment to the Public Servants (Retirement) Act 1974 will not be automatically incorporated in the Service Regulations of the Bank, until and unless the Bank chooses to adopt the same by amending the relevant Service Regulations. (Para 8)



Honorable President, Honorable Chief Justice, Honorable Finance Minister, Honorable Law Minister and Honorable State Minister for ICT Division at the inaugural Session of the National Judicial Conference, 2015.



Honorable Chief Justice is addressing the Judges of the Subordinate Judiciary at the National Judicial Conference, 2015.



Honorable Chief Justice is showing the Gradation List of the Judges of the Subordinate Judiciary prepared by the Supreme Court, approved by the G.A. Committee at the National Judicial Conference, 2015.



Honorable Judges of the Supreme Court at the National Judicial Conference, 2015.

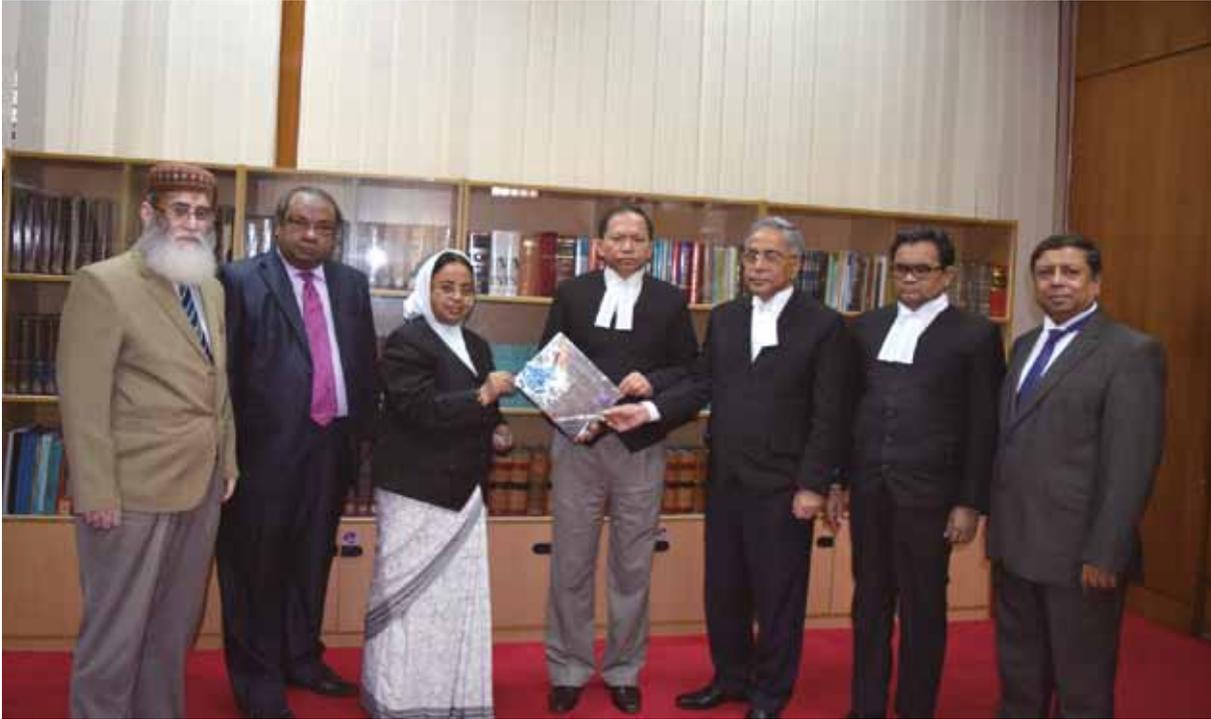


A portion of the Judges from Subordinate Judiciary at National Judicial Conference, 2015.



Officers of the Supreme Court Registry at the National Judicial Conference, 2015.

(From left to right in front row) Mohammad Kamal Hossain Sikder, Md. Sabbir Faiz, S. M. Arshadul Alam, Hosne Ara Akter, Syed Aminul Islam, Abu Syed Diljar Hussain, Md. Jabid Hossain, Arunava Chakraborty, Md. Azizul Haque and Mohammad Anisur Rahman (From left to right in rear row) Shariful Alam Bhuiyan, Motasim Billah, Md. Atickus Samad, Farjana Yesmin, Mehnaz Siddiqui, Md. Shamim Sufi, Mohammad Aktaruzzaman Bhuiyan, Sohag Ranjan Paul and Md. Ismail Hossain.



The Editorial Committee is presenting the Annual Report, 2014 to the Honorable Chief Justice



Honorable Chief Justice is cutting a cake on celebration of 1st anniversary of establishment of the Judges' Corner



Honorable Chief Justice is inaugurating Legal Aid Office in the Supreme Court premises



Honorable Chief Justice is at a *Milad Mahfil* organized by Supreme Court Mazar Committee



Inner View of the Supreme Court Museum



A Judgment written in 1710 in palm leaves in Sanskrit preserved in the museum



Bangladesh Supreme Court Medical Center



Children are playing in the Day Care Center of the Supreme Court



Former Chief Justices of Bangladesh

SL.No.	Name	Duration
1.	Mr. Justice Abu Sadat Mohammad Sayem*	16.12.1972 – 5.11.1975
2.	Mr. Justice Syed A.B. Mahmud Husain*	18.11.1975 – 31.1.1978
3.	Mr. Justice Kemaluddin Hossain*	01.02.1978 – 11.4.1982
4.	Mr. Justice F.K.M. Munim*	12.04.1982 – 30.11.1989
5.	Mr. Justice Badrul Haider Chowdhury*	1.12.1989 – 01.01.1990
6.	Mr. Justice Shahabuddin Ahmed	14.01.1990 – 31.01.1995
7.	Mr. Justice M.H. Rahman*	01.02.1995 – 30.04.1995
8.	Mr. Justice A.T.M Afzal	01.05.1995 – 31.05.1999
9.	Mr. Justice Mustafa Kamal*	01.06.1999 – 31.12.1999
10.	Mr. Justice Latifur Rahman	01.01.2000 – 28.02.2001
11.	Mr. Justice Mahmudul Amin Choudhury	01.03.2001 – 17.06.2002
12.	Mr. Justice Mainur Reza Choudhury*	18.06.2002 – 22.06.2003
13.	Mr. Justice K.M. Hasan	23.06.2003 – 26.01.2004
14.	Mr. Justice Syed J.R. Mudassir Husain	27.01.2004 – 28.02.2007
15.	Mr. Justice Md. Ruhul Amin	01.03.2007 – 31.05.2008
16.	Mr. Justice M. M. Ruhul Amin	01.06.2008 – 22.12.2009
17.	Mr. Justice Md. Tafazzul Islam	23.12.2009 – 07.02.2010
18.	Mr. Justice Mohammad Fazlul Karim	08.02.2010 – 29.09.2010
19.	Mr. Justice A.B.M. Khairul Haque	30.09.2010 – 17.05.2011
20.	Mr. Justice Md. Muzammel Hossain	18.05.2011 – 16.01.2015

* Deceased.

Former Chief Justice of High Court of Bangladesh

SL.No.	Name	Duration
1.	Mr. Justice Ruhul Islam*	13.08.1976 – 22.10.1978

* Deceased.



Former Judges of the Supreme Court of Bangladesh

SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
1.	Mr. Justice Abu Sadat Mohammad Sayem*		16.12.1972	05.11.1975
2.	Mr. Justice Syed A. B. Mahmud Husain*	18.01.1972	18.12.1972	31.01.1978
3.	Mr. Justice Mohammad Abdullah Jabir*	18.01.1972	17.08.1972	30.06.1975
4.	Mr. Justice A. F. M. Ahasanuddin Chowdhury*	18.01.1972	30.01.1974	01.12.1977
5.	Mr. Justice Kemaluddin Hussain*	18.01.1972	13.08.1976	11.04.1982
6.	Mr. Justice F. K. M. Abdul Munim*	18.01.1972	13.08.1976	30.11.1989
7.	Mr. Justice Dabesh Chandra Bhattacharya*	21.01.1972	13.08.1976	30.09.1979
8.	Mr. Justice Ruhul Islam*	21.01.1972	23.01.1978	01.01.1983
9.	Mr. Justice Kazi Mahabubus Subhan (Justice K.M. Subhan) *	21.01.1972	22.02.1978	16.06.1982**
10.	Mr. Justice Badrul Haider Chowdhury*	26.01.1972	22.08.1978	01.01.1990
11.	Mr. Justice Shahabuddin Ahmed	21.01.1972	16.04.1981	31.01.1995
12.	Mr. Justice Mohammad Nurul Huda*	28.08.1972		28.02.1977
13.	Mr. Justice Chowdhury A. T. M. Masud*	19.06.1973	21.04.1982	01.04.1986
14.	Mr. Justice Syed Md. Mohsen Ali*	19.06.1973	17.01.1983	01.01.1985
15.	Mr. Justice Abdur Rahman Chowdhury*	24.11.1973		01.09.1983
16.	Mr. Justice A. R. M. Amirul Islam Chowdhury*	24.11.1973		01.03.1996
17.	Mr. Justice Syed Mohammad Hussain*	19.06.1974		08.01.1984
18.	Mr. Justice A. S. Faizul Islam Chowdhury*	24.06.1974		01.06.1982
19.	Mr. Justice Fazlay Hossain Mohammad Habibur Rahman*	20.12.1975		13.12.1993
20.	Mr. Justice Ranadhir Sen*	30.01.1976		01.07.1984
21.	Mr. Justice Abdul Wadud Chowdhury*	02.03.1976		01.11.1984
22.	Mr. Justice Siddiq Ahmed Chowdhury*	02.03.1976		03.03.1979 □
23.	Mr. Justice Abdul Momit Chowdhury*	02.03.1976		03.03.1979 □
24.	Mr. Justice Abdul Matin Khan Chowdhury	08.05.1976		01.12.1989
25.	Mr. Justice M.H. Rahman*	08.05.1976	26.12.1985	30.04.1995
26.	Mr. Justice Mohammad Abdul Khaliq*	08.05.1976		02.01.1983
27.	Mr. Justice A. T. M. Afzal	15.04.1977	26.12.1985	31.05.1999
28.	Mr. Justice Sultan Hossain Khan	13.03.1978		01.01.1990
29.	Mr. Justice Abdul Malek	13.03.1978		05.02.1980**
30.	Mr. Justice Mustafa Kamal*	09.04.1979	01.12.1989	31.12.1999
31.	Mr. Justice Rafiqur Rahman	09.04.1979		01.11.79**
32.	Mr. Justice Md. Altaf Hossain*	21.11.1979		23.10.1985
33.	Mr. Justice Latifur Rahman	21.11.1979	15.01.1990	28.02.2001
34.	Mr. Justice Anwarul Hoque Chowdhury*	22.04.1980		01.11.1994
35.	Mr. Justice Aminur Rahman Khan*	29.01.1982		02.06.1990
36.	Mr. Justice Mohammad Abdur Rouf	29.01.1982	08.06.1995	01.02.1999
37.	Mr. Justice Md. Abdul Quddus Chowdhury	18.01.1983		01.09.1991
38.	Mr. Justice Dalil Uddin Ahmed*	15.07.1983		01.02.1990
39.	Mr. Justice Mohammad Abdul Mottalib*	15.07.1983		14.07.1985 •

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of death. ● Performed as Additional Judge.

SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
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		19.03.1990**
66.	Mr. Justice Md. Abdul Karim	13.07.1991		01.08.1999
67.	Mr. Justice Muhammad Abdul Mannan*	13.07.1991		21.12.1999
68.	Mr. Justice K. M. Hasan	13.07.1991	20.01.2002	26.01.2004
79.	Mr. Justice Mahfuzur Rahman	18.02.1992		01.02.2000
70.	Mr. Justice Md. Sirajul Islam	18.02.1992		03.03.2000
71.	Mr. Justice Mohammad Gholam Rabbani	18.02.1992	11.01.2001	10.01.2002
72.	Mr. Justice Syed J. R. Mudassir Husain	18.02.1992	05.03.2002	28.02.2007
73.	Mr. Justice Md. Ruhul Amin	18.02.1992	11.01.2001	31.05.2008
74.	Mr. Justice Abu Sayeed Ahammed	01.11.1992	05.03.2002	23.08.2003
75.	Mr. Justice Mohammad Fazlul Karim	01.11.1992	15.05.2001	29.09.2010
76.	Mr. Justice Md. Asaduzzaman	10.02.1994		09.02.1997 ●
77.	Mr. Justice Md. Nurul Islam	10.02.1994		01.06.2002
78.	Mr. Justice Kazi A. T. Monowaruddin	10.02.1994	25.06.2002	15.07.2002
79.	Mr. Justice Md. Fazlul Haque	10.02.1994	17.07.2002	30.06.2003
80.	Mr. Justice Hamidul Haque	10.02.1994	29.06.2003	20.12.2003

* Deceased. ** Date of resignation. □ Date of termination. □ □ Date of death. ● Performed as Additional Judge.



SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
81.	Mr. Justice Md. Bazlur Rahman Talukder	10.02.1994		10.02.1997 •
82.	Mr. Justice Syed Amirul Islam	10.02.1994		13.01.2007
83.	Mr. Justice M. M. Ruhul Amin	10.02.1994	13.07.2003	22.12.2009
84.	Mr. Justice Md. Tafazzul Islam	10.02.1994	27.08.2003	07.02.2010
85.	Mr. Justice Md. Iftekhar Rasool*	01.06.1996		06.06.2000 □ □
86.	Mr. Justice M. A. Aziz	01.06.1996	07.01.2004	30.09.2006
87.	Mr. Justice Amirul Kabir Chowdhury	01.06.1996	26.02.2004	30.06.2007
88.	Mr. Justice Md. Hassan Ameen	01.06.1996	21.03.2007	03.07.2008
89.	Mr. Justice A. K. Badrul Huq*	01.06.1996		02.03.2008**
90.	Mr. Justice Md. Joynul Abedin	01.06.1996	24.08.2006	31.12.2009
91.	Mr. Justice Md. Abdul Matin	01.06.1996	19.09.2007	25.12.2010
92.	Mr. Justice Shah Abu Nayeem Mominur Rahman	01.06.1996	08.03.2009	12.05.2011**
93.	Mr. Justice Gour Gopal Shaha	24.02.1997		26.12.2003
94.	Mr. Justice Md. Ali Asgar Khan	24.02.1997		13.01.2008
95.	Mr. Justice Md. Awlad Ali	24.02.1997		26.01.2008
96.	Mr. Justice Zakir Ahmad*	24.02.1997		17.07.1998 □ □
97.	Mr. Justice Md. Latifur Rahman	27.04.1998		01.07.2006**
98.	Mr. Justice Md. Abdul Quddus	27.04.1998		15.01.2009
99.	Mr. Justice (Alhaj) Md. Abdul Aziz	27.04.1998	08.03.2009	31.12.2009
100.	Mr. Justice B.K Das*	27.04.1998	16.07.2009	10.04.2010
101.	Mr. Justice A.B.M. Khairul Haque	27.04.1998	16.07.2009	17.05.2011
102.	Mr. Justice Md. Muzammel Hossain	27.04.1998	16.07.2009	16.01.2015
103.	Mr. Justice Md. Abdur Rashid	24.10.1999		26.01.2009
104.	Mr. Justice Khademul Islam Chowdhury	24.10.1999		17.04.2009
105.	Mr. Justice Md. Abdus Salam	24.10.1999		11.01.2010
106.	Mr. Justice Sikder Maqbul Huq	24.10.1999		18.01.2010
107.	Mr. Justice Md. Arayes Uddin	24.10.1999		31.01.2010
108.	Mr. Justice Muhammed Mamataz Uddin Ahmed	24.10.1999	16.05.2011	31.12.2011
109.	Mr. Justice Md. Shamsul Huda	22.02.2001	16.05.2011	02.11.2012
110.	Mr. Justice N. K. Chakravartty *	28.05.2000		27.05.2002 •
111.	Mr. Justice A. K. M. Shafiuddin	28.05.2000		27.05.2002 •
112.	Mr. Justice A. F. M. Mesbahuddin	28.05.2000		27.05.2002 •
113.	Mr. Justice Munsurul Haque Chowdhury	28.05.2000		27.05.2002 •
114.	Mr. Justice Altaf Hossain Khan*	22.02.2001		10.07.2002 □ □
115.	Mr. Justice Md. Abdul Hye (M.A. Hye)	22.02.2001		13.12.2011
116.	Mr. Justice Faruque Ahmed	22.02.2001		30.12.2011
117.	Mr. Justice Mohammad Marzi-ul-Huq*	22.02.2001		23.09.2012
118.	Mr. Justice Md. Abdur Razzaque	22.02.2001		01.09.2014
119.	Mr. Justice Mohammad Anwarul Haque	03.07.2001	31.03.2013	09.04.2014
120.	Mr. Justice AHM Shamsuddin Choudhury	03.07.2001	31.03.2013	02.10.2015
121.	Mr. Justice Sheikh Rezowan Ali	03.07.2001		31.01.2013

* Deceased. ** Date of resignation. □ Date of termination. □□ Date of death. ● Performed as Additional Judge.

SL. No	Name	Date of elevation to the HCD	Date of elevation to the AD	Date of retirement
122.	Mr. Justice Nozrul Islam Chowdhury	03.07.2001		13.12.2015
123.	Mr. Justice Khondker Musa Khaled	03.07.2001		02.03.2013
124.	Mr. Justice Siddiqur Rahman Miah	29.07.2002	31.03.2013	02.06.2013
125.	Mr. Justice Abdus Salam Mamun	29.07.2002		13.02.2005 •
126.	Mr. Justice Mir Hashmat Ali	29.07.2002		01.10. 2012
127.	Mr. Justice Mashuque Hosain Ahmed	29.07.2002		30.11. 2012
128.	Mr. Justice A.K.M. Fazlur Rahman	29.07.2002		14.01.2013
129.	Mr. Justice Abdul Awal	29.07.2002		19.08.2013
130.	Mr. Justice Syed Shahid-ur-Rahman	27.04.2003		20.04.2004 □
131.	Mr. Justice Afzal Hossain Ahmed	27.04.2003		09.05.2012
132.	Mr. Justice A.F.M. Ali Asgar	27.04.2003		01.01.2015
133.	Mr. Justice Shahidul Islam	23.08.2004		01.09.2015
134.	Mr. Justice Nirmolendu Dhar	23.08.2004		22.08.2006 •
135.	Mr. Justice A. B. M. Hatem Ali	23.08.2004		22.08.2006 •
136.	Mr. Justice Faisal Mahmud Faizee	23.08.2004		12.07.2007**
137.	Mr. Justice Syed Abu Kowser Md. Dabirush-Shan	23.08.2004		31.12.2011
138.	Mr. Justice Md. Delwar Hossain	16.11.2008		15.11.2010 •
139.	Mr. Justice Md. Azizul Haque	16.11.2008		15.11.2010 •
140.	Mr. Justice Md. Abdus Samad	16.11.2008		15.11.2010 •
141.	Madam Justice Syeda Afsar Jahan	16.11.2008		15.11.2010 •
142.	Mr. Justice A.B.M. Altaf Hossain	14.06.2012		14.06.2014 •

* Deceased

** Date of resignation

□ Date of termination

□□ Date of death

● Performed as Additional Judge



The Supreme Court Registrar General and the Registry

Under Article 113 of the Constitution of the People's Republic of Bangladesh, the Supreme Court of Bangladesh, with previous approval of the President, may make rules providing for the appointment of officers and staff of the Court and for their terms and conditions of employment. Accordingly, Bangladesh Supreme Court Appellate Division's Officer and Staff Appointment Rules, 2000 and Bangladesh Supreme Court, High Court Division's (Officer and Staff) Appointment Rules, 1987 have been framed.

Composition:

The Registry of the Supreme Court provides administrative services to the court to facilitate its day to day judicial function smoothly in accordance with the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and Supreme Court (High Court Division) Rules, 1973. The total work of the Registry has been divided into various categories and the work assigned to one of these categories is known as "Section". Transaction of all administrative works relating to the conditions of service and conduct of Court's employees is made under direct and over all supervision of the Registrar General who renders such duty under the direction of the Chief Justice of Bangladesh.

Organizational set-up:

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

Names of the post	Number of post		Remarks
	Appellate Division	High Court Division	
Registrar General	1		For both Divisions and appointed from Judicial Service (on deputation).
Registrar	1	1	For both Divisions appointed from Judicial Service (on deputation).
Additional Registrar	1	3	For both Divisions appointed from Judicial Service (on deputation).
Special Officer		1	Appointed from Judicial Service (on deputation).
Deputy Registrar	1	8	For Appellate Division appointed from employees of Supreme Court through promotion; For the High Court Division 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 High Court Division 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 Judicial Service (on deputation)/ Employees of Supreme Court through promotion.
PS to Registrar General	1		Appointed from Judicial Service (on deputation).
Other employees of different level	140	1347	Employees appointed by the Supreme Court.

¹ The Supreme Court (Appellate Division) Rules, 1973 has been substituted by the Supreme Court of Bangladesh (Appellate Division) Rules, 1988.



Functions:

In rendering administrative service to the Court for carrying out its judicial functions, in accordance with the Supreme Court of Bangladesh (Appellate Division) Rules, 1988 and the Supreme Court (High Court Division) Rules, 1973, the Registry also carries out the following functions:

1. to prepare the cause list in order to intimate the parties and the Advocates about the fixation of their case for hearing or other matter for fixing before a bench;
2. to provide the necessary assistance and information to the court processing for cases pending before the Court;
3. to require any petition of appeal, petition or other matters presented to the Court to be amended in accordance with the practice and procedure of the Court;
4. to fix the dates of hearing of appeals, petitions or other matters and issue notices thereof;
5. to settle the index in cases where the record is to be prepared under the supervision of the Registry;
6. to ensure that necessary documents are included and all legal and procedural formalities have been complied with before a case made ready for hearing;
7. to direct any formal amendment of record;
8. to make an order for change of Advocate-on-Record with the consent of the Advocate-on-Record;
9. to grant leave to inspect and search the records of the Court and order to grant of copies of documents to parties to proceedings;
10. to allow from time to time on a written request any period or periods not exceeding twenty-eight days in aggregate for furnishing information or for doing any other act necessary to bring the plaint, appeal, petition or other proceeding in conformity with the rules and practice of the Court;
11. to implement Court judgments and orders ;
12. to maintain the records;
13. to maintain the record of senior Advocates of the Supreme Court, Advocates and Advocate-on-record; and
14. to perform any other functions subject to any general or special order, issued by the Chief Justice of Bangladesh.



Names of the Registrars

SL. No.	Name	Duration
1.	Mr. Shahabuddin Ahmed	31.09.1967-20.01.1972
2.	Mr. Mohammad Abdul Khaleque	22.02.1972-20.07.1973
3.	Mr. Abdul Mumit Chowdhury	20.07.1973-02.03.1976
4.	Mr. Md. Abdul Ahad	19.04.1976-06.12.1976
5.	Mr. Mohammad Ali Khan	06.12.1976-05.10.1977
6.	Mr. K.F. Akbor	05.10.1977-29.01.1980
7.	Mr. Sheikh Khorshed Ali	08.05.1980-03.01.1981
8.	Mr. Khondker Badruddin Ahmed	05.01.1981-06.07.1982
9.	Mr. Naimuddin Ahmed	01.09.1982-21.01.1988
10.	Mr. Md. Hamidul Huq	03.02.1988-15.05.1990
11.	Mr. Md. Nurul Islam	15.05.1990-15.04.1992
12.	Mr. Kazi Golam Rasul	15.04.1992-30.04.1994
13.	Mr. Md. Ali Asgor Khan	30.04.1994-24.02.1997
14.	Mr. Md. Abdul Jalil	16.03.1997-30.12.1999
15.	Mr. Mohammad Marzi-ul-Huq	05.01.1999-21.02.2001
16.	Mr. Quamrul Islam Siddiqui	27.02.2001-22.08.2004
17.	Mr. Md. Fazlul Karim	07.09.2004-12.01.2007
18.	Mr. Ikteder Ahmed	08.03.2007-31.07.2008
19.	Mr. Abu Bakar Siddiquee	22.09.2008-29.06.2009
20.	Mr. Md. Shawkat Hossain	09.08.2009-17.04.2010
21.	Mr. Md. Ashraful Islam	19.05.2010-07.06.2011
22.	Mr. A.K.M. Shamsul Islam	07.06.2011-10.09.2014
23.	Mr. S.M. Kuddus Zaman	04.12.2014-02.02.2015
24.	Mr. Farid Ahmed Shibli	02.02.2015-12.02.2015
25.	Mr. Syed Aminul Islam	15.02.2015-14.06.2015

Names of the Registrar Generals

SL. No.	Name	Duration
1.	Mr. Syed Aminul Islam	In Office Since 14.06.2015



Old High Court Building



Inner View of Annex Building



Budget/Finance of the Supreme Court of Bangladesh

Parliament allocates funds for the Judiciary including Bangladesh Supreme Court by the National Budget. A preliminary draft budget is prepared by the Office of the Registrar General and submitted for the consideration of the Chief Justice of Bangladesh. Once approved, the draft budget is forwarded to the Government for incorporation in the national Budget. It is finally adopted by the Parliament after approval of the Government.

Article 88(b)(ii) of the Constitution of People's Republic of Bangladesh, provides for the remuneration of the Judge of Supreme Court of Bangladesh and article 88(c) of the Constitution provides for the administrative expenses of the Supreme Court, including salary, payable to officers and the staff of the Supreme Court, shall be charged upon the Consolidated Fund.

The Budget allocation in the financial years 2014-2015 and 2015-2016 were Tk. 102,91,55,000.00/- and 111,61,00,000.00/- 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 General, being ex-officio Chief Accounting officer, is responsible for expenditure of the amount sanctioned in the budget of the Supreme Court under the guidance of the Chief Justice. The Registrar General has to ensure the proper use of the funds allocated. He is also authorised to approbate and re-appropriate from one head to another shown in the budget without the sanction of the Government but can not exceed the amount approved in the budget. The accounts of the Court are audited every year by the Auditors of the Office of the Comptroller and Auditor General of Bangladesh.



Annex Building of the Supreme Court of Bangladesh

Names of the Attorney Generals for Bangladesh from 1972

SL	Name	Tenure
1.	Mr. M.H. Khandker	21-01-1972 to 17-12-1972
2.	Mr. Fakir Shahabuddin Ahmed	18-12-1972 to 21-03-1976
3.	Mr. Syed Ishtiaq Ahmed	22-03-1976 to 06-05-1976
4.	Mr. K.A. Bakr	10-05-1976 to 13-03-1985
5.	Mr. Md. Nurullah	14-03-1985 to 06-04-1990
6.	Mr. Rafique-ul-Huq	07-04-1990 to 17-12-1990
7.	Mr. Aminul Huq	18-12-1990 to 13-07-1995
8.	Mr. Md. Nurullah	26-07-1995 to 22-06-1996
9.	Mr. Kazi Shahidun Nabi (K. S. Nabi)	31-07-1996 to 29-05-1998
10.	Mr. Mahmudul Islam	16-07-1998 to 09-10-2001
11.	Mr. Abu Fayez Hasan Arif	14-10-2001 to 30-04-2005
12.	Mr. A.J. Mohammad Ali	30-04-2005 to 24-01-2007
13.	Mr. Fida M. Kamal	05-02-2007 to 16-07-2008
14.	Mr. Salahuddin Ahmed	20-07-2008 to 12-01-2009
15.	Mr. Mahbubey Alam	From 13-01-2009 till date



Attorney General's Building



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;
- (iii) an authenticated photostat copy of his certificate of enrolment as an Advocate of the High Court Division of the Supreme Court;
- (iv) a certificate in a duly authenticated form by the Supreme Court Bar Association that he is still an Advocate of the High Court Division of the Supreme Court;



- (v) bio-data of the applicant giving full particulars of his qualification and any previous employment for gain;
- (vi) a list of cases in which he appeared before the High Court Division;
- (vii) an affidavit by the applicant that he is eligible and not disqualified to be enrolled as an Advocate on record in the Appellate Division of the Supreme Court; and
- (viii) six recent passport-size photographs of the applicant.

Rule 19 of Order IV of the Rules, 1988 has further provided that an application for enrolment as 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 2015.

Period	Names of the President and the Secretary	
1971-1972:	President	Mr. Asaduzzaman Khan and Mr. M.H. Khondker
	Secretary	Mr. Tufail Ahmed and Mr. Mohammad Yeasin
1972-73:	President	Mr. Ahmed Sobhan
	Secretary	Mr. Shamsul Huq Choudhury
1973-74:	President	Mr. Mirza Golam Hafiz
	Secretary	Mr. Mohammad Yeasin
1974-75:	President	Dr. Aleem-Al-Razee
	Secretary	Mr. Mohammad Yeasin
1975-76:	President	Mr. Tafazzal Ali (T. Ali)
	Secretary	Mr. A.K.M. Shafiqur Rahman
1976-77:	President	Mr. Ahmed Sobhan
	Secretary	Mr. H.K. Abdul Hye
1977-78:	President	Mr. T.H.Khan
	Secretary	Mr. Shah Md. Sharif
1978-79:	President	Mr. Syed Ishtiaq Ahmed
	Secretary	Mr. M. Hafizullah
1979-80:	President	Mr. Khondker Mahubuddin Ahmed
	Secretary	Mr. Syed Abul Mokarrum
1980-81:	President	Dr. Rafiqur Rahman
	Secretary	Mr. Md. Ruhul Amin
1981-82:	President	Mr. Mohammad Yeasin
	Secretary	Mr. Habibul Islam Bhuiyan
1982-83:	President	Mr. Serajul Huq
	Secretary	Mr. Md. Fazlul Karim
1983-84:	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Giusuddin Ahmed
1984-85:	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Abu Sayeed Ahammad
1985-86:	President	Mr Shamsul Huq Choudhury
	Secretary	Mr. A.Y. Masihuzzaman
1986-87:	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Abdul Baset Majumder
1987-88:	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Abdul Baset Majumder
1988-89	President	Mr. Shamsul Huq Choudhury
	Secretary	Mr. Md. Abdul Wahhab Miah (M.A. Wahhab Miah)
1989-90:	President	Mr. Syed Ishtiaq Ahmed
	Secretary	Mr. Md. Abdul Wahhab Miah (M.A. Wahhab Miah)
1990-91:	President	Dr. Kamal Hossain
	Secretary	Mr. Md. Fazlul Haque



Period	Names of the President and the Secretary	
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
2006-2007	President	Mr. M. Amir-ul-Islam
	Secretary	Mr. A.M. Amin Uddin
2007-2008:	President	Mr. M. Amir-ul-Islam
	Secretary	Mr. A.M. Amin Uddin
2008-2009:	President	Mr. Shafique Ahmed
	Secretary	Mr. Md. Nurul Islam Sujan
2009-2010	President	Mr. A.F.M. Mesbahuddin
	Secretary	Mr. S.M. Rezaul Karim
2010-2011:	President	Mr. Khandker Mahbub Hossain
	Secretary	Mr. Bodruddoza Badal
2011-2012:	President	Mr. Khandker Mahbub Hossain
	Secretary	Mr. Bodruddoza Badal
2012-2013:	President	Zainul Abedin
	Secretary	Momtazuddin Ahmed (Mehedi)
2013-2014	President	A.J. Mohammad Ali
	Secretary	A.M Mahbub Uddin Khokon
2014-2015	President	Mr. Khandker Mahbub Hossain
	Secretary	A.M Mahbub Uddin Khokon
2015-2016	President	Mr. Khandker Mahbub Hossain
	Secretary	A.M Mahbub Uddin Khokon



Old High Court Building



Supreme Court Admin Building



Annex Building



Inner view of the Supreme Court



Administrative Building of the Supreme Court